

Date: Tuesday, March 1, 2016
Time: 7:10 pm
Place: City Hall

JUDICIARY AND ORDINANCE REVIEW COMMITTEE

- A. CALL TO ORDER & ROLL CALL
- B. CORRECTION OF MINUTES
- C. BUSINESS

- 1. REVIEW PROPOSED CODE REVISIONS FOR TITLE 11 : PUBLIC WAYS AND PROPERTY

Individual Requesting Item	City Clerk/DOGG
Expected Length of Discussion	15 MIN.

Documents: [Codification - Title 11.pdf](#)

- D. BUSINESS PRESENTED BY MEMBERS

May make brief informative statements or bring up items to be discussed at a future meeting.

- E. ADJOURNMENT

This Committee may take any action it considers appropriate related to any item on this agenda.

Request from persons with disabilities who need assistance to participate in this meeting, including need for an interpreter, materials in alternate formats, or other accommodations, should be made to the Office of the City Clerk at (608) 329-2564 with as much advance notice as possible so that proper arrangements can be made.

Members: Chairperson Louis Armstrong, Charles Koch, Chris Beer, and Alternate Richard Thoman

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Daniel R. Bartholf

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MEMORANDUM

DATE: January 21, 2016
TO: Judiciary and Ordinance Review Committee-Title 11
FROM: Rex A. Ewald
RE: Re-codification of Title 11

Attached is the 3-column comparison document for Title 11. Column A is Title 11 as it currently exists with all ordinances adopted to October 30, 2015 incorporated, but no other changes. Column B is Title 11 as it has been modified through the re-codification process to date with all ordinances adopted to date incorporated. Column C is a comparison using the Microsoft Word document compare utility showing all differences between the text in column A and column B.

There are significant changes to Chapter 6 [Airport]. Because the changes to Chapter 6 are extensive, this chapter is being processed as a stand-alone ordinance and I have not included it with the comparison document. Chapter 7 [Cable Television] will be repealed in the codification process. It is the City's cable franchise law. By virtue of 2007 Act 42, which became law on January 9, 2008, cable franchising became the exclusive responsibility of the state and all municipal franchising codes were preempted.

Here are my comments on the revisions I made to Chapters 1 through 5 and 7 of Title 11:

Chapter 1 **STREETS, ALLEYS AND SIDEWALKS**

- 11-1-1 Improvements; plans and specifications:** Capitalization and word substitution changes.
- 11-1-2 Permits required:** Capitalization and word substitution changes.
- 11-1-3 Application for permit:** Capitalization and word substitution changes.
- 11-1-4 Issuance of permit:** Capitalization and word substitution changes. Made specific reference to section 11-1-3 instead of "hereinbefore provided" reference.
- 11-1-5 Warning signs, barricades required:** Capitalization and word substitution changes.
- 11-1-6 Bridges or platforms in right of way:** Capitalization and word substitution changes. This section was taken from what was 11-1-5 and assigned its own section number 11-1-6 because it deals with a subject distinct from warning signs.
- 11-1-7 Blocking sidewalks:** Capitalization and word substitution changes. This section was renumbered from 11-1-6 to 11-1-7 to accommodate the new 11-1-6.
- 11-1-8 Installation of public utility facilities:** Section 11-1-8 was previously repealed. This section was renumbered from 11-1-7 to 11-1-8. Capitalization and word substitution changes. Redrafted subsection (C) to remove specific reference to "United Telephone Company" and broaden concept to cover all telecommunications.
- 11-1-9 Construction and repair of sidewalks:** Capitalization and word substitution changes.
- 11-1-10 Sidewalk maintenance:** Capitalization and word substitution changes.
- 11-1-11 Awnings, signs and other projections over sidewalks:** Capitalization and word substitution changes. Substituted new definition of "sign."
- 11-1-12 Protection of public:** Capitalization and word substitution changes.
- 11-1-13 Crossings obstructed by railroad trains:** Capitalization and word substitution changes. Substituted "Director of Public Works" for "Engineer" and removed requirement for weekly reports substituting "periodic" in its place.
- 11-1-14 Reports by director of public works:** Capitalization and word substitution changes.
- 11-1-15 Authority of city:** Capitalization and word substitution changes.
- 11-1-16 Penalty:** Capitalization and word substitution changes.

RAE Note: An ordinance restating Chapter 1 has been drafted but is still under review by staff. It is not yet ready for committee review. If recommended by staff, the new ordinance will be processed for approval as a stand-alone ordinance and then incorporated into the codification process.

Chapter 2 STREET NAMES AND NUMBERING SYSTEM

11-2-1 Street names: Capitalization and word substitution changes. Eliminated references to named streets and left intact the rule that east-west streets are designated “streets” and north-south streets are designated “avenues.”

11-2-2 Street signs: Capitalization and word substitution changes.

11-2-3 Numbering plan: Capitalization and word substitution changes. Retained the sequencing of numbering with some clean-up of the language. No change in numbering system.

Chapter 3 PUBLIC PARKS AND RECREATION FACILITIES

11-3-1 General prohibitions: Capitalization and word substitution changes.

11-3-2 Exceptions to prohibitions: Capitalization and word substitution changes.

11-3-3 Penalty: Capitalization and word substitution changes.

11-3-4 Park rules: Capitalization and word substitution changes.

Chapter 4 TREES AND SHRUBS

11-4-1 Powers of city forester: Capitalization and word substitution changes.

11-4-2 Planting program: Capitalization and word substitution changes.

11-4-3 Removal of trees: Capitalization and word substitution changes.

11-4-4 Activities of utility companies controlled: Capitalization and word substitution changes.

11-4-5 Violation, penalty: Capitalization and word substitution changes.

Chapter 5 DISEASED OR INFESTED ELM, OAK AND ASH TREES

11-5-1 Finding: Capitalization and word substitution changes.

11-5-2 Public nuisances declared: Capitalization and word substitution changes.

11-5-3 Nuisances prohibited: Capitalization and word substitution changes.

11-5-4 Inspection: Capitalization and word substitution changes.

11-5-5 Abatement of nuisances: Capitalization and word substitution changes.

11-5-6 Assessment of costs of abatement: Capitalization and word substitution changes.

11-5-7 Transporting of wood prohibited: Capitalization and word substitution changes.

11-5-8 Removal or pruning of oak trees prohibited: Capitalization and word substitution changes.

11-5-9 Interference with city forester prohibited: Capitalization and word substitution changes.

11-5-10 Penalty: Capitalization and word substitution changes.

Chapter 6 MUNICIPAL AIRPORT

RAE Note: Chapter 6 contains a number of policy changes and will be processed as a stand-alone ordinance and then incorporated into the codification process.

Chapter 7 CABLE TELEVISION

Chapter 7 is excluded entirely. It is the City’s cable franchise law. By virtue of 2007 Act 42, which became law on January 9, 2008, cable franchising became the exclusive province of the state. Act 42 created a state level franchising system for cable and prohibits regulation by municipalities, other than reasonable regulation of the use of city right-of-way by cable operators.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

TITLE 11: PUBLIC WAYS AND PROPERTY

- Chapter 1 Streets, Alleys and Sidewalks
- Chapter 2 Street Names and Numbering System
- Chapter 3 Public Parks and Recreation Facilities
- Chapter 4 Trees and Shrubs
- Chapter 5 Diseased Or Infested Elm, Oak and Ash Trees
- Chapter 6 Municipal Airport
- Chapter 7 Cable Television

TITLE 11
PUBLIC WAYS AND PROPERTY

- Chapter 1
- Streets, Alleys and Sidewalks

- 11-1-1 Improvements; plans and specifications
- 11-1-2 Permits required
- 11-1-3 Application for permit
- 11-1-4 Issuance of permit
- 11-1-5 Warning signs, barricades required
- 11-1-6 Blocking sidewalks
- 11-1-7 Installation of public utility facilities
- 11-1-8 (Rep. 4-21-1981)
- 11-1-9 Construction and repair of sidewalks
- 11-1-10 Sidewalk maintenance
- 11-1-11 Awnings, signs and other projections over sidewalks
- 11-1-12 Protection of public
- 11-1-13 Crossings obstructed by trains
- 11-1-14 Reports by City Enginee
- 11-1-15 Authority of City
- 11-1-16 Penalty

TITLE 11: PUBLIC WAYS AND PROPERTY

- Chapter 1 MANAGEMENT OF CITY CONTROLLED PROPERTY
- Chapter 2 STREET NAMES AND NUMBERING SYSTEM
- Chapter 3 PUBLIC PARKS AND RECREATION FACILITIES
- Chapter 4 TREES AND SHRUBS
- Chapter 5 DISEASED OR INFESTED ELM, OAK AND ASH TREES
- Chapter 6 MUNICIPAL AIRPORT

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 1: STREETS, ALLEYS AND SIDEWALKS

- 11-1-1 Improvements; plans and specifications
- 11-1-2 Permits required
- 11-1-3 Application for permit
- 11-1-4 Issuance of permit
- 11-1-5 Warning signs, barricades required
- 11-1-6 Bridges or platforms in right of way:
- 11-1-7 Blocking sidewalks
- 11-1-8 Installation of public utility facilities
- 11-1-9 Construction and repair of sidewalks
- 11-1-10 Sidewalk maintenance
- 11-1-11 Awnings, signs and other projections over sidewalks
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- 11-1-13 Crossings obstructed by railroad trains
- 11-1-14 Reports by director of public works
- 11-1-15 Authority of city
- 11-1-16 Penalty

TITLE 11
PUBLIC WAYS AND PROPERTY

Chapter 1

Streets, Alleys and Sidewalks: STREETS, ALLEYS AND SIDEWALKS

- 11-1-1 Improvements; plans and specifications
- 11-1-2 Permits required
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11-1-1: Improvements; plans and specifications:

All streets and alleys shall be opened, graded, changed, graveled, macadamized, paved, worked or improved, and all sidewalks shall be built and constructed, or rebuilt and all sewers and drains in public streets, alleys and public grounds, all bridges and all other public works of any kind whatever, in any streets, sidewalks or other public grounds, shall be built, constructed, erected, as the case may be, or completed according to the plans and specifications therefor adopted, which plans and specifications shall be kept on file in the office of the city clerk or city engineer. Such work shall be done in the manner and of the materials in such specifications prescribed and not otherwise. No bids or proposals for the doing or performing of any of the work mentioned shall be called for, nor any contract therefor let or awarded, nor work thereon commenced until such plans and specifications have been adopted by the council and filed in the office of the city clerk, for inspection by any person or persons concerned. (1969 Code, sec. 14:06)

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11-1-2: Permits required:

It shall be unlawful for any person, except upon a permit:

(A) To excavate for and build, or cause to be excavated for and built, a cellar, vault, coal bin or other room under a sidewalk or street in front of his store or place of business.

(B) To excavate or cause to be excavated a cellar, cistern, well, hole or other depression, on or so near the line of a street, sidewalk, alley or other public ground within the city, as to endanger the public use thereof, or of life or limb of persons passing thereover.

(C) To excavate for or build, or cause to be excavated for or built, a passageway, trench, drain or sewer, within, along or near such street, sidewalk, alley, park or other public grounds.

(D) To erect, construct, place or maintain, or cause to be erected, constructed, placed or maintained any telephone, telegraph or electric light pole or poles, or any scaffold,

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(C) To excavate for or build, or cause to be excavated for or built, a passageway, trench, drain or sewer, within, along or near such street, sidewalk, alley, park or other public grounds.

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platform, bay window, awning or other extension of a building, or any billboard, sign, illuminated signboard or other advertising device, any rope, wire or chain within or over any street, alley, sidewalk, park or other public ground within the city.

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(E) To build any stairway or entrance from a sidewalk or street into a basement or cellar adjoining or within any street, park or other public ground within the city.

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(F) To build or cause to be built, or suffer to exist, any area, hole or opening within any sidewalk space.

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(G) To remove or cause to be removed any building upon, within, along, over or across any street, sidewalk, alley, park or other public ground within the city.

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(H) To build or repair any building next to and adjoining any street, sidewalk, or alley where material may be placed or work performed within such street or sidewalk.

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(I) To use any street, sidewalk, park or other public ground for the deposit of building materials, or the doing of any work or labor within the same, in the moving, taking down, raising, erection and construction of any building.

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(J) To break, dig up, remove or in any way displace, or cause to be broken, dug up, removed or in any way displaced, any pavement, macadam, gravel or earth within any street, sidewalk, alley, park or other public grounds, which might otherwise be lawfully done.

(J) To break, dig up, remove or in any way displace, or cause to be broken, dug up, removed or in any way displaced, any pavement, macadam, gravel or earth within any street, sidewalk, alley, park or other public grounds, which might otherwise be lawfully done.

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(K) To remove any trees along any street or sidewalk. (1969 Code, sec. 14:08)

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(L) To alter or change, or cause to be altered or changed, the grade of any street, sidewalk, alley, park or other public grounds within the city.

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(M) To interfere with, break down or remove, or cause to be interfered with, broken down or removed, any guard protection, barrier or barricade placed in any street, sidewalk, alley or other public ground as a protection of the city against damages to the traveling public against injury, or any work or improvement against damages.

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-A-

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(N) To keep or leave open any cellar door or grating of any vault in any street or sidewalk, or to allow the same to be left open, nor shall any excavation adjacent to any street or sidewalk be left open.

(O) To place in or over any gutter any material or object of any nature which shall or may obstruct the flow of water therein. (5-15-1990)

(P) To propel any cart or vehicle, pushed or pulled by hand, on any sidewalk in the city, except carriages, carts and sleighs for small children and single passenger handicapped vehicles occupied by a handicapped person. (11-6-1991)

11-1-3: Application for permit:

Every person applying for a written permit for any of the purposes of work required in section 11-1-2 of this chapter shall present to the board of public works his application in writing, with such plans and specifications as may be required by said board, signed by himself or his duly authorized agent, and state his name and place of residence, the purpose of the work for which such permit is desired, the period of time to begin and complete the work and the location thereof, and shall also contain an agreement on his part that in case a permit is granted, he will conform to and comply with all ordinances, rules and regulations of the city pertaining to the work or purpose for which a permit is asked, and that he will pay all damages caused by him, his agents, employees or servants in the doing or execution of the work for which the permit may be granted, and that he will keep and save the city free and harmless of any damages or claims against it by reason of failure, fault or neglect by himself, his agents, servants or employees in the execution of the work for which such permit is granted. He shall also satisfy the board, if it be required so to do, that he is financially able to pay any damages or claims to which he may become liable under such an agreement, or that he will file with the city clerk a sufficient bond for such purpose approved by the mayor in writing before the permit is issued. (1969 Code, sec. 14:09)

(N) To keep or leave open any cellar door or grating of any vault in any street or sidewalk, or to allow the same to be left open, nor shall any excavation adjacent to any street or sidewalk be left open.

(O) To place in or over any gutter any material or object of any nature which may obstruct the flow of water therein.

(P) To propel any cart or vehicle, pushed or pulled by hand, on any sidewalk in the city, except carriages, carts and sleighs for small children and single passenger handicapped vehicles occupied by a handicapped person.

11-1-3: Application for permit: Every person applying for a written permit for any of the purposes of work required in section 11-1-2 of this chapter shall present to the board of public works his or her application in writing, with such plans and specifications as may be required by the board of public works, signed by himself or herself, or his or her authorized agent, and state his or her name and place of residence, the purpose of the work for which such permit is desired, the time to begin and complete the work and the location thereof, and shall also contain an agreement on his or her part that if a permit is granted, he or she will conform to and comply with all codes, rules and regulations of the city pertaining to the work or purpose for which a permit is asked, and that he or she will pay all damages caused by him, his or her agents, employees or servants in the doing or execution of the work for which the permit may be granted, and that he or she will keep and save the city free and harmless of any damages or claims against it by reason of failure, fault or neglect by himself, his or her agents, servants or employees in the execution of the work for which such permit is granted. He or she shall also satisfy the board, if it be required so to do, that he or she is financially able to pay any damages or claims to which he or she may become liable under such an agreement, or that he or she will file with the city clerk a sufficient bond for such purpose approved by the mayor in writing before the permit is issued.

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11-1-4: Issuance of permit:

No permit under the provisions of this chapter shall be issued, except on the vote and the direction of the board of public works upon the application hereinbefore provided for and on the terms and conditions by such vote fixed, and when so voted and directed, it shall be issued by the clerk of said board in duplicate over his signature, stating the date of issue, the name and address of the person to whom issued and the work or purpose for which issued, the time within which the work is to be completed and the date on which the permit will expire, and such further terms and conditions as the board or council may have fixed in case such permit is granted subordinate to all the ordinances, rules and regulations of the city relative to the subject of such permit, and one such duplicate original shall be delivered to the applicant or his agent, and one, attached to the application, shall be kept on file by the city clerk; provided, however, that all permits issued by said board are subject to the review of the common council. (1969 Code, sec. 14:10)

11-1-4: Issuance of permit: No permit under this chapter shall be issued, except on the vote and the direction of the board of public works upon the application required by Section 11-1-3 of this chapter and on the terms and conditions by such vote fixed, and when so voted and directed, it shall be issued by the city clerk in duplicate over his or her signature, stating the date of issue, the name and address of the person to whom issued and the work or purpose for which issued, the time within which the work is to be completed and the date on which the permit will expire, and such further terms and conditions as the board of public works may have fixed. Such permit shall be subject to all the codes, rules and regulations of the city relative to the subject of such permit, and one such duplicate original shall be delivered to the applicant or his or her agent, and one such duplicate original shall be attached to the application and kept on file by the city clerk; provided, however, that all permits shall be subject to the review of the council.

11-1-4: Issuance of permit:

~~No permit under the provisions of this chapter shall be issued, except on the vote and the direction of the board of public works upon the application hereinbefore provided for required by Section 11-1-3 of this chapter and on the terms and conditions by such vote fixed, and when so voted and directed, it shall be issued by the city clerk of said board in duplicate over his or her signature, stating the date of issue, the name and address of the person to whom issued and the work or purpose for which issued, the time within which the work is to be completed and the date on which the permit will expire, and such further terms and conditions as the board or council of public works may have fixed in case such. Such permit is granted subordinate shall be subject to all the ordinance codes, rules and regulations of the city relative to the subject of such permit, and one such duplicate original shall be delivered to the applicant or his or her agent, and one, such duplicate original shall be attached to the application, shall be and kept on file by the city clerk; provided, however, that all permits issued by said board shall be subject to the review of the common council. (1969 Code, sec. 14:10)~~

11-1-5: Warning signs, barricades required:

Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building materials, shall enclose or cause to be enclosed on all sides, within or exposed to a public street, alley, sidewalk, park or other public place, any obstruction, viz.: any excavation, cellar, vault, coal bin or other room, well, cistern, hole or other depression, passageway, trench, drain, sewer, open area, opening, building, building material, broken up sidewalk, pavement, macadam, gravel, earth or other obstruction, within or adjoining any street, sidewalk, alley, park or other public ground within the city, by guards, fences or barriers, at least three feet (3') high and at night a red light or lights shall be placed and kept, so as to cast a light on such obstruction, and in case of any excavation, trench, drain, sewer, cellar, vault, cistern, well, open area or other

11-1-5: Warning signs, barricades required: Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building materials, shall enclose or cause to be enclosed on all sides, within or exposed to a public street, alley, sidewalk, park or other public place, any obstruction, excavation, cellar, vault, coal bin or other room, well, cistern, hole or other depression, passageway, trench, drain, sewer, open area, opening, building, building material, broken up sidewalk, pavement, macadam, gravel, earth or other obstruction, within or adjoining any street, sidewalk, alley, park or other public ground within the city, by guards, fences or barriers, at least three feet high and at night a red light or lights shall be placed and kept, so as to cast a light on such obstruction, and if of any excavation, trench, drain, sewer, cellar, vault, cistern, well, open area or other opening, a red light shall be placed and kept at each end and as

11-1-5: Warning signs, barricades required:

~~Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building materials, shall enclose or cause to be enclosed on all sides, within or exposed to a public street, alley, sidewalk, park or other public place, any obstruction, viz.: any excavation, cellar, vault, coal bin or other room, well, cistern, hole or other depression, passageway, trench, drain, sewer, open area, opening, building, building material, broken up sidewalk, pavement, macadam, gravel, earth or other obstruction, within or adjoining any street, sidewalk, alley, park or other public ground within the city, by guards, fences or barriers, at least three feet (3') high and at night a red light or lights shall be placed and kept, so as to cast a light on such obstruction, and in case if of any excavation, trench, drain, sewer, cellar, vault, cistern, well, open area or other~~

Monroe City Code Codification Before and After Worksheet: Title 11

**-A-
No changes other than new ordinances**

**-B-
Includes all changes to October 30, 2015**

**-C-
-A- compared to -B- with Microsoft Word comparison utility**

opening, a red light shall be placed and kept at each end and as often as every fifty feet (50') along the entire side or length thereof. And such person shall replace, rebuild, relay or make, or cause to be replaced, rebuilt, relaid, or made, in all respects as good and safe, substantial and permanent as the same was before any street, sidewalk, crosswalk, alley, park or other public ground which may have been disturbed or displaced by such excavation, trench or obstruction.

often as every 50 feet along the entire side or length thereof. And such person shall replace, rebuild, relay or make, or cause to be replaced, rebuilt, relaid, or made, in all respects as good and safe, substantial and permanent as the same was before any street, sidewalk, crosswalk, alley, park or other public ground which may have been disturbed or displaced by such excavation, trench or obstruction.

opening, a red light shall be placed and kept at each end and as often as every ~~fifty~~⁵⁰ feet (~~50'~~) along the entire side or length thereof. And such person shall replace, rebuild, relay or make, or cause to be replaced, rebuilt, relaid, or made, in all respects as good and safe, substantial and permanent as the same was before any street, sidewalk, crosswalk, alley, park or other public ground which may have been disturbed or displaced by such excavation, trench or obstruction.

No bridge or platform over any gutter in any street or alley within the city shall be more than twelve feet (12') in width, or if plank, less than two inches (2") thick resting on and securely nailed to four (4) stringers at least four inches (4") square and such bridge or platform shall not extend into any street more than eighteen inches (18") beyond the sidewalk space of said street, nor obstruct the flow of water in the gutter, and any such bridge or platform, or any culvert or box, or any obstruction to the flow of water in the gutter may be removed summarily by any person thereunto authorized by the council; provided, that no bridge, platform or gutter shall be placed on any street or alley, which now is or which may hereafter be improved by pavement, macadam or gravel, with stone or concrete curbsings, without a permit of the council, or, as in other cases under this chapter provided. (1969 Code, sec. 14:11)

11-1-6: Bridges or platforms in right of way: No bridge or platform over any gutter in any street or alley within the city shall be more than 12 feet in width, or if plank, less than two inches thick resting on and securely nailed to four stringers at least four inches square and such bridge or platform shall not extend into any street more than 18 inches beyond the space occupied by a sidewalk, nor obstruct the flow of water in the gutter, and any such bridge or platform, or any culvert or box, or any obstruction to the flow of water in the gutter may be removed summarily by any agent of the city; provided, that no bridge, platform or gutter shall be placed on any street or alley that is improved by pavement, macadam or gravel, with stone or concrete curbsings, without a permit from the city.

11-1-6: Bridges or platforms in right of way: No bridge or platform over any gutter in any street or alley within the city shall be more than ~~twelve~~¹² feet (~~12'~~) in width, or if plank, less than two inches (~~2"~~) thick resting on and securely nailed to four (~~4~~) stringers at least four inches (~~4"~~) square and such bridge or platform shall not extend into any street more than ~~eighteen~~¹⁸ inches (~~18"~~) beyond the space occupied by a sidewalk ~~space of said street~~, nor obstruct the flow of water in the gutter, and any such bridge or platform, or any culvert or box, or any obstruction to the flow of water in the gutter may be removed summarily by any ~~person thereunto authorized by the council~~^{agent of the city}; provided, that no bridge, platform or gutter shall be placed on any street or alley, ~~which now is or which may hereafter be~~ that is improved by pavement, macadam or gravel, with stone or concrete curbsings, without a permit ~~offrom~~ the ~~council, or, as in other cases under this chapter provided.~~ (~~1969 Code, sec. 14:11~~)city.

11-1-6: Blocking sidewalks:

No person shall place objects upon, or position themselves upon, the public sidewalk in a manner which unreasonably interferes with pedestrian travel on that sidewalk. (1-15-2002)

11-1-7: Blocking sidewalks: No person shall place objects upon, or position themselves upon, the public sidewalk in a manner which unreasonably interferes with pedestrian travel on that sidewalk.

11-1-~~6~~⁷: Blocking sidewalks:

No person shall place objects upon, or position themselves upon, the public sidewalk in a manner which unreasonably interferes with pedestrian travel on that sidewalk. ~~-(1-15-2002)~~

11-1-7: Installation of public utility facilities:

(A) Poles Erected; Subject To Regulations And Alterations:

1. The city shall have the right at any time to designate the location of all telephone, telegraph and electric light poles erected on or in the public streets and

11-1-8: Installation of public utility facilities:

(A) Poles erected; subject to regulations and alterations:

(1) The city shall have the right at any time to designate the location of all telephone, telegraph and electric light poles erected on or in the public streets and alleys. The city may periodically direct any alteration in

11-1-~~7~~⁸: Installation of public utility facilities:

(A) Poles ~~Erected; Subject To Regulations And Alterations:~~

—1-erected; subject to regulations and alterations:

—(1) The city shall have the right at any time to

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

alleys. The city may periodically direct any alteration in the location and height of such poles, and the height at the manner in which all wires shall be run on such poles.

the location and height of such poles, and the height of all wires that are run on such poles.

designate the location of all telephone, telegraph and electric light poles erected on or in the public streets and alleys. The city may periodically direct any alteration in the location and height of such poles, and the height ~~at the manner in which of~~ all wires ~~shall be~~that are run on such poles.

2. Before any alteration is made under this section, at least five (5) days' notice in writing shall be given the owner of the poles, and reasonable opportunity shall be afforded the owner and all citizens to be heard on the proposed alteration.

(2) Before any alteration is made under this section, at least five days' notice in writing shall be given the owner of the poles, and reasonable opportunity shall be given the owner and all citizens to be heard on the proposed alteration.

~~(2-)~~ Before any alteration is made under this section, at least five ~~(5-)~~ days' notice in writing shall be given the owner of the poles, and reasonable opportunity shall be ~~afforded~~given the owner and all citizens to be heard on the proposed alteration.

3. When any such alterations are ordered, the owner of such poles shall, at its sole expense, commence alteration within five (5) days, and shall complete the alteration as soon as practicable.

(3) When any such alterations are ordered, the owner of such poles shall, at its sole expense, commence alteration within five days, and shall complete the alteration as soon as practicable.

~~(3-)~~ When any such alterations are ordered, the owner of such poles shall, at its sole expense, commence alteration within five ~~(5-)~~ days, and shall complete the alteration as soon as practicable.

4. If the owner of such poles does not complete the alteration within a reasonable time after notification of the required alteration, the city may perform the required work.

(4) If the owner of such poles does not complete the alteration within a reasonable time after notification of the required alteration, the city may perform the required work.

~~(4-)~~ If the owner of such poles does not complete the alteration within a reasonable time after notification of the required alteration, the city may perform the required work.

5. If the city performs the alteration under subsection (A)4 of this section, the owner of the poles shall be liable for the cost of such alteration, and shall also be subject to a class 3 forfeiture. (12-17-1991)

(5) If the city performs the alteration under subsection (A)(4) of this section, the owner of the poles shall be liable for the cost of such alteration, and shall also be subject to a class 3 forfeiture.

~~(5-)~~ If the city performs the alteration under subsection (A)~~(4)~~ of this section, the owner of the poles shall be liable for the cost of such alteration, and shall also be subject to a class 3 forfeiture. ~~(12-17-1991)~~

(B) Laying Of Sewers, Water Mains And Gas Mains:

(B) Laying of sewers, water mains and gas mains:

(B) Laying ~~Of Sewers, Water Mains And Gas Mains:~~

1. Sewers: At the time of the laying of sewers in the public streets of the city, lateral mains shall be constructed and laid from the said sewer to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street wherein said main sewer is laid and the cost of the construction of said lateral mains shall be charged to the owner or owners of said abutting parcels and lots; provided, that if the street where said sewer main is laid is to be permanently improved, said laterals shall be laid to all parcels and lots adjoining said street.

(1) Sewer mains: When laying of sewer mains in the public streets of the city, lateral mains shall be constructed and laid from the sewer main to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street where the sewer main is laid and the cost of the construction of lateral mains shall be charged to the owner or owners of abutting parcels and lots; provided, that if the street where a sewer main is laid is to be permanently improved, lateral mains shall be laid to all parcels and lots adjoining such street.

~~—of sewers, water mains and gas mains:~~

~~(1-)~~ ~~Sewers: At the time of the~~ Sewer mains: When laying of ~~sewers~~sewer mains in the public streets of the city, lateral mains shall be constructed and laid from the ~~said-sewer~~ main to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street ~~wherein said main where the~~ sewer main is laid and the cost of the construction of ~~said~~-lateral mains shall be charged to the owner or owners of ~~said~~-abutting parcels and lots; provided, that if the street where ~~said~~a sewer main is laid is to be permanently improved, ~~said~~ lateralslateral mains shall be laid to all parcels and lots adjoining ~~said~~such street.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

2. Water Mains: At the time of laying water mains in the public streets of the city, lateral mains shall be constructed and laid from said water main to the curb line of all improved lots and improved parcels of land abutting on that part of said street wherein said water main is laid and constructed, and the cost shall be charged to the owner or owners of said abutting parcels and lots; provided, that if the street where said water main is laid is to be permanently improved, said laterals shall be laid to all parcels and lots adjoining said street.

(2) Water mains: When laying water mains in the public streets of the city, lateral mains shall be constructed and laid from the water main to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street where the water main is laid and the cost of the construction of lateral mains shall be charged to the owner or owners of abutting parcels and lots; provided, that if the street where a water main is laid is to be permanently improved, lateral mains shall be laid to all parcels and lots adjoining such street.

~~(2-) Water Mains: At the time of mains: When~~ laying water mains in the public streets of the city, lateral mains shall be constructed and laid from ~~said~~the water main to the curb line of all ~~adjoining~~ improved ~~lots~~parcels and improved ~~parcels of land lots~~ abutting on that part of ~~said~~the street ~~wherein said~~where the water main is laid and ~~constructed, and~~ the cost ~~of the construction of lateral mains~~ shall be charged to the owner or owners of ~~said~~ abutting parcels and lots; provided, that if the street where ~~said~~a water main is laid is to be permanently improved, ~~said laterals~~lateral mains shall be laid to all parcels and lots adjoining ~~said~~such street.

3. Gas Mains: At the time of the laying of gas pipe or mains in the public streets of the city, lateral mains shall be constructed and laid from said gas mains or lines to all improved lots and improved parcels of land abutting on that part of said street wherein said gas lines or mains are laid and constructed, cost of same to be borne by the gas company so constructing said mains; provided, that if the street where said gas mains is laid is to be permanently improved, said laterals shall be laid to all parcels of land and lots adjoining said street. (1969 Code, sec. 14:26)

(3) Gas mains: When laying gas pipe or mains in the public streets of the city, lateral mains shall be constructed and laid from the gas mains or lines to all improved lots and improved parcels of land abutting on that part of the street where the gas lines or mains are laid and the cost of the construction of lateral mains shall be borne by the gas company so constructing the mains; provided, that if the street where the gas mains is laid is to be permanently improved, laterals shall be laid to all parcels of land and lots adjoining such street.

~~(3-) Gas Mains: At the time of the mains: When~~ laying ~~of~~ gas pipe or mains in the public streets of the city, lateral mains shall be constructed and laid from ~~said~~the gas mains or lines to all improved lots and improved parcels of land abutting on that part of ~~said~~the street ~~wherein said~~where the gas lines or mains are laid and ~~constructed, the~~ cost of ~~same to be the construction of lateral mains shall be~~ borne by the gas company so constructing ~~said~~the mains; provided, that if the street where ~~said~~the gas mains is laid is to be permanently improved, ~~said~~laterals shall be laid to all parcels of land and lots adjoining ~~said~~such street. ~~(1969 Code, sec. 14:26)~~

(C) Installation And Maintenance Of Underground Telephone Conduits:

(C) Installation and maintenance of underground telecommunication conduits:

~~(C) Installation And Maintenance Of Underground Telephone Conduits:~~

1. Telephone Conduit: The United Telephone Company, its legal representatives and assigns be and hereby are authorized to build, conduct, establish, install and permanently maintain necessary underground conduit and manholes at locations within streets, avenues and alleys in the city in locations approved by the board of public works.

(1) Telecommunication conduit: Providers of telecommunication services are hereby are authorized to install and permanently maintain necessary underground conduit and manholes at locations within streets, avenues and alleys in the city in locations approved by the board of public works. During installation such providers shall not unnecessarily obstruct any streets, avenues, alleys or public grounds and shall suitably barricade and protect that part of the street, avenue or alley where the work is being done, and shall close off no portion of streets, avenues or alleys without first having received a permit

~~—1. Telephone Conduit: The United Telephone Company, its legal representatives and assigns be and maintenance of underground telecommunication conduits:~~

~~(1) Telecommunication conduit: Providers of telecommunication services are~~ hereby are authorized to ~~build, conduct, establish,~~ install and permanently maintain necessary underground conduit and manholes at locations within streets, avenues and alleys in the city in locations approved by the board of public works.

2. Installation: All underground conduit and manhole installations by the United Telephone Company under an ordinance dated May 16, 1922, as passed by the common

~~—2. Installation: All underground conduit and manhole installations by the United Telephone Company under an ordinance dated May 16, 1922, as passed by the common council, is hereby affirmed; such proposed future~~

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

council, is hereby affirmed; such proposed future installations as mapped are hereby approved as to location and shall be installed at option of United Telephone Company upon permit being obtained from the board of public works authorizing use of streets and avenues for such installation.

3. Liability: During progress of installation said United Telephone Company and employees shall not unnecessarily obstruct any streets, avenues, alleys or public grounds and shall repair and make good any water or sewer pipes previously laid which shall be destroyed or injured by it; shall complete its work as speedily as possible and restore said streets and alleys under direction of the board of public works; shall further suitably barricade and protect that part of the street, avenue or alley where the work is being done, and shall close off no portion of streets, avenues or alleys without first having received a permit from the board of public works so to do. (1969 Code, sec. 14:28)

11-1-8: Sidewalk contractors: (Rep. 4-21-1981)

11-1-9: Construction and repair of sidewalks:

(A) Purpose: The purpose of this section is to provide for the installation or repair of sidewalks throughout the city to provide safe off street paths for pedestrians on all public street frontage within the city limits.

(B) Mandatory Installation: Sidewalks shall be constructed in the city as follows:

from the city. Such providers shall complete all installation work as speedily as possible and shall repair and make good any water or sewer pipes previously laid that are damaged or destroyed during such installation. Following such installation such providers shall restore said streets and alleys under direction of the board of public works; shall further.

(2) Installations before December 31, 2015: All underground telecommunication conduit and manhole installations that have been lawfully placed prior to December 31, 2015 are hereby approved.

11-1-9: Construction and repair of sidewalks:

(A) Purpose: The purpose of this section is to provide for the installation or repair of sidewalks throughout the city to provide safe off street paths for pedestrians on all public street frontage within the city.

(B) Mandatory installation: Sidewalks shall be constructed in the city as follows:

~~installations as mapped are hereby approved as to location and shall be installed at option of United Telephone Company upon permit being obtained from the board of public works authorizing use of streets and avenues for such installation.~~

~~3. Liability: During progress of installation said United Telephone Company and employees shall not unnecessarily obstruct any streets, avenues, alleys or public grounds and shall repair and make good any water or sewer pipes previously laid which shall be destroyed or injured by it; shall complete its work as speedily as possible and restore said streets and alleys under direction of the board of public works; shall further. During installation such providers shall not unnecessarily obstruct any streets, avenues, alleys or public grounds and shall suitably barricade and protect that part of the street, avenue or alley where the work is being done, and shall close off no portion of streets, avenues or alleys without first having received a permit from the board of public works so to do. (1969 Code, sec. 14:28)~~

~~11-1-8: Sidewalk contractors: (Rep. 4-21-1981)city. Such providers shall complete all installation work as speedily as possible and shall repair and make good any water or sewer pipes previously laid that are damaged or destroyed during such installation. Following such installation such providers shall restore said streets and alleys under direction of the board of public works; shall further.~~

~~(2) Installations before December 31, 2015: All underground telecommunication conduit and manhole installations that have been lawfully placed prior to December 31, 2015 are hereby approved.~~

11-1-9: Construction and repair of sidewalks:

(A) Purpose: The purpose of this section is to provide for the installation or repair of sidewalks throughout the city to provide safe off street paths for pedestrians on all public street frontage within the city ~~limits.~~

(B) Mandatory ~~h~~installation: Sidewalks shall be constructed in the city as follows:

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

1. Sidewalk shall be installed where curb and gutter are installed during the reconstruction of any street.

(1) Sidewalk shall be installed where curb and gutter are installed during the reconstruction of any street.

~~(1-)~~ Sidewalk shall be installed where curb and gutter are installed during the reconstruction of any street.

2. Sidewalk shall be installed prior to issuance of any occupancy permit issued for new construction or change in use. For purposes of this subsection (B)2, construction of an addition, garage, shed or other improvement on existing residential property does not constitute "new construction".

(2) Sidewalk shall be installed before issuance of any occupancy permit issued for new construction or change in use. For purposes of this subsection (B)(2), construction of an addition, garage, shed or other improvement on a residential lot which there is located a previously constructed residence does not constitute "new construction".

~~(2-)~~ Sidewalk shall be installed ~~prior to~~before issuance of any occupancy permit issued for new construction or change in use. For purposes of this subsection (B)~~(2-)~~(2-), construction of an addition, garage, shed or other improvement on ~~existing~~a residential ~~property~~lot which there is located a previously constructed residence does not constitute "new construction".

3. In addition to the installation or repair of sidewalk as provided in subsections (B)1 and (B)2 of this section, the common council shall from time to time by resolution determine where other new sidewalks shall be installed.

(3) In addition to the installation or repair of sidewalk as provided in subsections (B)(1) and (B)(2) of this section, the council shall from time to time by resolution determine where other new sidewalks shall be installed.

~~(3-)~~ In addition to the installation or repair of sidewalk as provided in subsections (B)~~(1)~~(1) and (B)~~(2)~~(2) of this section, the ~~common~~ council shall from time to time by resolution determine where other new sidewalks shall be installed.

(C) Board Of Public Works: The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accord with the standards fixed by the common council.

(C) Board of public works: The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accord with the standards fixed by the council.

(C) Board ~~Of Public Works~~of public works: The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accord with the standards fixed by the ~~common~~ council.

(D) Exceptions to Mandatory Installation:

(D) Exceptions to mandatory installation:

(D) Exceptions to ~~Mandatory Installation~~:

~~—~~mandatory installation:

1. A person may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk for an engineering consideration which renders the installation of sidewalk on a particular property unreasonable.

(1) A person may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk for an engineering consideration which renders the installation of sidewalk on a particular property unreasonable.

~~___(1-)~~ A person may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk for an engineering consideration which renders the installation of sidewalk on a particular property unreasonable.

2. Notwithstanding subsection (D) 1. of this section, a person who owns real property located within the M-1, M-2 or M-3 zoning districts may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk within the public right-of-way of any street or avenue, on the side of such right-of-way that directly abuts such real property. The petitioner shall not be required to show an engineering consideration which renders the installation of sidewalk on the petitioner's property unreasonable, but the plan commission may consider other existing or planned uses outside the

(2) Notwithstanding subsection (D)(1) of this section, a person who owns real property located within the M-1, M-2 or M-3 zoning districts may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk within the public right-of-way of any street or avenue, on the side of such right-of-way that directly abuts such real property. The petitioner shall not be required to show an engineering consideration which renders the installation of sidewalk on the petitioner's property unreasonable, but the plan commission may consider other then-existing or planned

~~(2-)~~ Notwithstanding subsection (D)~~(1-)~~ of this section, a person who owns real property located within the M-1, M-2 or M-3 zoning districts may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk within the public right-of-way of any street or avenue, on the side of such right-of-way that directly abuts such real property. The petitioner shall not be required to show an engineering consideration which renders the installation of sidewalk on the petitioner's property unreasonable, but the plan commission may consider other then-existing or

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

petitioner's property that generate, or may in the future generate, pedestrian traffic on the segment of sidewalk for which the exception is requested and may deny or condition approval of the exception accordingly. An exception granted pursuant to this subsection may be for a limited period of time or made subject to such other terms or conditions as the plan commission may determine.

3. The plan commission shall hear and decide each petition requesting an exception to the installation of sidewalk.

4. If a petition under this subsection is denied, the petitioner may file a written notice of appeal upon the City Clerk within 10 days following the date the plan commission renders its decision. If the City Administrator objects to the granting of a petition under this subsection, the City Administrator may file a written notice of appeal upon the City Clerk within 10 days following the date the plan commission renders its decision. The City Clerk shall forward said notice of appeal to the Council, which shall consider such appeal within 30 days following receipt of the notice of appeal. The Council may affirm, reverse or modify the decision of the plan commission. 2014-11-05

(E) Construction Standards: The common council shall by resolution establish the width, fix the grade, determine the material and prescribe the method of construction of standard sidewalks throughout the city. The board of public works, plan commission, director of public works and city engineering department shall make such recommendations and presentations as may be requested by the common council in making any such resolution. 2014-11-05

(F) Permit, Self-Repair Agreement:

1. Any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit an application for permit as provided in section 11-1-3 of

uses outside the petitioner's property that generate, or may in the future generate, pedestrian traffic on the segment of sidewalk for which the exception is requested and may deny or condition approval of the exception accordingly. An exception granted pursuant to this subsection may be for a limited time or made subject to such other terms or conditions as the plan commission may determine.

(3) The plan commission shall hear and decide each petition requesting an exception to the installation of sidewalk.

(4) If a petition under this subsection is denied, the petitioner may file a written notice of appeal upon the city clerk within 10 days following the date the plan commission makes its decision. If the city administrator objects to the granting of a petition under this subsection, the city administrator may file a written notice of appeal upon the city clerk within 10 days following the date the plan commission makes its decision. The city clerk shall forward the notice of appeal to the council, which shall consider such appeal within 30 days following receipt of the notice of appeal. The council may affirm, reverse or modify the decision of the plan commission.

(E) Construction standards: The common council shall by resolution establish the width, fix the grade, determine the material and prescribe the method of construction of standard sidewalks throughout the city. The board of public works, plan commission, director of public works and city engineering department shall make such recommendations and presentations as may be requested by the common council in making any such resolution.

(F) Permit, self-repair agreement:

(1) Any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit an application for permit as provided in section 11-1-3 of

planned uses outside the petitioner's property that generate, or may in the future generate, pedestrian traffic on the segment of sidewalk for which the exception is requested and may deny or condition approval of the exception accordingly. An exception granted pursuant to this subsection may be for a limited ~~period of time~~ or made subject to such other terms or conditions as the plan commission may determine.

~~(3.)~~ The plan commission shall hear and decide each petition requesting an exception to the installation of sidewalk.

~~(4.)~~ If a petition under this subsection is denied, the petitioner may file a written notice of appeal upon the ~~City Clerk~~~~city clerk~~ within 10 days following the date the plan commission ~~renders~~~~makes~~ its decision. If the ~~City Administrator~~~~city administrator~~ objects to the granting of a petition under this subsection, the ~~City Administrator~~~~city administrator~~ may file a written notice of appeal upon the ~~City Clerk~~~~city clerk~~ within 10 days following the date the plan commission ~~renders~~~~makes~~ its decision. The ~~City Clerk~~~~city clerk~~ shall forward ~~said~~~~the~~ notice of appeal to the ~~Council~~, which shall consider such appeal within 30 days following receipt of the notice of appeal. The ~~Council~~ may affirm, reverse or modify the decision of the plan commission. ~~2014-11-05~~

(E) Construction ~~S~~standards: The common council shall by resolution establish the width, fix the grade, determine the material and prescribe the method of construction of standard sidewalks throughout the city. The board of public works, plan commission, director of public works and city engineering department shall make such recommendations and presentations as may be requested by the common council in making any such resolution. 2014-11-05

(F) Permit, ~~Self-Repair Agreement:~~

~~—self-repair agreement:~~

~~___(1.)~~ Any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit an application for permit as provided in section 11-1-3 of

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

this chapter.

2. In addition to the permit required in subsection (F)1 of this section, any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit a sidewalk self-repair agreement to the city engineering department. Sidewalk self-repair agreement forms shall be available upon request from the city engineering department.

3. Upon issuance of a permit and approval of the self-repair agreement, a person may repair sidewalk or repair and replace sidewalk.

(G) Payment For Repair Or Construction: Payment for repair or construction of sidewalk shall be charged as provided in section 66.615 of the Wisconsin statutes. (3-15-1994)

11-1-10: Sidewalk maintenance:

(A) Every person shall remove all snow, ice, dirt, rubbish or refuse material from the sidewalk in front of or immediately adjacent to the premises owned or occupied by him.

1. Removal of snow, ice, dirt, rubbish or refuse material shall be completed within a reasonable time after the accumulation of such materials on the sidewalk.

2. Ice or snow that cannot be removed shall be sprinkled with ashes, sand, salt or other substance to allow safe pedestrian use.

3. If the person responsible for removal of materials from the sidewalk fails to remove such materials within a reasonable time, the city shall be entitled to remove such material from the sidewalk. Costs incurred by the city shall be billed to the owner of the property to which the sidewalk adjoins. If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate. (12-17-1991)

(B) Unless otherwise permitted by law, no person shall

this chapter.

(2) In addition to the permit required in subsection (F)(1) of this section, any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit a sidewalk self-repair agreement to the city engineering department. Sidewalk self-repair agreement forms shall be available upon request from the city engineering department.

(3) Upon issuance of a permit and approval of the self-repair agreement, a person may repair sidewalk or repair and replace sidewalk.

(G) Payment for repair or construction: Payment for repair or construction of sidewalk shall be charged as provided in section 66.615 of the Wisconsin statutes.

11-1-10: Sidewalk maintenance:

(A) Every person shall remove all snow, ice, dirt, rubbish or refuse material from the sidewalk in front of or immediately adjacent to the premises owned or occupied by him.

(1) Removal of snow, ice, dirt, rubbish or refuse material shall be completed within a reasonable time after the accumulation of such materials on the sidewalk.

(2) Ice or snow that cannot be removed shall be sprinkled with ashes, sand, salt or other substance to allow safe pedestrian use.

(3) If the person responsible for removal of materials from the sidewalk fails to remove such materials within a reasonable time, the city shall be entitled to remove such material from the sidewalk. Costs incurred by the city shall be billed to the owner of the property to which the sidewalk adjoins. If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate.

(B) Unless otherwise permitted by law, no person shall

this chapter.

~~(2-)~~ In addition to the permit required in subsection ~~(F)~~~~(1)~~ of this section, any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit a sidewalk self-repair agreement to the city engineering department. Sidewalk self-repair agreement forms shall be available upon request from the city engineering department.

~~(3-)~~ Upon issuance of a permit and approval of the self-repair agreement, a person may repair sidewalk or repair and replace sidewalk.

(G) Payment ~~For Repair Or Construction~~~~for repair or construction~~: Payment for repair or construction of sidewalk shall be charged as provided in section 66.615 of the Wisconsin statutes. ~~(3-15-1994)~~

11-1-10: Sidewalk maintenance:

(A) Every person shall remove all snow, ice, dirt, rubbish or refuse material from the sidewalk in front of or immediately adjacent to the premises owned or occupied by him.

~~(1-)~~ Removal of snow, ice, dirt, rubbish or refuse material shall be completed within a reasonable time after the accumulation of such materials on the sidewalk.

~~(2-)~~ Ice or snow that cannot be removed shall be sprinkled with ashes, sand, salt or other substance to allow safe pedestrian use.

~~(3-)~~ If the person responsible for removal of materials from the sidewalk fails to remove such materials within a reasonable time, the city shall be entitled to remove such material from the sidewalk. Costs incurred by the city shall be billed to the owner of the property to which the sidewalk adjoins. If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate. ~~(12-17-1991)~~

(B) Unless otherwise permitted by law, no person shall

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

cause to be deposited any snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, on or upon any public or private property not owned or occupied by such person or without the consent of the owner or occupant thereof.

cause to be deposited any snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, on or upon any public or private property not owned or occupied by such person or without the consent of the owner or occupant thereof.

cause to be deposited any snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, on or upon any public or private property not owned or occupied by such person or without the consent of the owner or occupant thereof.

1. This subsection (B) shall not apply to city employees or other agents of the city acting within the scope of their duties.

(1) This subsection (B) shall not apply to city employees or other agents of the city acting within the scope of their duties.

~~(1-)~~ This subsection (B) shall not apply to city employees or other agents of the city acting within the scope of their duties.

2. This subsection (B) shall not prevent the deposit of snow and ice from a private residence upon the terrace immediately adjoining the sidewalk of such private residence.

(2) This subsection (B) shall not prevent the deposit of snow and ice from a private residence upon the terrace immediately adjoining the sidewalk of such private residence.

~~(2-)~~ This subsection (B) shall not prevent the deposit of snow and ice from a private residence upon the terrace immediately adjoining the sidewalk of such private residence.

3. Snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, deposited in violation of this subsection (B) is declared to be a public nuisance and in addition to any penalty provided, the city may abate the public nuisance by removing any snow, slush, ice, dirt, debris, rubbish or refuse material of whatever type or nature, and cause the cost of the removal to be charged to the person who deposited or caused the deposit in violation of this subsection (B). If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate. (11-18-2003)

(3) Snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, deposited in violation of this subsection (B) is declared to be a public nuisance and in addition to any penalty provided, the city may abate the public nuisance by removing any snow, slush, ice, dirt, debris, rubbish or refuse material of whatever type or nature, and cause the cost of the removal to be charged to the person who deposited or caused the deposit in violation of this subsection (B). If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate.

~~(3-)~~ Snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, deposited in violation of this subsection (B) is declared to be a public nuisance and in addition to any penalty provided, the city may abate the public nuisance by removing any snow, slush, ice, dirt, debris, rubbish or refuse material of whatever type or nature, and cause the cost of the removal to be charged to the person who deposited or caused the deposit in violation of this subsection (B). If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate. ~~-(11-18-2003)~~

(C) In addition to any charges for services made under this section, any person who violates any provision of this section shall be subject to a class 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues. (12-17-1991)

(C) In addition to any charges for services made under this section, any person who violates any provision of this section shall upon conviction be subject to a Class 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

(C) In addition to any charges for services made under this section, any person who violates any provision of this section shall upon conviction be subject to a eClass 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues. ~~-(12-17-1991)~~

11-1-11: Awnings, signs and other projections over sidewalks:

11-1-11: Awnings, signs and other projections over sidewalks:

11-1-11: Awnings, signs and other projections over sidewalks:

(A) Definitions: The following words, terms and phrases, when used in this section, shall have the following meanings, except where the context clearly indicates a different meaning:

(A) Definitions: In this section:

(A) Definitions: ~~The following words, terms and phrases, when used in~~n this section, ~~shall have the following meanings, except where the context clearly indicates;~~

AWNING: A roof like structure which projects beyond the lot line, over a public sidewalk, and is fastened to a wall of

“Awning” means a roof like structure which projects beyond the lot line, over a public sidewalk, and is fastened

“Awning” means a different meaning:

Monroe City Code Codification Before and After Worksheet: Title 11

-A- No changes other than new ordinances	-B- Includes all changes to October 30, 2015	-C- -A- compared to -B- with Microsoft Word comparison utility
a building or to a support fastened to a wall of a building.	to a wall of a building or to a support fastened to a wall of a building.	AWNING: A roof like structure which projects beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.
AWNING SIGN: An identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.	"Awning sign" means an identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.	AWNING SIGN: An <u>"Awning sign" means an</u> identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.
NONPROJECTING AWNING: An awning which projects four inches (4") or less beyond the lot line.	"Nonprojecting awning" means an awning which projects four inches or less beyond the lot line.	NONPROJECTING AWNING: An <u>"Nonprojecting awning" means an</u> awning which projects four inches (4") or less beyond the lot line.
NONPROJECTING SIGN: A sign projecting four inches (4") or less beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.	"Nonprojecting sign" means a sign projecting four inches or less beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.	NONPROJECTING SIGN: A <u>"Nonprojecting sign" means a</u> sign projecting four inches (4") or less beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.
PROJECTING AWNING: An awning which projects more than four inches (4") beyond the lot line.	"Projecting awning" means an awning which projects more than four inches beyond the lot line.	PROJECTING AWNING: An <u>"Projecting awning" means an awning</u> which projects more than four inches (4") beyond the lot line.
PROJECTING SIGN: A sign, other than an awning sign, projecting more than four inches (4") beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.	"Projecting sign" means a sign, other than an awning sign, projecting more than four inches beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.	PROJECTING SIGN: A <u>"Projecting sign" means a</u> sign, other than an awning sign, projecting more than four inches (4") beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.
SIGN: A structure used to designate the name or occupation of the occupant of the building to which such sign is fixed.	"Sign" means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.	SIGN: A structure used to designate the name or occupation of the occupant of the building to which such sign is fixed.
(B) Projecting Awnings: No person shall place, hang or maintain any projecting awning or cause the same to be placed, hung or maintained unless the distance from any	(B) Projecting awnings: No person shall place, hang or maintain any projecting awning or cause the same to be placed, hung or maintained unless the distance from any	(B) Projecting Awnings <u>"Sign" means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.</u> <u>(B) Projecting awnings:</u> No person shall place, hang or maintain any projecting awning or cause the same to be placed, hung or maintained unless the distance from any

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

point on such projecting awning to the public sidewalk is seven feet (7') or more and the person has obtained a written permit issued following approval of such projecting awning by the board of public works.

point on such projecting awning to the public sidewalk is seven feet or more and the person has obtained a written permit issued following approval of such projecting awning by the board of public works.

point on such projecting awning to the public sidewalk is seven feet (~~7'~~) or more and the person has obtained a written permit issued following approval of such projecting awning by the board of public works.

(C) Projecting Signs: No person shall place, hang or maintain any projecting sign or cause the same to be placed, hung or maintained unless the distance from the bottom of such projecting sign to the public sidewalk is eight and one-half feet (8 1/2') or more and the person has obtained a written permit issued following approval of such projecting sign by the board of public works.

(C) Projecting signs: No person shall place, hang or maintain any projecting sign or cause the same to be placed, hung or maintained unless the distance from the bottom of such projecting sign to the public sidewalk is 8 1/2 feet or more and the person has obtained a written permit issued following approval of such projecting sign by the board of public works.

(C) Projecting ~~S~~signs: No person shall place, hang or maintain any projecting sign or cause the same to be placed, hung or maintained unless the distance from the bottom of such projecting sign to the public sidewalk is ~~eight and one-half~~ 8 1/2 feet (~~8-1/2'~~) or more and the person has obtained a written permit issued following approval of such projecting sign by the board of public works.

(D) Nonprojecting Awnings And Signs: No person shall place, hang or maintain any nonprojecting awning or nonprojecting sign or cause the same to be placed, hung or maintained unless the person has obtained a written permit issued following approval of such nonprojecting awning or nonprojecting sign by the board of public works.

(D) Nonprojecting awnings and signs: No person shall place, hang or maintain any nonprojecting awning or nonprojecting sign or cause the same to be placed, hung or maintained unless the person has obtained a written permit issued following approval of such nonprojecting awning or nonprojecting sign by the board of public works.

(D) Nonprojecting ~~Awnings And Signs~~awnings and signs: No person shall place, hang or maintain any nonprojecting awning or nonprojecting sign or cause the same to be placed, hung or maintained unless the person has obtained a written permit issued following approval of such nonprojecting awning or nonprojecting sign by the board of public works.

(E) Other Structures: No porch, gallery, store, platform, entrance to basement, fire escapes, heating or air conditioning units, downspout, railing or grating shall be allowed to extend into, upon or over any public sidewalk without the written permit issued following approval thereof by the board of public works.

(E) Other structures: No porch, gallery, store, platform, entrance to basement, fire escapes, heating or air conditioning units, downspout, railing or grating shall be allowed to extend into, upon or over any public sidewalk without the written permit issued following approval thereof by the board of public works.

(E) Other ~~S~~structures: No porch, gallery, store, platform, entrance to basement, fire escapes, heating or air conditioning units, downspout, railing or grating shall be allowed to extend into, upon or over any public sidewalk without the written permit issued following approval thereof by the board of public works.

(F) Conditions For Issuance Of Permit: The board of public works may, as a condition of the issuance of a permit under this section, require that a projecting awning, nonprojecting awning, projecting sign, nonprojecting sign or other structure be limited in size, installed at a height greater than the minimum set forth in this section or impose other conditions which are reasonably designed to protect public safety or promote an aesthetic image which is consistent with adjoining properties. (1-15-2002)

(F) Conditions for issuance of permit: The board of public works may, as a condition of the issuance of a permit under this section, require that a projecting awning, nonprojecting awning, projecting sign, nonprojecting sign or other structure be limited in size, installed at a height greater than the minimum set forth in this section or impose other conditions which are reasonably designed to protect public safety or promote an aesthetic image which is consistent with adjoining properties.

(F) Conditions ~~For Issuance Of Permit~~for issuance of permit: The board of public works may, as a condition of the issuance of a permit under this section, require that a projecting awning, nonprojecting awning, projecting sign, nonprojecting sign or other structure be limited in size, installed at a height greater than the minimum set forth in this section or impose other conditions which are reasonably designed to protect public safety or promote an aesthetic image which is consistent with adjoining properties. ~~(1-15-2002)~~

(G) Other approvals: Issuance of a permit pursuant to this section shall not relieve the person to whom such permit is issued from obtaining other permits and approvals required by the City or other governmental authority having jurisdiction. 2015-04-08

(G) Other approvals: Issuance of a permit pursuant to this section shall not relieve the person to whom such permit is issued from obtaining other permits and approvals required by the city or other governmental authority having jurisdiction.

(G) Other approvals: Issuance of a permit pursuant to this section shall not relieve the person to whom such permit is issued from obtaining other permits and approvals required by the ~~C~~city or other governmental authority having jurisdiction. ~~2015-04-08~~

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

11-1-12: Protection of public:

(A) Every person owning any building in the city having any area between the building and sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least three feet (3') high, except in cases of stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least three feet (3') high on three (3) sides thereof. (1969 Code, sec. 14:16)

(B) Every person who shall take up or remove any portion of any sidewalk, or of any portion of any street or alley within the city, shall take all necessary precautions to guard the public against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the council shall order or adopt. (1969 Code, sec. 14:17)

11-1-13: Crossings obstructed by trains:

(A) It shall be unlawful to stop any railroad train, locomotive or car upon or across any street crossing for longer than five (5) minutes without opening said street for at least ten (10) minutes.

(B) Any person responsible for the stopping of a railroad train, locomotive or car contrary to the provisions of this section shall be subject to a class 5 forfeiture.

(C) The owner of any railroad train, locomotive or car stopped in violation of the provisions of this section shall be subject to a class 5 forfeiture. (12-17-1991)

11-1-14: Reports by City Engineer:

The city engineer shall be required to make a weekly report and statement to the board of public works of the labor and services performed by the city employees who are under his supervision, the nature of the work

11-1-12: Protection of public:

(A) Every person owning any building in the city having any area between the building and sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least three feet high, except stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least three feet high on three sides thereof.

(B) Every person who shall take up or remove any portion of any sidewalk, or of any portion of any street or alley within the city, shall take all necessary precautions to guard the public against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the council may adopt.

11-1-13: Crossings obstructed by railroad trains:

(A) It shall be unlawful to stop any railroad train, locomotive or car upon or across any street crossing for longer than five minutes without opening the street for at least 10 minutes.

(B) Any person responsible for the stopping of a railroad train, locomotive or car contrary to the provisions of this section shall upon conviction be subject to a class 5 forfeiture.

(C) The owner of any railroad train, locomotive or car stopped in violation of the provisions of this section shall upon conviction be subject to a class 5 forfeiture.

11-1-14: Reports by director of public works: The director of public works shall make a periodic report and statement to the board of public works of the labor and services performed by the city employees who are under his or her supervision, the nature of the work performed, the amount due and owing for such services and the name or names

11-1-12: Protection of public:

(A) Every person owning any building in the city having any area between the building and sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least three feet ~~(3')~~ high, except ~~in cases of~~ stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least three feet ~~(3')~~ high on three ~~(3)~~ sides thereof. ~~(1969 Code, sec. 14:16)~~

(B) Every person who shall take up or remove any portion of any sidewalk, or of any portion of any street or alley within the city, shall take all necessary precautions to guard the public against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the council ~~shall order or may~~ adopt. ~~(1969 Code, sec. 14:17)~~

11-1-13: Crossings obstructed by railroad trains:

(A) It shall be unlawful to stop any railroad train, locomotive or car upon or across any street crossing for longer than five ~~(5)~~ minutes without opening ~~said~~the street for at least ~~ten~~ ~~(10)~~ minutes.

(B) Any person responsible for the stopping of a railroad train, locomotive or car contrary to the provisions of this section shall upon conviction be subject to a class 5 forfeiture.

(C) The owner of any railroad train, locomotive or car stopped in violation of the provisions of this section shall upon conviction be subject to a class 5 forfeiture. ~~(12-17-1991)~~

11-1-14: Reports by City Engineer:

director of public works: The ~~city engineer~~director of public works shall ~~be required to~~ make a ~~weekly~~periodic report and statement to the board of public works of the labor and services performed by the city employees who

Monroe City Code Codification Before and After Worksheet: Title 11

**-A-
No changes other than new ordinances**

**-B-
Includes all changes to October 30, 2015**

**-C-
-A- compared to -B- with Microsoft Word comparison utility**

performed and the amount due and owing for said services so performed and the name or names of the person or persons from whom said accounts are due. And the said report shall also contain a statement of any material belonging to the city sold by the city engineer, the name of the party who purchased the same and the amount due for said material.

of the person or persons from whom payment is due. The report shall also contain a statement of any material belonging to the city sold by the director of public works, the name of the party who purchased the same and the amount due for such material. It shall be the duty of the city treasurer to make collection of amounts so specified in the report of the director of public works.

are under his or her supervision, the nature of the work performed and, the amount due and owing for said such services ~~so performed~~ and the name or names of the person or persons from whom ~~said accounts are~~ payment is due. ~~And the said~~ The report shall also contain a statement of any material belonging to the city sold by the ~~city engineer~~ director of public works, the name of the party who purchased the same and the amount due for said such material.

It shall be the duty of the city treasurer to make collection of the said amounts so specified in the report of the city engineer. (1969 Code, sec. 14:18)

It shall be the duty of the city treasurer to make collection of the ~~said~~ amounts so specified in the report of the ~~city engineer~~. (1969 Code, sec. 14:18) director of public works.

11-1-15: Authority of City:

11-1-15: Authority of city: The city may do any class of public work or any part thereof directly without submitting the same for bids.

11-1-15: Authority of Ccity:

The city may do any class of public work or any part thereof directly without submitting the same for bids. (1969 Code, sec. 14:20)

The city may do any class of public work or any part thereof directly without submitting the same for bids. (1969 Code, sec. 14:20)

11-1-16: Penalty:

11-1-16: Penalty: Except as specifically provided elsewhere in this chapter, a person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

11-1-16: Penalty:

Except as specifically provided elsewhere in this chapter, a person who violates any provision of this chapter shall be subject to a class 3 forfeiture. (12-17-1991)

Except as specifically provided elsewhere in this chapter, a person who violates any provision of this chapter shall upon conviction be subject to a eClass 3 forfeiture. ~~(12-17-1991)~~ —

Chap. 11-1 history: Reviewed October 6, 2015

Chap. 11-1 history: Reviewed October 6, 2015

Chapter 2

Chapter 2: STREET NAMES AND NUMBERING SYSTEM

Chapter 2

Street Names and Numbering System

Street Names and Numbering System: STREET NAMES AND NUMBERING SYSTEM

- 11-2-1 Street names
- 11-2-2 Street signs
- 11-2-3 Numbering plan

- 11-2-1 Street names
- 11-2-2 Street signs
- 11-2-3 Numbering plan

- 11-2-1 Street names
- 11-2-2 Street signs
- 11-2-3 Numbering plan

11-2-1: Street names:

11-2-1: Street names: To maintain a systematic numbering of streets within the city, the streets are hereby numbered according to the following plan:

11-2-1: Street names:

(A) System Adopted: For the purpose of maintaining a systematic numbering of streets within the City, the streets are hereby numbered according to the following plan:

(A) ~~System Adopted: For the purpose of maintaining~~ To maintain a systematic numbering of streets within the Ccity, the streets are hereby numbered according to the following plan:

Streets running east and west shall be called streets and

(A) Streets running east and west shall be called streets and numbered consecutively.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

numbered consecutively starting with Hill Street as Fifth Street and running south to the City limits. Mosher Street shall be known as Tenth One-Half Street and the street between Farmer Street, now Sixteenth Street, and Summit Street, now Seventeenth Street shall be known as Sixteenth and One-Half Street.

Streets running north and south shall be known as avenues and shall be numbered consecutively starting with Water Street as Fifth Avenue and running east to the City limits. Fourteenth Avenue shall comprise those streets which were formerly Emerson Street and West Street in Russell's Donation to the City, and Fifteenth Avenue shall comprise those streets which were formerly Monroe Street and West Street in Rattan's Addition to New Mexico in the City, and Sixteenth Avenue shall comprise those streets which were formerly Jackson Street and Main Street, and Seventeenth Avenue shall comprise those streets which were formerly Jefferson Street and East Street.

(B) Street Name Changes:

That street formerly known as Park Street shall be known as Twenty Fifth Avenue.

That part of Highway 20 extending west from Eleventh Avenue to the City limits shall be known as Eighth Street.

That street lying west of Lot 152 of Lybrand's Donation and west of Block 1 of Emerson and Moulton's Addition shall be known as Fourteenth Avenue West.

The names Country Lane and Lake Drive, as designated by plat of Lakeside Heights Addition to the City, heretofore accepted by the City, be and the same are hereby adopted for streets as therein set forth.

Twenty Fifth Avenue, south of Sixteenth Street is hereby renamed 22 1/2 Avenue.

Fourteenth Avenue running north and south, between 12th and 13th Streets and west of

County jail property shall be termed an alley, and not

(B) Streets running north and south shall be known as avenues and shall be numbered consecutively.

(C) The names of streets and avenues shall be indicated on the official map of the city.

~~(A) Streets running east and west shall be called streets and numbered consecutively starting with Hill Street as Fifth Street and running south to the City limits. Mosher Street shall be known as Tenth One-Half Street and the street between Farmer Street, now Sixteenth Street, and Summit Street, now Seventeenth Street shall be known as Sixteenth and One-Half Street.~~

.

~~(B) Streets running north and south shall be known as avenues and shall be numbered consecutively starting with Water Street as Fifth Avenue and running east to the City limits. Fourteenth Avenue shall comprise those streets which were formerly Emerson Street and West Street in Russell's Donation to the City, and Fifteenth Avenue shall comprise those streets which were formerly Monroe Street and West Street in Rattan's Addition to New Mexico in the City, and Sixteenth Avenue shall comprise those streets which were formerly Jackson Street and Main Street, and Seventeenth Avenue shall comprise those streets which were formerly Jefferson Street and East Street.~~

~~(B) Street Name Changes:~~

~~That street formerly known as Park Street shall be known as Twenty Fifth Avenue.~~

~~That part of Highway 20 extending west from Eleventh Avenue to the City limits shall be known as Eighth Street.~~

~~That street lying west of Lot 152 of Lybrand's Donation and west of Block 1 of Emerson and Moulton's Addition shall be known as Fourteenth Avenue West.~~

.

~~(C) The names Country Lane and Lake Drive, as designated by plat of Lakeside Heights Addition to the City, heretofore accepted by the City, be and the same are hereby adopted for streets as therein set forth.~~

~~Twenty Fifth Avenue, south of Sixteenth Street is hereby renamed 22 1/2 Avenue.~~

Monroe City Code Codification Before and After Worksheet: Title 11

J&O Committee Review Materials - Title 11 - January 21, 2016 @ 4:00 PM

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

hereafter designated avenue.

The north-south avenue now existing between 14th Street and 15th Street, one hundred fifty feet (150') each of 25th Avenue and five hundred ten feet (510') west of 28th Avenue, within Eastlawn Subdivision, is hereby named 26th Avenue. (1969 Code, sec. 14:01)

~~Fourteenth Avenue running north and south, between 12th and 13th Streets and west of~~

~~County jail property shall be termed an alley, and not hereafter designated avenue.~~

~~The north-south avenue now existing between 14th Street and 15th Street, one hundred fifty feet (150') each of 25th Avenue and five hundred ten feet (510') west of 28th Avenue, within Eastlawn Subdivision, is hereby named 26th Avenue. (1969 Code, sec. 14:01) of streets and avenues shall be indicated on the official map of the city.~~

11-2-2: Street signs:

There shall be posted in a conspicuous place and at opposite corners of every street intersection one or more street signs plainly and legibly designating the names of the streets so intersecting said corners. (1969 Code, sec. 14:02)

11-2-2: Street signs: There shall be posted in a conspicuous place and at opposite corners of every street intersection one or more street signs plainly and legibly designating the names of the intersecting streets.

11-2-2: Street signs:

~~There shall be posted in a conspicuous place and at opposite corners of every street intersection one or more street signs plainly and legibly designating the names of the streets so intersecting said corners. (1969 Code, sec. 14:02) streets.~~

11-2-3: Numbering plan:

The owners and occupants of all dwelling houses and places of business shall number the same and shall place and maintain thereon suitable numbers in a conspicuous place on the front of said dwelling house and place of business.

11-2-3: Numbering plan: The owners and occupants of all dwelling houses and places of business shall number the same and shall place and maintain thereon suitable numbers in a conspicuous place on the front of such dwelling and place of business.

11-2-3: Numbering plan:

~~The owners and occupants of all dwelling houses and places of business shall number the same and shall place and maintain thereon suitable numbers in a conspicuous place on the front of said such dwelling house and place of business.~~

(A) System of Numbering: For the purpose of maintaining a systematic numbering of buildings within the City, the frontage shall be divided into spaces of twenty feet (20') each as far as practicable and to each such space shall be assigned its appropriate number according to the following plan:

(A) System of numbering: To maintain a systematic numbering of buildings within the city, the frontage shall be divided into spaces of 20 feet each as far as practicable and to each such space shall be assigned its appropriate number according to the following plan:

~~(A) System of Numbering: For the purpose of maintaining numbering: To maintain a systematic numbering of buildings within the Ccity, the frontage shall be divided into spaces of twenty20 feet ~~(20)~~ each as far as practicable and to each such space shall be assigned its appropriate number according to the following plan:~~

On streets running east and west in the City, the numbering shall commence at Fifth Avenue with number 500 and progressing upward east to the west crossing or intersection, then commencing with number 600 and after every other crossing or intersection with the succeeding 100 in regular numerical order. Odd numbers shall be given in progressive order on the north side of the street, even numbers on the south side of the street.

(1) On streets running east and west in the city, the numbering shall commence at fifth avenue with number 500 and Increment by 100 within each block to the east and decrement by 100 within each block to the west. Odd numbers shall be given in progressive or degressive order on the north side of the street, even numbers shall be given in progressive or degressive order on the south side of the street.

~~(1) On streets running east and west in the Ccity, the numbering shall commence at Fifth Avenuefifth avenue with number 500 and progressing upward east to the west crossing or intersection, then commencing with number 600 and after every other crossing or intersection with the succeeding Increment by 100 in regular numerical order within each block to the east and decrement by 100 within each block to the west. Odd numbers shall be~~

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

On avenues running north and south the numbering shall commence at Fifth Street with number 500 and progressing upward south to the next crossing or intersection, then commencing with 600 and after every crossing or intersection, with the succeeding 100 in regular numerical order. The odd numbers shall be given in progressive order on the west side of the avenues and even numbers on the east side of the avenues. (1969 Code, sec. 14:03)

Also, there shall be two (2) base lines: 1st Avenue and 1st Street: 1st Avenue shall be the base line for the east and west halves of the City; 1st Street shall be the base line for the north and south halves of the City. The numbering method shall be as follows:

Any street west of 1st Avenue shall have a "W" preceding the street number, e.g., W 5th Street. Any street north of 1st Street shall end with the direction "North", e.g., 5th Street North. Also any avenue north of 1st Street shall have an "N" preceding the avenue number, e.g., N 5th Avenue. Any avenue west of 1st Avenue shall end with the direction West, e.g., 5th Avenue West. (12-21-76)

(B) Size of Numbers: Numbers used shall not be less than two and one-half inches (2 1/2") in height. (1969 Code, sec. 14:04)

(C) Placing Numbers, Penalty: Every property owner in the City having a residence or any business establishment shall place a number upon each building in a conspicuous place where the same can be seen at all times in accordance with the provisions of this Chapter, and if any person fails to comply with this requirement, the same

(2) On avenues running north and south the numbering shall commence at fifth street with number 500 and Increment by 100 within each block to the south and decrement by 100 within each block to the north. Odd numbers shall be given in progressive or degressive order on the west side of the avenues and even numbers shall be given in progressive or degressive order on the east side of the avenues.

(3) Also, there shall be two base lines: 1st avenue and 1st street: 1st avenue shall be the base line for the east and west halves of the city; 1st street shall be the base line for the north and south halves of the city. The numbering method shall be as follows: Any street west of 1st Avenue shall have a "W" preceding the street number, e.g., W 5th street. Any street north of 1st Street shall end with the direction "north", e.g., 5th street north. Also any avenue north of 1st street shall have an "N" preceding the avenue number, e.g., N 5th avenue. Any avenue west of 1st Avenue shall end with the direction west, e.g., 5th avenue west.

(B) Placing numbers: Every property owner in the city having a residence or any business establishment shall place a number upon each building in a conspicuous place where the same can be seen at all times. Numbers used shall not be less than 2 1/2 inches in height. If any person fails to comply with this requirement, the same

given in progressive or degressive order on the north side of the street, even numbers ~~on the shall be given in progressive or degressive order on the~~ south side of the street.

~~(2) On avenues running north and south the numbering shall commence at Fifth Street~~fifth street with number 500 and ~~progressing upward south to the next crossing or intersection, then commencing with 600 and after every crossing or intersection, with the succeeding 100 in regular numerical order. The odd~~Increment by 100 within each block to the south and decrement by 100 within each block to the north. Odd numbers shall be given in progressive or degressive order on the west side of the avenues and even numbers ~~on the shall be given in progressive or degressive order on the~~ east side of the avenues. ~~(1969 Code, sec. 14:03)~~

~~(3) Also, there shall be two (2) base lines: 1st A~~avenue and 1st ~~S~~street: 1st ~~A~~avenue shall be the base line for the east and west halves of the ~~C~~city; 1st ~~S~~street shall be the base line for the north and south halves of the ~~C~~city. The numbering method shall be as follows:

~~Any street west of 1st Avenue shall have a "W" preceding the street number, e.g., W 5th S~~street. Any street north of 1st Street shall end with the direction "~~N~~north", e.g., 5th ~~Street North~~street north. Also any avenue north of 1st ~~S~~street shall have an "N" preceding the avenue number, e.g., N 5th ~~A~~avenue. Any avenue west of 1st Avenue shall end with the direction ~~W~~west, e.g., 5th ~~Avenue West.~~ avenue west. ~~(12-21-76)~~

~~(B) Size of Numbers: Numbers used shall not be less than two and one-half inches (2 1/2") in height. (1969 Code, sec. 14:04)~~

~~(C) Placing Numbers, Penalty~~numbers: Every property owner in the ~~C~~city having a residence or any business establishment shall place a number upon each building in a conspicuous place where the same can be seen at all times ~~in accordance with the provisions of this Chapter, and if.~~ Numbers used shall not be less than 2 1/2 inches

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

shall be done without notice by the City and the actual expense shall be charged to the party owning said property. (1969 Code, sec. 14:05; amd. 1977 Code)

shall be done without notice by the city and the actual expense shall be charged to the party owning such property.

in height. If any person fails to comply with this requirement, the same shall be done without notice by the Ccity and the actual expense shall be charged to the party owning saidsuch property. ~~(1969 Code, sec. 14:05; amd. 1977 Code)~~__

Chap. 11-2 history: Reviewed October 20, 2015

Chap. 11-2 history: Reviewed October 20, 2015

TITLE 11
PUBLIC WAYS AND PROPERTY

TITLE 11: PUBLIC WAYS AND PROPERTY

TITLE 11
: PUBLIC WAYS AND PROPERTY

Chapter 3

Chapter 3: PUBLIC PARKS AND RECREATION FACILITIES

Chapter 3

Public Parks and Recreation Facilities

Public Parks and Recreation Facilities: PUBLIC PARKS AND RECREATION FACILITIES

- 11-3-1 General prohibitions
- 11-3-2 Exceptions to prohibitions
- 11-3-3 Penalty
- 11-3-4 Park rules

- 11-3-1 General prohibitions
- 11-3-2 Exceptions to prohibitions
- 11-3-3 Penalty
- 11-3-4 Park rules

- 11-3-1 General prohibitions
- 11-3-2 Exceptions to prohibitions
- 11-3-3 Penalty
- 11-3-4 Park rules

11-3-1: General prohibitions: It is unlawful for any person:

11-3-1: General prohibitions: It is unlawful for any person:

11-3-1: General prohibitions: It is unlawful for any person:

(A) To alter or change or cause anything to be altered or changed within any park or recreational facility of the City without prior written permission from the Board of Park and Recreation Commissioners.

(A) To alter or change or cause anything to be altered or changed within any park or recreational facility of the city without prior written permission from the board of park and recreation commissioners.

(A) To alter or change or cause anything to be altered or changed within any park or recreational facility of the Ccity without prior written permission from the Bboard of Ppark and Recreation Commissionersrecreation commissioners.

(B) To operate any motor vehicle in any park or recreational facility except upon established roadway.

(B) To operate any motor vehicle in any park or recreational facility except upon established roadway.

(B) To operate any motor vehicle in any park or recreational facility except upon established roadway.

(C) To park or leave standing any motor vehicle within any park or recreational facility except upon designated parking areas. (3-4-80)

(C) To park or leave standing any motor vehicle within any park or recreational facility except upon designated parking areas.

(C) To park or leave standing any motor vehicle within any park or recreational facility except upon designated parking areas. ~~(3-4-80)~~

(D) To deface, damage, destroy or cause harm to any park building, or facility within any park building or park equipment. (4-16-85)

(D) To deface, damage, destroy or cause harm to any park building, or facility within any park building or park equipment.

(D) To deface, damage, destroy or cause harm to any park building, or facility within any park building or park equipment. ~~(4-16-85)~~

(E) To destroy, damage or injure or cut down any fruit, shade or ornamental tree or shrub standing or being within any park or recreational facility within the City. (3-4-80)

(E) To destroy, damage or injure or cut down any fruit, shade or ornamental tree or shrub standing or being within any park or recreational facility within the city.

(E) To destroy, damage or injure or cut down any fruit, shade or ornamental tree or shrub standing or being within any park or recreational facility within the Ccity. ~~(3-4-80)~~city.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

(F) To leave or place any debris or waste material within any park or recreational facility within the City except in containers specifically provided for debris or waste material. (4-16-85)

(F) To leave or place any debris or waste material within any park or recreational facility within the city except in containers specifically provided for debris or waste material.

(F) To leave or place any debris or waste material within any park or recreational facility within the ~~C~~city except in containers specifically provided for debris or waste material. ~~-(4-16-85)~~

(G) To loiter, lounge or congregate within any City park or recreational facility after being requested to move by any police officer or by any person in authority at such place, between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M.

(G) To loiter, lounge or congregate within any city park or recreational facility after being requested to move by any police officer or by any person in authority at such place, between the hours of 11:00 PM and 5:00 AM

(G) To loiter, lounge or congregate within any ~~C~~city park or recreational facility after being requested to move by any police officer or by any person in authority at such place, between the hours of ~~eleven o'clock (11:00) P.M. PM~~ and ~~five o'clock (5:00) A.M. AM~~

(H) To interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, barrier or equipment placed in any park or recreational facility of the City.

(H) To interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, barrier or equipment placed in any park or recreational facility of the city.

(H) To interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, barrier or equipment placed in any park or recreational facility of the ~~C~~city.

(I) To bring or permit an animal owned or controlled by such person to be within any park or recreational area within the City, whether on a leash or otherwise unless a permit be first obtained from the Park Department.

(I) To bring or permit an animal owned or controlled by such person to be within any park or recreational area within the city, whether on a leash or otherwise unless a permit be first obtained from the park department.

(I) To bring or permit an animal owned or controlled by such person to be within any park or recreational area within the ~~C~~city, whether on a leash or otherwise unless a permit be first obtained from the ~~Park Department~~park department.

(J) To bring in or consume any alcoholic beverage, or fermented malt beverage within any park or recreational facility within the City unless a permit be first obtained from the Park Department.

(J) To bring in or consume any alcoholic beverage, or fermented malt beverage within any park or recreational facility within the city unless a permit be first obtained from the park department.

(J) To bring in or consume any alcoholic beverage, or fermented malt beverage within any park or recreational facility within the ~~C~~city unless a permit be first obtained from the ~~Park Department~~park department.

(K) To trap within the boundaries of a City park or recreational area without first obtaining a permit from the Park and Recreation Department.

(K) To trap within the boundaries of a city park or recreational area without first obtaining a permit from the park department.

(K) To trap within the boundaries of a ~~C~~city park or recreational area without first obtaining a permit from the ~~Park and Recreation Department~~park department.

(L) To operate any snowmobile on or in any park, playground or other property owned, leased or rented by the City except snowmobiles operated by law enforcement officers in the performance of their duties or snowmobiles used in the maintenance of said property by authorized personnel. (3-4-80)

(L) To operate any snowmobile on or in any park, playground or other property owned, leased or rented by the city except snowmobiles operated by law enforcement officers in the performance of their duties or snowmobiles used in the maintenance of such property by authorized personnel.

(L) To operate any snowmobile on or in any park, playground or other property owned, leased or rented by the ~~C~~city except snowmobiles operated by law enforcement officers in the performance of their duties or snowmobiles used in the maintenance of ~~said~~such property by authorized personnel. ~~-(3-4-80)~~

(M) To be within the fenced area of the Municipal swimming pool or within the changing house or concession stand adjacent to the pool when the pool is not open for swimming or to the public, or after being requested to leave by any person in authority. (4-16-85)

(M) To be within the fenced area of the Municipal swimming pool or within the changing house or concession stand adjacent to the pool when the pool is not open for swimming or to the public, or after being requested to leave by any person in authority.

(M) To be within the fenced area of the Municipal swimming pool or within the changing house or concession stand adjacent to the pool when the pool is not open for swimming or to the public, or after being requested to leave by any person in authority. ~~-(4-16-85)~~

(N) To loiter, lounge or congregate within that part of

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Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland Playground after being requested to move by any police officer or by any person in authority at such place, between the hours of nine thirty o'clock (9:30) P.M. and seven o'clock (7:00) A.M.

Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland playground after being requested to move by any police officer or by any person in authority at such place, between the hours of 9:30 PM and 7:00 AM

Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. ~~Cheeseland Playground~~ after being requested to move by any police officer or by any person in authority at such place, between the hours of ~~nine thirty o'clock (9:30) P.M.~~ PM and ~~seven o'clock (7:00) A.M.~~ AM

(O) To carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment within that part of Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland Playground. (1-17-95)

(O) To carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment within that part of Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland playground.

(O) To carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment within that part of Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. ~~Cheeseland Playground.~~ ~~(1-17-95)~~ playground.

11-3-2: Exceptions to prohibitions:

11-3-2: Exceptions to prohibitions: No prohibition of this chapter shall apply to any law enforcement officer acting within the scope of that officer's duty, or to any employee of the park department acting within the scope of their employment.

11-3-2: Exceptions to prohibitions:

No prohibition of this Chapter shall apply to any law enforcement officer acting within the scope of that officer's duty, or to any employee of the Park and Recreation Department acting within the scope of their employment. (4-16-85)

No prohibition of this Chapter shall apply to any law enforcement officer acting within the scope of that officer's duty, or to any employee of the ~~Park and Recreation Department~~ park department acting within the scope of their employment. ~~(4-16-85)~~

11-3-3: Penalty:

11-3-3: Penalty: Whoever violates any of the provisions of this chapter is guilty of a Class 4 forfeiture.

11-3-3: Penalty:

Whoever violates any of the provisions of this Chapter is guilty of a Class 4 forfeiture. (4-16-85)

Whoever violates any of the provisions of this Chapter is guilty of a Class 4 forfeiture. ~~(4-16-85)~~

11-3-4: Park rules:

11-3-4: Park rules: All park and recreation facilities are governed by the rules and regulations of the board of park and recreation commissioners. Those rules and regulations are to be kept on file with the city clerk.

11-3-4: Park rules:

All park and recreation facilities are governed by the rules and regulations of the Board of Park and Recreation Commissioners. Those rules and regulations are to be kept on file with the City Clerk. (4-16-85)

All park and recreation facilities are governed by the rules and regulations of the ~~Board of Park and Recreation Commissioners~~ recreation commissioners. Those rules and regulations are to be kept on file with the ~~City Clerk.~~ ~~(4-16-85)~~ city clerk.

Chap. 11-3 history: Reviewed October 20, 2015

Chap. 11-3 history: Reviewed October 20, 2015

TITLE 11
PUBLIC WAYS AND PROPERTY

TITLE 11: PUBLIC WAYS AND PROPERTY

TITLE 11
: PUBLIC WAYS AND PROPERTY

Chapter 4

Chapter 4

Trees and Shrubs

Chapter 4: TREES AND SHRUBS

Trees and Shrubs: TREES AND SHRUBS

11-4-1 Powers of City Forester:
11-4-2 Planting program
11-4-3 Removal of trees

11-4-1 Powers of city forester
11-4-2 Planting program
11-4-3 Removal of trees

11-4-1 Powers of ~~City Forester:~~ city forester
11-4-2 Planting program
11-4-3 Removal of trees

Monroe City Code Codification Before and After Worksheet: Title 11

-A- No changes other than new ordinances	-B- Includes all changes to October 30, 2015	-C- -A- compared to -B- with Microsoft Word comparison utility
11-4-4 Activities of utility companies controlled 11-4-5 Violation, penalty	11-4-4 Activities of utility companies controlled 11-4-5 Violation, penalty	11-4-4 Activities of utility companies controlled 11-4-5 Violation, penalty
11-4-1: Powers of City Forester: 2015-06-16	11-4-1: Powers of city forester:	11-4-1: Powers of City Forester: 2015-06-16 city forester:
(A) Control Over Public Property:	(A) Control over public property:	(A) Control Over Public Property:
—over public property:		—over public property:
1. The City Forester, under the control of the Board of Public Works, shall direct the purchase, planting, maintenance, trimming, pruning and removal of all trees and shrubs in any public area of the City. No person shall plant, maintain, trim, prune or remove any tree or shrub on or from any public land without permission from the City Forester. Such permit must be obtained from the City Clerk and may include specific qualifications and conditions.	(1) The city forester, under the control of the board of public works, shall direct the purchase, planting, maintenance, trimming, pruning and removal of all trees and shrubs in any public area of the city. No person shall plant, maintain, trim, prune or remove any tree or shrub on or from any public land without permission from the city forester. Such permit must be obtained from the city clerk and may include specific qualifications and conditions.	___(1-) The City Forester city forester, under the control of the B board of Public Works public works, shall direct the purchase, planting, maintenance, trimming, pruning and removal of all trees and shrubs in any public area of the C city. No person shall plant, maintain, trim, prune or remove any tree or shrub on or from any public land without permission from the City Forester city forester. Such permit must be obtained from the City Clerk city clerk and may include specific qualifications and conditions.
2. The terms "public property", "public area" and "public land" shall include all land within the City not privately owned or not controlled by any other political subdivision.	(2) The terms "public property", "public area" and "public land" shall include all land within the city not privately owned or not controlled by any other political subdivision.	(2-) The terms "public property", "public area" and "public land" shall include all land within the C city not privately owned or not controlled by any other political subdivision.
3. The City Forester shall make due investigation and study of various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits, utility future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the City Forester shall be planted on public lands. The following species are specifically prohibited for such planting: Chinese elm, silver maple, mountain ash, poplar, cottonwood, willow, catalpa, box elder, tree of heaven, walnut, chestnut, birch, conifers and Russian olive.	(3) The city forester shall make due investigation and study of various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits, utility future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the city forester shall be planted on public lands. The following species are specifically prohibited for such planting: Chinese elm, silver maple, mountain ash, poplar, cottonwood, willow, catalpa, box elder, tree of heaven, walnut, chestnut, birch, conifers and Russian olive.	(3-) The City Forester city forester shall make due investigation and study of various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits, utility future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the City Forester city forester shall be planted on public lands. The following species are specifically prohibited for such planting: Chinese elm, silver maple, mountain ash, poplar, cottonwood, willow, catalpa, box elder, tree of heaven, walnut, chestnut, birch, conifers and Russian olive.
(B) Control Over Private Property:	(B) Control over private property:	(B) Control Over Private Property:
—over private property:		—over private property:
1. Any tree or shrub which overhangs any public land of the City, and which, in the opinion of the City Forester, endangers the life, health, safety or property of the public,	(1) Any tree or shrub which overhangs any public land of the city, and which, in the opinion of the city forester, endangers the life, health, safety or property of	___(1-) Any tree or shrub which overhangs any public land of the C city, and which, in the opinion of the City Forester city forester, endangers the life, health, safety or

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

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-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action shall be taken by the City Forester to abate the nuisance, and the cost assessed to the owner, recoverable by suit. The owner shall be subject to general penalty provisions of the Monroe City Code.

2. The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any street light to the adjacent street or sidewalk, and he or she shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of 15 feet above the street or alley and a clear height of 10 feet above the sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street, alley or sidewalk.

3. Private Activity: Whenever it is necessary for the work of the City Forester to move or protect service wires, the City Forester shall serve written notice on the owners of such wires and such owners shall comply with such orders within a reasonable time.

11-4-2: Planting Program: 2015-06-16

Trees purchased other than from the Park Department, must be planted by the property owner. Property owners will be able to choose from trees approved by the Board of Park and Recreation Commissioners, with individual tree approval and location coming from the City Forester. Trees to be purchased may be planted on public property only. Whenever the Board shall have declared that any trees or shrubbery situated in the space between the curb line and the sidewalk line of any street or improved street do not comply with the regulations of the Board relative to style, type, planting and arranging thereof, it shall order the same to be removed or replaced or rearranged to comply with regulations. The following provisions shall

the public, shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action shall be taken by the city forester to abate the nuisance, and the cost assessed to the owner, recoverable by suit. The owner shall be subject to general penalty provisions of this code.

(2) The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any street light to the adjacent street or sidewalk, and he or she shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of 15 feet above the street or alley and a clear height of 10 feet above the sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street, alley or sidewalk.

(3) Private Activity: Whenever it is necessary for the work of the city forester to move or protect service wires, the city forester shall serve written notice on the owners of such wires and such owners shall comply with such orders within a reasonable time.

11-4-2: Planting program: Trees purchased other than from the park department, must be planted by the property owner. Property owners will be able to choose from trees approved by the board of park and recreation commissioners, with individual tree approval and location coming from the city forester. Trees to be purchased may be planted on public property only. Whenever the board shall have declared that any trees or shrubbery situated in the space between the curb line and the sidewalk line of any street or improved street do not comply with the regulations of the board relative to style, type, planting and arranging thereof, it shall order the same to be removed or replaced or rearranged to comply with regulations. The following provisions shall apply to all planting:

property of the public, shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action shall be taken by the ~~City Forester~~city forester to abate the nuisance, and the cost assessed to the owner, recoverable by suit. The owner shall be subject to general penalty provisions of ~~the Monroe City Code.~~

~~—2.this code.~~

(2) The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any street light to the adjacent street or sidewalk, and he or she shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of 15 feet above the street or alley and a clear height of 10 feet above the sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street, alley or sidewalk.

(3-) Private Activity: Whenever it is necessary for the work of the ~~City Forester~~city forester to move or protect service wires, the ~~City Forester~~city forester shall serve written notice on the owners of such wires and such owners shall comply with such orders within a reasonable time.

11-4-2: Planting ~~Program: 2015-06-16~~

~~program:~~ Trees purchased other than from the ~~Park Department~~park department, must be planted by the property owner. Property owners will be able to choose from trees approved by the ~~B~~oard of ~~P~~ark and ~~R~~ecreation ~~C~~ommissioners~~recreation commissioners~~, with individual tree approval and location coming from the ~~City Forester~~city forester. Trees to be purchased may be planted on public property only. Whenever the ~~B~~oard shall have declared that any trees or shrubbery situated in the space between the curb line and the sidewalk line of any street or improved street do not comply with the regulations of the ~~B~~oard relative to style, type, planting and arranging thereof, it shall order the same to be

Monroe City Code Codification Before and After Worksheet: Title 11

**-A-
No changes other than new ordinances**

**-B-
Includes all changes to October 30, 2015**

**-C-
-A- compared to -B- with Microsoft Word comparison utility**

apply to all planting:

removed or replaced or rearranged to comply with regulations. The following provisions shall apply to all planting:

(A) No trees or shrubs are to be planted at street intersections. Such planting shall be done at least 15 feet from the intersection of the curbs.

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(A) No trees or shrubs are to be planted at street intersections. Such planting shall be done at least 15 feet from the intersection of the curbs.

(B) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right of way.

(B) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right of way.

(B) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right of way.

(C) The following distances between trees must be adhered to:

(C) The following distances between trees must be adhered to:

(C) The following distances between trees must be adhered to:

Hard Maple:	40 feet
Norway Maple or Ash:	35 feet
Hackberry, Locust or Linden	30 feet

Hard maple: 40 feet
Norway maple or ash: 35 feet
Hackberry, locust or linden: 30 feet

Hard Maple:	40 feet
Norway Maple or Ash:	35 feet
Hackberry, Locust or Linden	30 feet

Hard maple: 40 feet
Norway maple or ash: 35 feet
Hackberry, locust or linden: 30 feet

(D) No person shall deposit, place, store or maintain, except during construction work for a period not to exceed 30 days, upon any public land, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing thereon, except by written permission of the City Forester.

(D) No person shall deposit, place, store or maintain, except during construction work for a period not to exceed 30 days, upon any public land, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing thereon, except by written permission of the city forester.

(D) No person shall deposit, place, store or maintain, except during construction work for a period not to exceed 30 days, upon any public land, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing thereon, except by written permission of the ~~City Forester~~city forester.

(E) No person shall break, mutilate, injure, kill or destroy any tree or shrub, or permit any fire to burn where it will injure any portion of any tree or shrub on public land.

(E) No person shall break, mutilate, injure, kill or destroy any tree or shrub, or permit any fire to burn where it will injure any portion of any tree or shrub on public land.

(E) No person shall break, mutilate, injure, kill or destroy any tree or shrub, or permit any fire to burn where it will injure any portion of any tree or shrub on public land.

(F) No person shall knowingly permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub on public land.

(F) No person shall knowingly permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub on public land.

(F) No person shall knowingly permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub on public land.

(G) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right-of-way.

(G) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right-of-way.

(G) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right-of-way.

(H) No hedge or shrubbery shall be planted closer than

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Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

18inches to a sidewalk and shall be kept trimmed at all times so that no part shall project over a sidewalk.

18inches to a sidewalk and shall be kept trimmed at all times so that no part shall project over a sidewalk.

18inches to a sidewalk and shall be kept trimmed at all times so that no part shall project over a sidewalk.

(I) No shrub or bush growing at the intersection of any two streets in the City shall be allowed to grow taller than 2 1/2 feet from the ground within a 30 foot radius from the intersection of two curb lines.

(I) No shrub or bush growing at the intersection of any two streets in the city shall be allowed to grow taller than 2 1/2 feet from the ground within a 30 foot radius from the intersection of two curb lines.

(I) No shrub or bush growing at the intersection of any two streets in the City shall be allowed to grow taller than 2 1/2 feet from the ground within a 30 foot radius from the intersection of two curb lines.

(J) No person shall knowingly permit electric wires to come in contact with any trees or shrubs on public land unless protected by approved methods, no person shall attach any electrical insulation to any tree on public land.

(J) No person shall knowingly permit electric wires to come in contact with any trees or shrubs on public land unless protected by approved methods, no person shall attach any electrical insulation to any tree on public land.

(J) No person shall knowingly permit electric wires to come in contact with any trees or shrubs on public land unless protected by approved methods, no person shall attach any electrical insulation to any tree on public land.

(K) Ditches, trenches, tunnels and driveways shall be kept as far away from any existing trees as possible. Builders shall erect suitable barriers around trees or shrubs on public lands to prevent injury from construction work.

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(K) Ditches, trenches, tunnels and driveways shall be kept as far away from any ~~existing~~ trees as possible. Builders shall erect suitable barriers around trees or shrubs on public lands to prevent injury from construction work.

11-4-3: Removal of trees:

11-4-3: Removal of trees:

11-4-3: Removal of trees:

(A) All persons desiring to remove a tree located upon the terrace of any lot or parcel of property located within the City shall, prior to removal of said tree, secure a permit from the City Clerk. There shall be no fee for the issuance of said permit.

(A) All persons desiring to remove a tree located upon the terrace of any lot or parcel of property located within the city shall, before removal of such tree, secure a permit from the city clerk. There shall be no fee for the issuance of such permit.

(A) All persons desiring to remove a tree located upon the terrace of any lot or parcel of property located within the City shall, ~~prior to before~~ removal of ~~said~~ tree, secure a permit from the ~~City Clerk~~ city clerk. There shall be no fee for the issuance of ~~said~~ permit.

(B) The holder of such permit shall, within a reasonable time after the removal of said tree or trees, remove any resulting stump or stumps at the permit holder's expense.

(B) The holder of such permit shall, within a reasonable time after the removal of such tree or trees, remove any resulting stump or stumps at the permit holder's expense.

(B) The holder of such permit shall, within a reasonable time after the removal of ~~said~~ tree or trees, remove any resulting stump or stumps at the permit holder's expense.

(C) A person who violates any provision of this Section shall be subject to a Class 5 forfeiture. (12-17-91)

(C) A person who violates any provision of this section shall upon conviction be subject to a Class 5 forfeiture.

(C) A person who violates any provision of this ~~S~~ section shall upon conviction be subject to a Class 5 forfeiture. ~~(12-17-91)~~

11-4-4: Activities of utility companies controlled:

11-4-4: Activities of utility companies controlled: Public utilities, under the supervision and direction of the city forester, are authorized to trim trees upon and overhanging the streets, avenues, alleys, highways, sidewalks and other public lands in the city, to prevent the branches of such trees from coming in contact with wires and cables. Under the supervision and direction of the city forester, such utilities are authorized to cut roots of trees and shrubs under the streets, avenues, alleys,

11-4-4: Activities of utility companies controlled:

Public utilities, under the supervision and direction of the City Forester, are authorized to trim trees upon and overhanging the streets, avenues, alleys, highways, sidewalks and other public lands in the City, to prevent the branches of such trees from coming in contact with wires and cables. Under the supervision and direction of the City Forester, such utilities are authorized to cut roots of

Public utilities, under the supervision and direction of the City Forester city forester, are authorized to trim trees upon and overhanging the streets, avenues, alleys, highways, sidewalks and other public lands in the City, to prevent the branches of such trees from coming in contact with wires and cables. Under the supervision and direction of the ~~City Forester~~ city forester, such utilities are

Monroe City Code Codification Before and After Worksheet: Title 11

**-A-
No changes other than new ordinances**

**-B-
Includes all changes to October 30, 2015**

**-C-
-A- compared to -B- with Microsoft Word comparison utility**

trees and shrubs under the streets, avenues, alleys, highways, sidewalks and other public lands in the City, in order to construct, maintain and operate their facilities in and about the City. (1969 Code, secs. 9:15, 9:16; amd. 1977 Code)

11-4-5: Violation, penalty:

Except as expressly noted elsewhere in this Chapter, a person who violates any provision of this Chapter shall be subject to a Class 3 forfeiture. (12-17-91)

**TITLE 11
PUBLIC WAYS AND PROPERTY**

Chapter 5

Diseased or Infested Elm, Oak and Ash Trees

- 11-5-1 Finding:
- 11-5-2 Public Nuisances Declared
- 11-5-3 Nuisances Prohibited
- 11-5-4 Inspection
- 11-5-5 Abatement of Nuisances
- 11-5-6 Assessment of Costs of Abatement
- 11-5-7 Transporting of Wood Prohibited
- 11-5-8 Removal or Pruning of Oak Trees Prohibited
- 11-5-9 Interference With City Forester Prohibited
- 11-5-10 Penalty

11-5-1. Finding: The Council of the City of Monroe hereby finds that the health of elm, oak and ash trees within the City of Monroe is threatened by invasive diseases and pests, including a fatal disease known as Dutch elm disease, a fatal disease known as oak wilt disease and the Emerald Ash Borer, an exotic wood boring beetle that only feeds on ash trees.

highways, sidewalks and other public lands in the city, to construct, maintain and operate their facilities in and about the city.

11-4-5: Violation, Penalty: Except as expressly noted elsewhere in this chapter, a person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 11-4 history: Reviewed October 20, 2015

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 5: DISEASED OR INFESTED ELM, OAK AND ASH TREES

- 11-5-1 Finding:
- 11-5-2 Public nuisances declared
- 11-5-3 Nuisances prohibited
- 11-5-4 Inspection
- 11-5-5 Abatement of nuisances
- 11-5-6 Assessment of costs of abatement
- 11-5-7 Transporting of wood prohibited
- 11-5-8 Removal or pruning of oak trees prohibited
- 11-5-9 Interference with city forester prohibited
- 11-5-10 Penalty

11-5-1: Finding: The council hereby finds that the health of elm, oak and ash trees within the city is threatened by invasive diseases and pests, including a fatal disease known as Dutch elm disease, a fatal disease known as oak wilt disease and the Emerald Ash Borer, an exotic wood boring beetle that only feeds on ash trees.

authorized to cut roots of trees and shrubs under the streets, avenues, alleys, highways, sidewalks and other public lands in the ~~City, in order~~city, to construct, maintain and operate their facilities in and about the ~~City. (1969 Code, secs. 9:15, 9:16; amd. 1977 Code)~~city.

11-4-5: Violation, ~~p~~Penalty:

~~Except as expressly noted elsewhere in this C~~chapter, a person who violates any provision of this ~~C~~chapter shall ~~upon conviction~~ be subject to a Class 3 forfeiture. ~~(12-17-91)~~_

Chap. 11-4 history: Reviewed October 20, 2015

**TITLE 11
: PUBLIC WAYS AND PROPERTY**

Chapter 5

~~Diseased or Infested Elm, Oak and Ash Trees:~~
DISEASED OR INFESTED ELM, OAK AND ASH TREES

- 11-5-1 Finding:
- 11-5-2 Public ~~Nuisances Declared~~nuisances declared
- 11-5-3 Nuisances ~~P~~prohibited
- 11-5-4 Inspection
- 11-5-5 Abatement of ~~N~~nuisances
- 11-5-6 Assessment of ~~C~~costs of ~~A~~abatement
- 11-5-7 Transporting of ~~Wood Prohibited~~wood prohibited
- 11-5-8 Removal or ~~P~~pruning of ~~Oak Trees Prohibited~~oak trees prohibited
- 11-5-9 Interference ~~With City Forester Prohibited~~with city forester prohibited
- 11-5-10 Penalty

11-5-1: Finding: The ~~Council of the City of Monroe~~council hereby finds that the health of elm, oak and ash trees within the ~~City of Monroe~~city is threatened by invasive diseases and pests, including a fatal disease known as Dutch elm disease, a fatal disease known as oak wilt disease and the Emerald Ash Borer, an exotic wood boring beetle that only feeds on ash trees.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

11-5-2. Public Nuisances Declared: The following are hereby declared to be a public nuisance:

(A) Infected or Infested Elm Trees or Elm Wood. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus Ceratocystis ulmi (Buisman) or Ophiostoma ulmi or infested by any of the elm bark beetles Scolytus multistriatus (Marsh) or Hylurgopinus rufipes (Eichh) or any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or properly treated with an effective elm bark beetle destroying insecticide.

(B) Infected Oak Trees or Oak Wood. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus Ceratocystis fagacearum or any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(C) Infested Ash Trees or Ash Wood. Any living or standing ash tree or part thereof infested with any Emerald Ash Borer beetles Agrilus planipennis or any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or otherwise disposed of in a manner that destroys any Emerald Ash Borer beetles that may be present.

11-5-3. Nuisances Prohibited: No person or entity shall permit any public nuisance as defined in this Chapter to remain on any premises owned or controlled by such person or entity within the City.

11-5-4. Inspection: Following receipt of a complaint, or upon his or her own initiative, the City Forester shall inspect or cause to be inspected any property within the City to determine whether a public nuisance as defined in this Chapter exists thereon.

11-5-5. Abatement of Nuisances:

11-5-2: Public nuisances declared: The following are hereby declared to be a public nuisance:

(A) Infected or infested elm trees or elm wood. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus Ceratocystis ulmi (Buisman) or Ophiostoma ulmi or infested by any of the elm bark beetles Scolytus multistriatus (Marsh) or Hylurgopinus rufipes (Eichh) or any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or properly treated with an effective elm bark beetle destroying insecticide.

(B) Infected oak trees or oak wood. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus Ceratocystis fagacearum or any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(C) Infested ash trees or ash wood. Any living or standing ash tree or part thereof infested with any Emerald Ash Borer beetles Agrilus planipennis or any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or otherwise disposed of in a manner that destroys any Emerald Ash Borer beetles that may be present.

11-5-3: Nuisances prohibited: No person or entity shall permit any public nuisance as defined in this chapter to remain on any premises owned or controlled by such person or entity within the city.

11-5-4: Inspection: Following receipt of a complaint, or upon his or her own initiative, the city forester shall inspect or cause to be inspected any property within the city to determine whether a public nuisance as defined in this chapter exists thereon.

11-5-5: Abatement of nuisances:

11-5-2: Public ~~Nuisances Declared~~nuisances declared: The following are hereby declared to be a public nuisance:

(A) Infected or ~~Infested Elm Trees~~infested elm trees or ~~Elm Wood~~elm wood. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus Ceratocystis ulmi (Buisman) or Ophiostoma ulmi or infested by any of the elm bark beetles Scolytus multistriatus (Marsh) or Hylurgopinus rufipes (Eichh) or any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or properly treated with an effective elm bark beetle destroying insecticide.

(B) Infected ~~Oak Trees~~oak trees or ~~Oak Wood~~oak wood. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus Ceratocystis fagacearum or any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(C) Infested ~~Ash Trees~~ash trees or ~~Ash Wood~~ash wood. Any living or standing ash tree or part thereof infested with any Emerald Ash Borer beetles Agrilus planipennis or any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or otherwise disposed of in a manner that destroys any Emerald Ash Borer beetles that may be present.

11-5-3: Nuisances ~~P~~rohibited: No person or entity shall permit any public nuisance as defined in this ~~C~~hapter to remain on any premises owned or controlled by such person or entity within the ~~C~~ity.

11-5-4: Inspection: Following receipt of a complaint, or upon his or her own initiative, the ~~City Forester~~city forester shall inspect or cause to be inspected any property within the ~~C~~ity to determine whether a public nuisance as defined in this ~~C~~hapter exists thereon.

11-5-5: Abatement of ~~N~~uisances:

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

(A) Public Property. If the City Forester, upon inspection or examination, shall determine that any public nuisance as defined in this Chapter exists in or upon any public street, alley, park or other public place within the City, including the terrace strip between curb and lot line, he or she shall immediately abate such public nuisance in such manner as to destroy or prevent as fully as possible the spread of the disease or the insects that have caused such public nuisance.

(A) Public property. If the city forester, upon inspection or examination, shall determine that any public nuisance as defined in this chapter exists in or upon any public street, alley, park or other public place within the city, including the terrace strip between curb and lot line, he or she shall immediately abate such public nuisance in such manner as to destroy or prevent as fully as possible the spread of the disease or the insects that have caused such public nuisance.

(A) Public Pproperty. If the City-Forestercity forester, upon inspection or examination, shall determine that any public nuisance as defined in this Cchapter exists in or upon any public street, alley, park or other public place within the Ccity, including the terrace strip between curb and lot line, he or she shall immediately abate such public nuisance in such manner as to destroy or prevent as fully as possible the spread of the disease or the insects that have caused such public nuisance.

(B) Private Property. If the City Forester shall determine with reasonable certainty that any public nuisance as defined in this Chapter exists in or upon private property, the City Forester shall report the existence of such public nuisance to the Board of Park and Recreation Commissioners. If the Board of Park and Recreation Commissioners determines that such nuisance exists, it shall set a date and time for a hearing, the objective of which shall be to determine if an order should be made to abate such nuisance.

(B) Private property. If the city forester shall determine with reasonable certainty that any public nuisance as defined in this chapter exists in or upon private property, the city forester shall report the existence of such public nuisance to the board of park and recreation commissioners. If the board of park and recreation commissioners determines that such nuisance exists, it shall set a date and time for a hearing, the objective of which shall be to determine if an order should be made to abate such nuisance.

(B) Private Pproperty. If the City-Forestercity forester shall determine with reasonable certainty that any public nuisance as defined in this Cchapter exists in or upon private property, the City-Forestercity forester shall report the existence of such public nuisance to the Bboard of Ppark and Recreation Commissioners-recreation commissioners. If the Bboard of Ppark and Recreation Commissioners-recreation commissioners determines that such nuisance exists, it shall set a date and time for a hearing, the objective of which shall be to determine if an order should be made to abate such nuisance.

1. Notice of Hearing. Notice of the date, time and location of such hearing shall be mailed, not less than 14 days prior to the hearing, via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists. If the owner is not known and cannot be determined with reasonable diligence such notice shall be issued to the tenant or other person or entity occupying such property. The notice shall state that the Board of Park and Recreation Commissioners has found that a nuisance as defined in this Chapter exists on such property and proposes to order abatement of such nuisance and the manner in which such abatement will be accomplished. The notice shall specify the general location and number of trees logs, branches, stumps, firewood or other material constituting the nuisance on the property.

1. Notice of hearing. Notice of the date, time and location of such hearing shall be mailed, not less than 14 days before the hearing, via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists. If the owner is not known and cannot be determined with reasonable diligence such notice shall be issued to the tenant or other person or entity occupying such property. The notice shall state that the board of park and recreation commissioners has found that a nuisance as defined in this chapter exists on such property and proposes to order abatement of such nuisance and how such abatement will be accomplished. The notice shall specify the general location and number of trees logs, branches, stumps, firewood or other material constituting the nuisance on the property.

1. Notice of Hhearing. Notice of the date, time and location of such hearing shall be mailed, not less than 14 days prior-to-before the hearing, via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists. If the owner is not known and cannot be determined with reasonable diligence such notice shall be issued to the tenant or other person or entity occupying such property. The notice shall state that the Bboard of Ppark and Recreation Commissioners-recreation commissioners has found that a nuisance as defined in this Cchapter exists on such property and proposes to order abatement of such nuisance and the-manner-in-which-how such abatement will be accomplished. The notice shall specify the general location and number of trees logs, branches, stumps, firewood or other material constituting the nuisance on the property.

2. Hearing Procedures. The owner, tenant, or an authorized agent of either, may appear at the hearing and

2. Hearing procedures. The owner, tenant, or an authorized agent of either, may appear at the hearing and

2. Hearing Pprocedures. The owner, tenant, or an authorized agent of either, may appear at the hearing and

Monroe City Code Codification Before and After Worksheet: Title 11

-A-
No changes other than new ordinances

-B-
Includes all changes to October 30, 2015

-C-
-A- compared to -B- with Microsoft Word comparison utility

shall have the opportunity to provide evidence relevant to the issues before the Board of Park and Recreation Commissioners. If the Board of Park and Recreation Commissioners finds that a nuisance as defined in this Chapter exists it shall order the abatement of such nuisance and the City Forester shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable period of time as specified in the notice. The notice shall include the method or methods by which the nuisance shall be abated and the proper method or methods of disposal of such trees or parts thereof, logs, branches, stumps, firewood or other material constituting the nuisance, and that failure to abate the nuisance as so ordered will result in the City abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching such notice to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists.

shall have the opportunity to provide evidence relevant to the issues before the board of park and recreation commissioners. If the board of park and recreation commissioners finds that a nuisance as defined in this chapter exists it shall order the abatement of such nuisance and the city forester shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable time as specified in the notice. The notice shall include the method or methods by which the nuisance shall be abated and the proper method or methods of disposal of such trees or parts thereof, logs, branches, stumps, firewood or other material constituting the nuisance, and that failure to abate the nuisance as so ordered will result in the city abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching such notice to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists.

shall have the opportunity to provide evidence relevant to the issues before the ~~B~~board of ~~P~~park and ~~Recreation Commissioners-recreation commissioners~~. If the ~~B~~board of ~~P~~park and ~~Recreation Commissionersrecreation commissioners~~ finds that a nuisance as defined in this ~~C~~chapter exists it shall order the abatement of such nuisance and the ~~C~~ity Forester~~city forester~~ shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable ~~period-of~~time as specified in the notice. The notice shall include the method or methods by which the nuisance shall be abated and the proper method or methods of disposal of such trees or parts thereof, logs, branches, stumps, firewood or other material constituting the nuisance, and that failure to abate the nuisance as so ordered will result in the ~~C~~city abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching such notice to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists.

(C) Appeal to Council. If the property owner wishes to appeal the decision of the Board of Park and Recreation Commissioners or the methods required by the City Forester to abate the nuisance, the property owner may appeal such decision to the Council. Such appeal shall be made by filing a notice of appeal with the City Clerk within 10 business days following service of the written notice issued by the City Forester directing abatement of the nuisance. Within 30 days following receipt of such notice of appeal by the City Clerk, the Council shall review the decision of the Board of Park and Recreation Commissioners or the City Forester, or both, and may affirm, deny or modify such decision. If the decision is modified, the Council shall file its decision with the City Clerk within 7 days following the meeting where the appeal was considered. The Council's decision shall state the specific facts and reasons which are the basis for its decision to modify a decision of the Board of Park and Recreation Commissioners or the City Forester. The Council may, but shall not be compelled to, afford the party appealing an opportunity to be heard before the

(C) Appeal to council. If the property owner wishes to appeal the decision of the board of park and recreation commissioners or the methods required by the city forester to abate the nuisance, the property owner may appeal such decision to the council. Such appeal shall be made by filing a notice of appeal with the city clerk within 10 business days following service of the written notice issued by the city forester directing abatement of the nuisance. Within 30 days following receipt of such notice of appeal by the city clerk, the council shall review the decision of the board of park and recreation commissioners or the city forester, or both, and may affirm, deny or modify such decision. If the decision is modified, the council shall file its decision with the city clerk within 7 days following the meeting where the appeal was considered. The council's decision shall state the specific facts and reasons which are the basis for its decision to modify a decision of the board of park and recreation commissioners or the city forester. The council may, but shall not be compelled to, afford the party appealing an opportunity to be heard before the council

(C) Appeal to ~~C~~council. If the property owner wishes to appeal the decision of the ~~B~~board of ~~P~~park and ~~Recreation Commissionersrecreation commissioners~~ or the methods required by the ~~C~~ity Forester~~city forester~~ to abate the nuisance, the property owner may appeal such decision to the ~~C~~council. Such appeal shall be made by filing a notice of appeal with the ~~C~~ity Clerk~~city clerk~~ within 10 business days following service of the written notice issued by the ~~C~~ity Forester~~city forester~~ directing abatement of the nuisance. Within 30 days following receipt of such notice of appeal by the ~~C~~ity Clerk~~city clerk~~, the ~~C~~council shall review the decision of the ~~B~~board of ~~P~~park and ~~Recreation Commissionersrecreation commissioners~~ or the ~~C~~ity Forester~~city forester~~, or both, and may affirm, deny or modify such decision. If the decision is modified, the ~~C~~council shall file its decision with the ~~C~~ity Clerk~~city clerk~~ within 7 days following the meeting where the appeal was considered. The ~~C~~council's decision shall state the specific facts and reasons which are the basis for its decision to modify a decision of the ~~B~~board of ~~P~~park and ~~Recreation~~

Monroe City Code Codification Before and After Worksheet: Title 11

**-A-
No changes other than new ordinances**

**-B-
Includes all changes to October 30, 2015**

**-C-
-A- compared to -B- with Microsoft Word comparison utility**

Council acts on an appeal.

acts on an appeal.

~~Commissioners~~recreation commissioners or the ~~City Forester~~city forester. The ~~C~~council may, but shall not be compelled to, afford the party appealing an opportunity to be heard before the ~~C~~council acts on an appeal.

(D) Abatement by City. If any public nuisance as defined in this Chapter is not abated within the time allowed, the City Forester may cause the same to be abated. No damages shall be awarded to the property owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood, or any part thereof, resulting from such abatement.

(D) Abatement by city. If any public nuisance as defined in this chapter is not abated within the time allowed, the city forester may cause the same to be abated. No damages shall be awarded to the property owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood, or any part thereof, resulting from such abatement.

(D) Abatement by ~~C~~city. If any public nuisance as defined in this ~~C~~chapter is not abated within the time allowed, the ~~City Forester~~city forester may cause the same to be abated. No damages shall be awarded to the property owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood, or any part thereof, resulting from such abatement.

11-5-6. Assessment of Costs of Abatement:

11-5-6: Assessment of costs of abatement:

11-5-6: Assessment of ~~C~~costs of ~~A~~abatement:

(A) Special Charge. Costs of abating any public nuisance as defined in this Chapter may be chargeable to and imposed as a special charge against the property upon which the nuisance existed. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the City.

(A) Special charge. Costs of abating any public nuisance as defined in this chapter may be chargeable to and imposed as a special charge against the property upon which the nuisance existed. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the city.

(A) Special ~~C~~charge. Costs of abating any public nuisance as defined in this ~~C~~chapter may be chargeable to and imposed as a special charge against the property upon which the nuisance existed. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the ~~C~~city.

(B) Records and Report. The City Forester shall keep strict account of the costs of work done to abate a nuisance as defined in this Chapter for which special charges are to be made, the description of the land, lots, parts of lots or parcels of land upon which such work was done and the amount chargeable to each. The City Forester shall report to the Council the aggregate amounts chargeable to each lot or parcel.

(B) Records and report. The city forester shall keep strict account of the costs of work done to abate a nuisance as defined in this chapter for which special charges are to be made, the description of the land, lots, parts of lots or parcels of land upon which such work was done and the amount chargeable to each. The city forester shall report to the council the aggregate amounts chargeable to each lot or parcel.

(B) Records and ~~R~~report. The ~~City Forester~~city forester shall keep strict account of the costs of work done to abate a nuisance as defined in this ~~C~~chapter for which special charges are to be made, the description of the land, lots, parts of lots or parcels of land upon which such work was done and the amount chargeable to each. The ~~City Forester~~city forester shall report to the ~~C~~council the aggregate amounts chargeable to each lot or parcel.

11-5-7. Transporting of Wood Prohibited. No person or entity shall transport within the City any bark bearing diseased elm wood, diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the City Forester.

11-5-7: Transporting of wood prohibited: No person or entity shall transport within the city any bark bearing diseased elm wood, diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the city forester.

11-5-7: Transporting of ~~Wood Prohibited~~wood prohibited: No person or entity shall transport within the ~~C~~city any bark bearing diseased elm wood, diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the ~~City Forester~~city forester.

11-5-8. Removal or Pruning of Oak Trees Prohibited. No person or entity shall remove, trim or prune any oak tree or portion thereof between April 1 and August 15 without first securing the written permission of the City Forester.

11-5-8: Removal or pruning of oak trees prohibited: No person or entity shall remove, trim or prune any oak tree or portion thereof between April 1 and August 15 without first securing the written permission of the city forester.

11-5-8: Removal or ~~P~~pruning of ~~Oak Trees Prohibited~~oak trees prohibited: No person or entity shall remove, trim or prune any oak tree or portion thereof between April 1 and August 15 without first securing the written permission of the ~~City Forester~~city forester.

Monroe City Code Codification Before and After Worksheet: Title 11

-A-

No changes other than new ordinances

-B-

Includes all changes to October 30, 2015

-C-

-A- compared to -B- with Microsoft Word comparison utility

11-5-9. Interference With City Forester Prohibited. No person or entity shall prevent, delay or interfere with the City Forester, or any City agents or employees working under the direction of the City Forester, while they are engaged in the performance of duties imposed by this Chapter.

11-5-10. Penalty. A person or entity that violates any provision of this chapter shall be subject to a Class 3 forfeiture. 2013-08-20

11-5-9: Interference with city forester prohibited: No person or entity shall prevent, delay or interfere with the city forester, or any city agents or employees working under the direction of the city forester, while they are engaged in the performance of duties imposed by this chapter.

11-5-10: Penalty. A person or entity that violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 11-5 history: Reviewed October 30, 2015

11-5-9: Interference ~~With City Forester Prohibited,with city forester prohibited:~~ No person or entity shall prevent, delay or interfere with the ~~City Forester~~city forester, or any ~~C~~city agents or employees working under the direction of the ~~City Forester~~city forester, while they are engaged in the performance of duties imposed by this ~~C~~chapter.

11-5-10: Penalty. A person or entity that violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture. ~~2013-08-20~~__

Chap. 11-5 history: Reviewed October 30, 2015