

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

STREETS EXCAVATIONS

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12.04.010 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section.

"Applicant" means any person making written application to the town clerk for excavation permit hereunder.

"Contractor" means any person who has been granted and has in full force and effect an excavation permit issued hereunder.

"Excavation work" means the excavation and other work permitted under an excavation permit and required to be performed under this chapter, and where a trencher, backhoe, boring machine, jackhammer, cable plow or any other methods or equipment are used to do such work.

"Street" means any street, highway, alley, avenue, curb and gutter, or other public way or public grounds, excepting sidewalks in the town. (Ord. 86-3 §1(part), 1886)

12.04.020 Permit required. It is unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or sidewalk to make or cause to be made any excavation in or under the surface of any street or sidewalk or to place, deposit or leave upon any street or sidewalk any dirt or other excavated material obstructing or tending to interfere with the free use of the street or sidewalk unless such person shall first have obtained an excavation permit therefore from the town clerk as provided in this chapter. This section shall not pertain to nor require the town to obtain a permit to work on or under any town street or sidewalk or otherwise comply with the provisions of this chapter. (Ord. 86-3 §1(part), 1986)

12.04.025 Restrictions. The Town may adopt, by Resolution, restrictions and limitations on the use, retention or acquisition of an excavation permit including, but not limited to, restrictions on who may receive such a permit based on past excavations, manner of excavation restrictions, and seasonal and temporal restrictions. It shall be unlawful to utilize an excavation permit in a manner contrary to such adopted restrictions, and the Town retains all rights to enforce such restrictions by any lawful means, at law or equity. (Ord. 2011-01)

12.04.030 Application--Required clearances from utilities. No excavation permit shall be issued unless a written application for the issuance of any excavation permit is submitted to the town clerk. Before a permit may be issued, the application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of the commencement of the work and approximate completion date. The contractor shall request any necessary locates from the utility companies or otherwise maintain satisfactory clearances from gas, water, sewer, telephone or other facilities so such utilities will not be damaged or existing services interfered with. (Ord. 86-3 §1(part) , 1986)

12.04.040 Letter of credit or cash bond, insurance.

A. Before any person, firm, corporation, partnership, company, association or agency shall do any work as permitted by this chapter, a letter of credit in an amount of thirty dollars (\$30.00) per lineal foot of excavation, but in no case less than five hundred dollars (\$500.00) issued by a bank within this state shall be filed with the town clerk guaranteeing faithful compliance with this chapter. Before acceptance the letter of credit shall be approved by the town attorney. A certified check or cash bond in the same amount may be deposited with the Town Clerk in lieu of the letter of credit. Said security shall be held for a period of time not to exceed one year from the accepted completion of the work. Accepted completion is subject to any and all conditions set forth in this chapter. At any time this security may be forfeited in writing by the person or entity posting the security. In such event the town will proceed to complete the necessary repairs.

B. Any person or contractor, prior to commencing excavation under this chapter, shall furnish the town satisfactory written evidence that they have in full force and will maintain in full force during the period of excavation, public liability insurance coverage of not less than one hundred thousand dollars (\$100,000.00) per person and five hundred thousand dollars (\$500,000.00) per occurrence, and property damage insurance coverage of not less than one hundred thousand dollars (\$100,000.00) per occurrence. Said policies shall name the town as an additional insured.

12.04.050 Permit fees and construction charges.

A. A non-refundable fee of ten dollars (\$10.00) per running foot of excavation, but in no case less than five hundred dollars (\$500.00) shall be collected by the town clerk for issuance of a required excavation permit.

B. Whenever, in the opinion of the town, it would be in the best interests of the town for the town to replace or repair the street or sidewalk surface or pavement cut, dug up, damaged, tunneled under, undermined, or in any way altered under the provisions of this chapter, such work will be done by the town under the supervision of an authorized agent of the town, or by a person under contract with the town and under the supervision of an authorized agent of the town, the town shall require a nonrefundable cash payment at the time of issuance of the excavation permit in the amount of thirty dollars (\$30.00) per running foot of excavation but in no case less than five hundred dollars (\$500.00) to cover the costs of restoring the street or sidewalk to the standard repair detail prepared by the town engineer.

12.04.060 Emergency procedure. In the event of an emergency arising whereby excavation is made and no permit has been issued, then the person doing the excavation shall, as soon as possible, report same to the town clerk, not later than the next working day, securing the permit therefore. (Ord. 86-3 §1(part) , 1986)

12.04.070 Performance of work. All work performed pursuant to the issuance of an excavation permit shall be done as follows:

A. All cuts of the asphalt pavement or concrete sidewalk shall be made in a neat and workmanlike manner with the edge of the cut vertical and any necessary corners shall be at right angles. All cuts of graveled surfaces shall be made in as neat and workmanlike manner as possible, with the edge of the cut vertical and any necessary corners shall be cut as close as possible to right angles. No random breaks or cuts will be permitted. The width of the trench excavation shall not be less than eighteen inches.

B. Upon completion of the work, the contractor shall remove all surplus construction materials and debris resulting from the work, leaving the entire site free, clean, and in a neat condition.

C. The contractor shall be responsible for restoring any pavement, graveled surface, curb, sidewalk or any other structure removed or damaged during the course of trenching activity, to its original condition or better. The contractor may be required by the town to place temporary patches or repairs as necessary to restore the traveled way during periods of the winter or during weather conditions which will not allow permanent repairs. Where extensive trench activity will be performed and the contractor wishes to delay permanent repairs until final stages of the project, the town may require temporary surface repairs. The contractor shall be required to backfill all street and sidewalk cuts and provide at least a temporary surface repair within twenty-four hours of opening such cut in any arterial street or forty-eight hours in any lesser street classification, unless otherwise allowed by the town. Upon backfilling any street or sidewalk cut and allowing access of such area to the public, the surface of such cut shall be maintained by the contractor until permanently restored.

D. For purposes of this section, a temporary repair shall be constructed and maintained of any material which is not permeable to water, does not become unstable from common use of the

particular area and provides a surface smoothness consistent with posted vehicle speed, and does not constitute a hazard to the public. (Ord. 86-3 §1(part) / 1986)

12.04.080 Notice to town. Prior to placing any backfill required by this chapter, the person making the replacement shall notify the town of his intent a sufficient time in advance to allow for inspection of the backfill. (Ord. 86-3 §1(part) / 1986)

12.04.090 Final acceptance. Pursuant to the inspection of the backfill, the town shall determine whether the utility cut patch is acceptable or not. When the town finds the patch acceptable, an authorized representative shall sign and date the portion of the approved excavation application. The date shown along with the signature is the beginning of the one-year warranty period. If the town finds the utility cut patch unacceptable, the town shall have the option of requiring the contractor to repair the patch, or doing the work and deducting the cost of the work from the surety posted with the town. The contractor will be held responsible for all defects occurring in the work performed during and after the one-year warranty period. The purpose of the one-year warranty period is to establish a maximum time period for which the security will be held and not to limit the liability of the contractor for the repair of faulty work. (Ord. 86-3 §1 (part), 1986)

12.04.100 Routing and control of traffic--Closing of streets.

A. The contractor shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions shall be maintained, as nearly normal as practicable, at all times. The contractor shall route and control traffic including his own vehicles as directed by the town police department or its successor.

B. The mayor may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary.

C. Excavations which traverse an arterial or collector street shall be limited to one-half the width of the street at anyone time, unless an emergency situation exists which requires that the entire width of the street be excavated. (Ord. 86-3 §1(part), 1986)

12.04.110 Barrier and warning lights around excavation. The contractor shall, when performing work pursuant to an excavation permit, maintain barricades and traffic control devices in accordance with Part VI, MUTCD "Traffic Controls for Street and Highway Repair and Maintenance." Barricades shall contain in letters at least four inches high the name of the person making such cut and such barricade shall be maintained until such cut, hole or trench is accepted by the town for refilling and restoration to original condition. Each person placing such barricade shall maintain a warning light(s), or automatic flashers on the barricades at night or periods of limited visibility, as provided in accordance with said Part VI of MUTCD. Comparable barricades and lights shall be required for all sidewalk cuts. (Ord. 86-3 §1(part), 1986)

12.04.120 Liability of town. This chapter shall not be construed as imposing upon the town or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work For which an excavation permit is issued hereunder; nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility)y reason of inspections authorized hereunder, the issuance)f any

permit or the approval of any excavation work. (Ord. 86-3 §1(part), 1986)

12.04.130 Violation--penalty. A. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

B. The imposition of any fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations through injunctions, mandamus or otherwise, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

C. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned by the town by reason of such violation and the town may institute appropriate civil action to recover any such expense or loss, together with reasonable attorney's fees and costs incurred by the town in bringing such action. (Ord. 86-3 §1 (part), 1986)

Chapter 12.08

STREET AND SIDEWALK USE REGULATIONS

Sections:

12.08.010 Obstruction of streets, alleys and sidewalks.

12.08.015 Maintenance of Public Throughways

12.08.020 Dumping in street prohibited.

12.08.010 Obstruction of streets, alleys and sidewalks. No person in the town shall in any manner encumber or obstruct any street, alley or sidewalk or erect or place any building in whole or in part upon any street, alley or sidewalk or any public grounds without first obtaining a permit from the town marshal. (Prior code §5-413)

12.08.015 Maintenance of public throughways.

A. No private owner, possessor, developer, leaseholder, or other person or entity controlling or charged with maintaining a street, byway, access route, or other way of conveyance used or intended to be used by the public for ingress, egress or travel, shall allow, either intentionally, recklessly or negligently, that way of conveyance to present a danger to, or inhibit the progress of any person or property, lawfully allowed to be present at that location. A danger to person or property shall include maintaining a way of conveyance in a manner likely to damage vehicles or hinder the progress of emergency vehicles.

B. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$750.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. The imposition of any fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations through injunctions,

mandamus or otherwise, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

D. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation and the town may institute appropriate civil action to recover any such expense or loss, together with reasonable attorney's fees and costs incurred by the town in bringing such action. (Ord. 2011-03)

12.08.020 Dumping in streets prohibited.

A. It shall be unlawful to dump, deposit, or pour any material, including water, within the public right-of-way of a street within the Town of Marbleton, or to dump, deposit, or pour any material on private property in such manner or in such quantity as to cause it to run into such public right-of-way.

B. A violation of this section is punishable by a fine of not more than \$750.00 for each occurrence. (Ord. 2004-4, 2004)

Chapter 10.10

PARKING REGULATIONS

12.10.010 Extended Parking in front of another's residence prohibited

12.10.020 Parking Preventing the removal of snow or ice

12.10.030 Parking preventing the operation, installation or repair of utilities

12.10.010 Extended parking in front of another's residence prohibited. No person or other entity shall park a vehicle, trailer, camper or other property in front of a residence of another for a period of more than five (5) hours without the express revocable consent of the owner and/or occupant. The five (5) hour limit is cumulative, and does not authorize the repeated use of the limited exception. Prohibited parking under this Ordinance includes property owned and/or licensed by the Town as a right-of-way.

12.10.020 Parking preventing the removal of snow or ice. No person or other entity shall place or keep a vehicle, trailer, camper or other property in a place or manner which prevents the safe and efficient removal of snow or ice from the Town's street's and/or sidewalks. Upon notice of the need to move such a vehicle by phone or notice placed on the vehicle or property, the owner shall immediately cause the property to be moved. Obstructive property, if necessary, may be moved by the Town at the owner's expense.

12.10.030 Parking preventing the operation, installation or repair of utilities. No person or other entity shall place or keep a vehicle, trailer, camper or other property in a place or manner which prevents the operation, installation or repair of utilities or other Town property or property of a Town franchisee. Upon notice of the need to move such a vehicle by phone or notice placed on the vehicle or property, the owner shall immediately cause the property to be moved. Obstructive property, if necessary, may be moved by the Town at the owner's expense.

Chapter 12.12

SNOW AND ICE REMOVAL

Sections:

- 12.12.010 Definitions.
- 12.12.020 Snow and ice to be removed from sidewalks by private persons.
- 12.12.025 Snow and ice to be removed from public thoroughways.
- 12.12.030 Depositing of snow and ice.
- 12.12.040 Violations--work done--liability.
- 12.12.050 Liability of town.
- 12.12.060 Violation; penalty.

12.12.010 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (Ord. 87-1 §1 (part), 1987)

12.12.020 Snow and ice to be removed from sidewalks by private persons. .

A. The owners, agents, lessees or occupants of any house, warehouse, store, shop, apartment house or any other building, and the owner or agent of any vacant lot or lots within the town shall keep the sidewalks in front of and adjoining such property clean, and after any fall of snow, shall cause the snow and all slush and ice to be immediately removed from the sidewalk fronting or adjacent to their respective property into the parkway or gutter of the street as provided in Section 12.12.030 of this chapter.

B. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe, and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned. (Ord. 87-1 §1 (part), 1987)

12.12.025 Snow and ice to be removed from public thoroughways. No private owner, possessor, developer, leaseholder, or other person or entity controlling or charged with maintaining a street, byway, access route, or other way of conveyance used or intended to be used by the public for ingress, egress or travel, shall fail to keep such conveyances free of snow, slush and ice as necessary to allow the safe use of said way of conveyance. If said way of conveyance cannot be maintained free of snow, slush and ice, said way of conveyance shall be salted, sanded or otherwise treated so as to allow the safe use of said way of conveyance. (Ord.2011-03)

12.12.030 -Depositing of snow and ice. No owner, agent, lessee or occupant shall deposit or cause to be deposited any snow and/or ice on or against a fire hydrant or on any sidewalk or street, except that snow and/or ice may be deposited within the parkway or gutter of the adjacent street, provided there is no adjacent private yard area upon which the snow and ice can be

deposited. If such adjacent private yard area is under the control of the owner, agent, lessee or occupant, the snow and ice shall be deposited thereon. (Ord. 87-1 §1 (part), 1987)

12.12.040 Violations--work done--liability.

A. In the event of the failure of any owner, agent, lessee or occupant to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as provided in this chapter, or cause this to be done, the mayor, maintenance supervisor or building inspector, as soon as practicable after such failure, shall have the authority to cause such work to be done by town personnel or by independent private persons or firms.

B. The mayor, maintenance supervisor or building inspector shall ascertain and keep a record of the exact cost of all work he may cause to be done or contracts to be done in accordance with this section on account of each act or omission of each owner, agent, lessee, or occupant.

C. Each owner, agent, lessee or occupant whose act or omission makes it necessary that the mayor, maintenance supervisor or building inspector cause work to be done or contract work to be done in accordance with this section shall be liable to the town for the cost of such work plus an amount equal to twenty percent of such costs for administration, record keeping and notice. (Ord. 87-1 §1 (part), 1987)

12.12.050 Liability of town. This chapter shall not be construed as imposing upon the town or any official or employee any liability or responsibility for damages to any person injured by the performance of any snow or ice removal work; nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of performing or causing to be performed any work required hereunder, nor shall they be liable should they elect not to cause any snow or ice to be removed. (Ord. 87-1 §1 (part), 1987)

12.12.060 Violation--Penalty.

A. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$750.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

B. The imposition of any fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations through injunctions, mandamus or otherwise, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

C. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation and the town may institute appropriate civil action to recover any such expense or loss, together with reasonable attorney's fees and costs incurred by the town in bringing such action. (Ord.87-1 §1(part),1987).

12.16.010 ,

Title 12

TREE AND PLANT REGULATION

Chapters:

12.16 Tree and Plant Regulation

Chapter 12.16

TREE AND PLANT REGULATION

Sections:

- 12.16.010 Applicability
- 12.16.020 Definitions
- 12.16.030 Tree Advisory Board
- 12.16.040 Tree Species
- 12.16.050 Spacing
- 12.16.060 Distance from Curb and Sidewalk
- 12.16.070 Streets and Utilities
- 12.16.080 Landscaping
- 12.16.090 Public Tree Care
- 12.16.100 Tree Toppings
- 12.16.110 Hazardous Trees on Private Property
- 12.16.120 Tree Removal on Public Land
- 12.16.130 Trees Already in Place
- 12.16.140 Interference with Public Officials
- 12.16.150 Penalties

12.16.010 Applicability. This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the Town; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein. (Ord. 98-5, 1998)

12.16.020 Definitions. As used in this Chapter, the following definitions apply:

- A. "Street trees" are trees on Town property lying between private property lines on either side of all streets, avenues, or ways within the Town.
- B. A "Tree" is any self-supporting woody plant together with its root system growing upon the earth, usually with one trunk of at least one inch in diameter and a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely formed crown. (Ord. 98-5, 1998)

12.16.030 Tree Advisory Board.

A. There is hereby created and established a Tree Advisory Board for the Town of Marbleton, which shall consist of five members, citizens and residents of this area, who shall be appointed by the Mayor with the approval of the Town Council. Members of the Board shall serve without compensation.

B. The term of the members of the Tree Board shall be three years, except that the initial term of two members shall be for one year and the term for two members shall be for two years. In the event a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor for the unexpired portion of the term.

C. The Tree Board shall develop and administer a comprehensive community tree management program for the care of trees on public property.

D. The Tree Board shall produce an annual work plan addressing-planting, watering, fertilization, removal of dead and hazardous trees, safety, fine pruning, and insect and disease control.

E. The Tree Board shall recommend to the Town Council needed action to carry out its annual work plan. Any such action approved by the Town Council shall be carried out by the Town. (Ord. 98-5, 1998)

12.16.040. Tree Species. Any trees which are hardy and adaptable to this altitude zone and recommended for growth in this area may be planted. Listings of trees recommended for growth in this area may be obtained from the Tree Advisory Board and from other public resources known to the Tree Advisory Board. The Tree Advisory Board will provide upon request, information and advice concerning tree species selection, care and planting of trees and other related information. (Ord. 98-5, 1998)

12.16.050. Spacing. The spacing of street trees will be in accordance with the recommendations of the Agricultural Extension Service, University of Wyoming, Laramie, Wyoming, or from the local County Extension Agent for the particular type of tree to be planted. Consideration shall be given for special plantings designed or approved by a landscape architect, landscape designer, or person engaged in the field of landscape contracting. (Ord. 98-5, 1998)

12.16.060. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species and size of tree to be planted. No trees may be planted closer to any curb or sidewalk than the following, unless a root barrier is used:

- A. For small trees, two feet.
- B. For medium trees, three feet.
- C. Large trees, four feet.

(Ord. 98-5, 19913)

12.16.070 Streets and Utilities.

A. No trees, other than small trees, may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

B. No street tree shall be planted closer than 30 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.

C. No street tree shall be planted closer than ten feet of any fire hydrant or street light.
(Ord. 98-5, 1998).

12.16.080 Landscaping. In new subdivisions or when the development of commercial property occurs, the Town Council upon recommendation of the Planning and Zoning Commission may require trees to be planted in any of the streets, parking lots, parks and other public places contained on the plat of lands henceforth developed and/or subdivided. (Ord. 98-5, 1998)

12.16.090. Public Tree Care. The Town shall have the right, but does not have the obligation to plant, prune, spray, preserve and remove trees and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve the symmetry and beauty of such public grounds. The Town may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, other public improvements, or is affected by any injurious fungus, insect or other pest. (Ord. 98-5, 1998)

12.16.100. Tree Toppings. It shall be unlawful as a normal practice for any person, firm or Town Department to top any street tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy to disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Town. (Ord. 98-5, 1998)

12.16.110. Hazardous Trees on Private Property.

A. Upon the discovery of any tree which constitutes hazard to life or property or of any destructive or communicable disease or other 'pestilence which endangers the growth or health of trees, or threatens to spread disease of insect infestations, the Town shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owners.

B. The Town through its designee has the authority to enter onto private property whereon there is located any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb {s) that obstruct street lights, traffic signs, or the free passage of pedestrians or vehicles; or a tree that poses a threat to safety, and to require the property owner to abate such condition or conditions. In the event of failure of owners to abate, the Town shall have the authority to abate such condition and charge the cost of abatement to the owners. (Ord. 98-5, 1998)

12.16.120. Tree Removal on Public Land. It shall be unlawful for any person, either for himself or another, to remove, destroy or cause to be destroyed any tree in or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town, without having first obtained a written permit thereof. Any person desiring a permit to remove a tree, as required by this Section, shall submit a written application to the Tree Advisory Board for each tree or groups of trees per location. Such application shall be set forth the name and address of the applicant and owner, the name and address of the person doing the work, the kind of species of tree to be removed, location, of the tree, purpose of tree removal and landscape or site plan if possible. The Town Council may grant a removal permit upon recommendation by the Tree Advisory Board, which permit may contain such conditions as the Town Council may determine in the best interest of the Town in accordance with this Chapter. (Ord. 98-5, 1998)

12.16.130. Trees Already in Place. Trees already in place and growing at the effective date of this Chapter shall be exempt from Sections 12.16.040 through 12.16.070. Any replacement trees will be governed by said Sections. (Ord. 98-5, 1998)

12.16.140. Interference with Public Officials. It shall be unlawful for any person to prevent, delay or interfere with the Town, the Tree Advisory Board, or any other of their agents or servants, while engaging in planting, cultivating, mulching, pruning, spraying or removing of any street trees on private grounds, as authorized in this Chapter. (Ord. 98-5, 1998)

12.16.150 Penalties. Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$750.00 for each separate offense, with the understanding that the Municipal Judge may order as part of any fine that a replacement tree be purchased and planted at the direction of the Tree Advisory Board. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. (Ord. 98-5, 1998)