

TITLE 20

MISCELLANEOUS

CHAPTER

1. CIVIL DEFENSE ORGANIZATION.
2. MUNICIPAL TREE ORDINANCE.

CHAPTER 1

CIVIL DEFENSE ORGANIZATION

SECTION

- 20-101. Civil defense organization created.
- 20-102. Authority and responsibility.
- 20-103. Office of director; authority and responsibility.
- 20-104. Civil defense corps created.
- 20-105. Liability.
- 20-106. Expenses of civil defense.

20-101. Civil defense organization created. There is hereby created the City of Parsons civil defense organization, which shall be an operation by the City of Parsons for the purpose of organizing and directing civil defense for the citizens of the City of Parsons. (1970 Code, § 1-1001)

20-102. Authority and responsibility. (1) Authority. In accordance with federal and state enactments of law, the City of Parsons civil defense organization is hereby authorized to assist the regular government of the city and governments of all political sub-divisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur in the city affecting the lives, health, safety, welfare, and property of the citizens of Parsons. The City of Parsons civil defense organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The City of Parsons civil defense organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The City of Parsons civil defense organization shall be responsible for preparation and the readiness against enemy caused and natural emergencies arising in the City of Parsons, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1970 Code, § 1-1002)

20-103. Office of director; authority and responsibility.

(1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor or either or by higher authority as appropriate.

(b) The director shall have overall responsibility for the preparation of all plans, recruitment, and training of personnel. All local civil defense plans will be in accordance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purpose of this chapter subject to the approval of the mayor.

(2) Responsibility of the director. The director shall be responsible to the mayor for the execution of the authorities, duties, and responsibilities of the City of Parsons civil defense organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1970 Code, § 1-1003)

20-104. Civil defense corps created. The City of Parsons civil defense corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1970 Code, § 1-1004)

20-105. Liability. Liability for civil defense operations shall be as provided by law. (1970 Code, § 1-1005)

20-106. Expenses of civil defense. No person shall have the right to expend any public funds of the city in carrying out any civil defense activities authorized by this chapter without prior approval by the city council; nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval by the city council. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city for the operation of the civil defense director. Control of disbursements will be as prescribed by the city council. The director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city. All funds shall be disbursed upon vouchers properly executed by the City of Parsons. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other

organizations, such funds becoming liable for audit by the city. (1970 Code, § 1-1006)

CHAPTER 2

MUNICIPAL TREE ORDINANCE

SECTION

- 20-201. Definitions.
- 20-202. Street tree species to be planted.
- 20-203. Spacing.
- 20-204. Distance (from curb and sidewalk).
- 20-205. Distance from street corners and fire plugs.
- 20-206. Utilities.
- 20-207. Public tree care.
- 20-208. Tree topping
- 20-209. Pruning, corner clearance.
- 20-210. Dead or diseased tree removal on public property.
- 20-211. Street tree stump removal.
- 20-212. Interference with the City of Parsons.
- 20-213. Arborists license and bond.
- 20-214. Penalty.
- 20-215. Appeal.
- 20-216. Membership of the committee.
- 20-217. Officers.
- 20-218. Terms of office.
- 20-219. Meetings of the committee.
- 20-220. Duties and responsibilities of the city beautiful and conservation/tree board.

20-201. Definitions. (1) "Right-of-way." Right-of-way is the property located within and adjoining the public easements within the city, which rights-of-way are owned or otherwise maintained by the city.

(2) "Street trees." Street trees are herein defined as trees, shrubs, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(3) "Topping." Topping is the severe cutting back of the limbs or trunks within the canopy of a tree so as to remove the normal canopy and disfigure the tree. (Ord. #269, June 2007, as replaced by Ord. #288, July 2008)

20-202. Street tree species to be planted. No tree may be planted on public property without approval of the city tree board, codes enforcement officer, with the advisement of the Parsons Regional Planning Commission's approval.

For the purposes of this ordinance, trees are categorized by these sizes:

- (1) Small trees (thirty feet (30') and under);
- (2) Medium trees (thirty to fifty feet (30' – 50'));

(3) Large trees (greater than fifty feet (50') tall). (as added by Ord. #288, July 2008)

20-203. Spacing. The spacing of street trees will be in accordance with the three (3) species size classes listed in § 20-202 of this chapter, and no tree may be planted closer together than the following: small trees – thirty feet (30'), medium trees – forty feet (40'), and large trees – fifty feet (50'), except in special plantings designed or approved by the City of Parsons Tree Board. (as added by Ord. #288, July 2008)

20-204. Distance (from curb and sidewalk). The distance trees may be planted from the curbs or curbing and sidewalks will be in accordance with the three (3) species size classes listed in § 20-202 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following: small trees – two feet (2'), medium trees – three feet (3'), and large trees – four feet (4') without the written approval of the tree board. When a tree is planted, it is encouraged that consideration be made for possible root barriers that could be used to promote deep root growth which would help to prevent damage to concrete structures. Codes inspector along with the Parsons Regional Planning Commission will enforce this. (as added by Ord. #288, July 2008)

20-205. Distance from street corners and fire plugs. No street tree shall be planted closer than twenty feet (20') of any street corner, measured from the point of nearest intersecting curbs or curbing without prior approval of the tree board. No street tree shall be planted closer than ten feet (10') of any fireplug. When a tree is planted, it is encouraged that consideration be made to maintain tree canopies at a minimum height of six feet (6') above the ground to benefit pedestrian traffic. This will be previewed by the tree board, and enforced by the zoning code personnel along with the Parsons Regional Planning Commission. (as added by Ord. #288, July 2008)

20-206. Utilities. No street trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, gas line, transmission line or other utility line without the written approval of the tree board, and enforced by the zoning official, and Parsons Regional Planning Commission. (as added by Ord. #288, July 2008)

20-207. Public tree care. The City of Parsons shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. (as added by Ord. #288, July 2008)

20-208. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street or other tree on public property. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city code enforcement officer and under the advisement of the City of Parsons Tree Board. (as added by Ord. #288, July 2008)

20-209. Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so there shall be clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of the light along the street from a streetlight or interferes with visibility of any traffic control device or sign. If a tree is on private property the owner will be notified by letter if tree is interfering or causing problem by overhanging any street or right-of-way. (as added by Ord. #288, July 2008)

20-210. Dead or diseased tree removal on public property. The city shall have the right to cause the removal of any dead or diseased trees on city rights-of-way within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within the city. Removal shall be done by said street employees, or by other means that the city may decide on. (as added by Ord. #288, July 2008)

20-211. Street tree stump removal. All stumps of street trees shall be removed below the surface of the ground whenever possible so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #288, July 2008)

20-212. Interference with the City of Parsons. It shall be unlawful for any person to prevent, delay or interfere with the City of Parsons employees or any member of the City of Parsons Tree Board while engaging in and about the planning, cultivating, mulching, pruning, spraying or removing of any street trees or trees on public grounds, as authorized in this chapter. (as added by Ord. #288, July 2008)

20-213. Arborists license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees or right-of-way trees within the city without first applying for and procuring a license. The license fee shall be fifty dollars (\$50.00)

annually in advance; provided however, that no license shall be required of any public utilities company or city employee doing such work in the pursuit of their public services endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum in the amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damaged indemnifying the City of Parsons or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Private individuals on private property belonging to them will not have to get a license or permit. Private individuals will only have to in compliance of the set backs in the rules of the Parsons Regional Planning Commission and city charter. (as added by Ord. #288, July 2008)

20-214. Penalty. A violation of any provisions of this section is subject to a citation to the City of Parsons Municipal Court, and upon conviction or guilty plea, be subject to a fine not to exceed fifty dollars (\$50.00) plus court costs. (as added by Ord. #288, July 2008)

20-215. Appeal. All decisions, rules, regulations and interpretations by the codes enforcement officer can be appealed to the director of public safety. Further appeals should be directed to the city council. All appeals shall be delivered in writing to the city recorder within ten (10) days from the decision of the director of public safety. All appeals will be forwarded to the mayor and city council. (as added by Ord. #288, July 2008)

20-216. Membership of the committee. The city beautiful and conservation council/tree board shall be composed of seven (7) voting members who shall serve without compensation. The members of said sub-council shall be appointed at large by the Mayor of the City of Parsons and confirmed by the city council. It is desired that seven (7) voting members of the sub-council shall come from each of the following disciplines and organizations, if possible:

- (1) Landscape design;
- (2) Interested citizens;
- (3) Interested citizens;
- (4) Interested citizens;
- (5) Plant and tree salesperson;
- (6) Decatur County Extension Agent;
- (7) City employee.

Memberships on the boards and committees shall reflect individual members' interest and expertise as much as possible so as to address that diversity.

At any time the tree board has the right to call in additional advisors to help the tree board on issues effecting the city. The city beautification and conservation council/tree board is not limited in size. (as added by Ord. #288, July 2008)

20-217. Officers. The city beautiful and conservation council/tree board shall have a chairperson and secretary elected by majority vote of the committee. The chairperson and secretary shall be elected at the first meeting of the committee in each calendar year, and such other times as a vacancy in office shall occur. (as added by Ord. #288, July 2008)

20-218. Terms of office. All members of the sub-council city beautiful and conservation/tree board shall serve for a term of four (4) years subject to renewal at the discretion of the mayor. The mayor shall be an ex-officio member. (as added by Ord. #288, July 2008)

20-219. Meetings of the committee. The city beautiful and conservation/tree board shall establish a regular time and place of public meetings which shall be held at least quarterly. Special meetings of the sub-council may called at any given time by the chairperson and/or by any member of the sub-council with notice given to all members of the sub-council at least twenty-four (24) hours prior to said meeting. (as added by Ord. #288, July 2008)

20-220. Duties and responsibilities of the city beautiful and conservation/tree board. The city beautiful and conservation/tree board shall be an advisory body reporting directly to the mayor and city council. The city beautiful and conservation/tree board is charged with the following duties and responsibilities to make recommendations regarding:

(1) To recommend goals, policies, programs, objectives, and projects to the City of Parsons for the care, maintenance, and improvement of publicly-owned properties, buildings, streets, and roads and make recommendations which would assist in enhancing the quality, appearance and aesthetics of the city.

(2) Signs and/or graphics, when requested.

(3) Landscaping and related ornamentation, when requested.

(4) To be available to make recommendations, when requested, regarding the maintenance, condition, ornamentation, and landscaping of residential, commercial, and industrial properties within the City of Parsons.

(5) To undertake programs, projects, and special studies which are intended to increase an awareness of and interest in city beautification and planting trees or removal of dead or diseased trees.

(6) To develop a program of encouraging voluntary activities by residents and business to beautify and enhance the physical environment, thereby improving the aesthetic image of Parsons and its neighborhoods.

(7) Establish a tree plan, conducting and planning Arbor Day ceremonies, assisting with public tree inventory, maintaining a recommended tree list for the city, coordinating donations for memorial tree plantings, and recommending rules and regulations pertaining to the tree program.

(8) In other roles that may be deemed necessary by the mayor, and approved by the city council. (as added by Ord. #288, July 2008)