

## CHAPTER THREE

### PUBLIC PLACES AND PROPERTY

#### ARTICLE 1 - CONSTRUCTION AND REPAIR

##### 3.0101 Construction and Repair - Permits

It shall be unlawful to construct, reconstruct, alter, grade or repair any public street, concrete sidewalk, driveway, curbs or gutters without having first secured a permit therefor, unless said work is performed by the city contractor. Applications for such permits shall be made to the City and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. The work will conform to the ordinances of the City.

Source: Section 40-05-01 (8) NDCC.

##### 3.0102 Specifications

All construction, maintenance, and repair herein shall be made in conformity with specifications by the City Council or City Engineer.

Source: City of Medora Ordinances of 1970 and Section 40-05-01 (8) NDCC

##### 3.0103 Application for Permit

An applicant for a permit hereunder shall file with the City Auditor or City Council an application showing:

1. Name and address of owner or agent in charge of the property abutting the proposed work area;
2. Name and address of the party doing the work;
3. Location of the work area;
4. Attached plans or sufficient sketches showing details of the proposed alterations;
5. Estimated cost of the alterations; and

6. Such other information as the City Council shall find reasonably necessary to the determination whether a permit should be issued hereunder.

Source: City of Medora Ordinances of 1970 and Section 40-05-01 (8) NDCC

3.0104        Standards for Issuance of Permit

The City Council shall issue a permit hereunder when he finds that:

1. The work will be done according to the standard specifications of the city for public work of like character;
2. The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties; and
3. The health, welfare, and safety of the public will not be unreasonably impaired.

The City Council shall have the power to establish appropriate fees for the permits required hereunder by resolution or ordinance.

Source: City of Medora Ordinances of 1970 and Section 40-05-01 (8) NDCC

3.0105        Duty of Owner to Maintain - Sidewalks

The owner of any lot or parcel of land adjoining any street, lane, or alley in the city shall construct, reconstruct, and maintain in good repair such sidewalks along the street, lane, or alley adjacent to his lot or parcel of land as have been constructed by the city or as have been ordered constructed by the ordinance. Such sidewalks shall be of the material and width and upon the place and grade specified by the City. Should any such owner fail to construct, reconstruct, and maintain such sidewalks, the City Council shall direct him or her to make such construction, reconstruction, or make such repairs as may be necessary to maintain such sidewalk in a safe condition. Should he or she fail, within a reasonable time, to follow the directions of the City Council, the Council shall then proceed as provided by the laws of the State of North Dakota.

Source: Sections 40-29-01 and 40-29-02 NDCC

3.0106        Sidewalks Built to Grade Specifications

All sidewalks shall be constructed in accordance with the elevations and grade therefor to be furnished by the City Engineer and shall be constructed under his direction and supervision. All sidewalks shall meet the following requirements:

1. All sidewalks shall be constructed of concrete except as otherwise allowed or permitted under the Historical Integrity Zoning Ordinance;
2. All sidewalks in residential areas shall be constructed not less than five (5) feet in width and shall have a minimum slope one-fourth (1/4) inch per foot from the inside edge toward the street;
3. All concrete sidewalks shall be at least four (4) inches in thickness;
4. All sidewalks shall be laid out as follows:
  - a. In locations where the right-of-way is sixty (60) feet or less, the sidewalks shall be constructed on the property line;
  - b. In locations where the right-of-way is greater than sixty (60) feet, the sidewalk shall be constructed eighteen (18) inches out from the property line;
  - c. In no case in the residential district shall the sidewalk be constructed adjacent to the curb unless right-of-way and topographic features require it.
  - d. Notwithstanding any other provision herein, all sidewalks shall be set out so they are in conformity with existing sidewalks to which they may attach.
5. All sidewalks in commercial and/or industrial districts shall be constructed from the property line to the back of the curb and the width of sidewalk shall

be governed by the width of street.

Source: Section 40-29-01 NDCC and Chapter 40-29 NDCC

### 3.0107 Materials and Manner of Construction

The kind and quality of material of which and the manner in which sidewalks, driveways, curb and gutter, paving repair, and relaying of block walk and relaying of wood or

lumber walkway shall be determined by the City Council. In determining the type of materials and manner of construction, all parties concerned shall conform and comply with the City of Medora Historical Integrity Zoning Ordinance and any amendments thereto.

Source: Generally Chapters 40-28, 40-29, 40-31, 40-32, 40-39, 40-48, 40-54, and 40-56 NDCC.

### 3.0108 City Contracts

The City Auditor shall receive bids for the construction of sidewalks, driveways, curb and gutter, and paving repairs as the City may find necessary to have done. Such bids shall be made upon forms furnished by the City Auditor and shall conform to specifications filed with the City Auditor by the governing body.

All sidewalks, driveways, curb and gutter, and alley returns lying between the property line and the abutting street hereafter constructed within the City of Medora must conform to this chapter, and the specifications filed with the City Auditor and approved by the governing body must specify the details with respect thereto. When any contract for the construction of sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs is about to be entered into by the City in accordance with the provisions of the laws of this state, the contractor to whom any such contract shall be awarded shall be required to give a bond in an amount to be determined by the City Council, running to the City of Medora. Such bond shall be in addition to the contract bond required by the laws of the State of North Dakota and shall be conditioned that said contractor shall maintain and keep in good repair, for a period of two (2) years from date of final acceptance, all sidewalks, driveways, curb and gutter, and paving repairs so constructed by such contractor under the terms of such contract and in case of default by such contractor under the terms of such contract to so maintain and keep such improvements made by him in good repair for the said period of two (2) years, or in case such improvements shall, within said time, begin to crumble or disintegrate or become cracked or broken to such an extent that in the opinion of the City the same is not a satisfactory compliance with the specifications for the construction thereof, then the City may direct that such sidewalks, driveways, curb and gutters or paving repairs -laid, in whole or in part, as he shall deem best and the contractor shall immediately cause the same to be repaired. Upon contractor's failure to repair or to relay the same the City may, at any time within said two (2) year period or thereafter, cause the same to be repaired or re-laid and the cost thereof, whether done by the City directly or through a contract, may be recovered against said contractor and the surety upon such bond.

Any person desiring to engage in the business of constructing sidewalks, driveways, curbs and gutters, and retaining walls in and along the streets and alleys shall make application to the City Auditor for a license to do such work, and with his application shall present evidence of experience and competency in such work. If, upon examination of such

evidence, the City Auditor is satisfied as to the experience and competency of the applicant, he shall approve the application, which shall be filed with the City Auditor, together with a surety bond in the sum of \$5,000.00 approved by the governing body for the execution of all work in strict conformity with the provisions of this chapter, and the protection, indemnification, and saving harmless the City of Medora from any and all loss, claim, suit, or damages, direct or consequential, which the City may sustain through violation of any of the provisions of this chapter by the license holder or through negligence of the license holder, or in any other manner whatsoever. Upon the filing of the application and bond, the City Auditor shall issue a license to the applicant. The City of Medora reserves any and all other remedies available to it against said contractor allowed under North Dakota law.

Source: Generally Chapters 40-28, 40-29, 40-31, 40-32, 40-39, 40-48, 40-54, and 40-56 NDCC

## ARTICLE 2. USE AND CARE OF STREETS, SIDEWALKS, AND PUBLIC PLACES

### 3.0201        Obstructions

It shall be unlawful for any person, firm, limited liability company, or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk or any public way, except as may be specified by ordinance or City Council.

Source: City of Medora Ordinances 1970, and Section 40-05-01 (8) NDCC

### 3.0202        Destruction of City Property - Prohibited

It shall be unlawful for any person, firm, corporation, or limited liability company to wilfully and without just cause or excuse, injure, deface, or destroy property owned or held by the City of Medora for public use.

Source: Section 40-05-01 (8, 50)

### 3.0203        Encroachments

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street, property, or set-back requirement without a variance specifically granted by zoning procedures and the City Council.

Source: City of Medora Ordinances 1970, and Section 40-05-01 (8, 50) NDCC

### 3.0204        Wires

It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from the governing body.

Any person or company which maintains poles and wires in the streets, alleys or other public places, in the absence of provisions in the franchise concerning the subject, shall keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the City Council so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

Source: City of Medora Ordinances 1970, and Section 40-05-01 (8, 50) NDCC

3.0205        Littering - Prohibited

No person, firm, corporation, or limited liability company shall throw or deposit ashes, offal, dirt, garbage, parts of trees, or any offensive matter, glass bottle, glass, nails, tacks, wire, cans or rubbish or any other substance of any kind upon any street, avenue, alley, or public ground or public property in the City of Medora, North Dakota. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance left upon such highway from such vehicle. A violation of this section shall be an infraction.

Source: Sections 40-05-01 (14) and 39-10-59 NDCC

3.0206        Burning

It shall be unlawful for any person, firm, or corporation to conduct any open burning except with specific permission of the City Council.

Source: City of Medora Ordinances 1970

3.0207        Advertising and Distribution of Handbills, etc. - Penalty

(1) Signs shall not be permitted within the public right-of-way, streets, easements, or set-backs required by law.

(2) No person, firm, corporation, or limited liability company may place, put, or maintain any sign, billboard, or advertisement within the limits of a public right-of-way, easement, street, alley, or any other public property, or in any manner paint, print, place, put, or affix or cause to be painted, printed, placed or affixed, any advertisement on or to

any stone, tree, fence, stump, pole, mile board, milestone, danger sign, danger signal, guide sign, guide post, billboard, building, or other object within the limits of a public right-of-way, easement, street, alley, or other public property. None of the provisions of this section prohibit the placing of public notices on billboards or bulletin boards erected for that purpose by authority of the governing body of this municipality. Any advertisement in or upon a public right-of-way, easement, street, alley, or other public property which, in the judgment of the City Council, may be deemed to be a hazard to traffic, in violation of the City zoning ordinance, or in non-conformance to the law herein, may be taken down, removed, or destroyed by direction or authority of the City Council.

(3) No person in the City shall fasten in any way any show card, poster or other advertising device upon public property in the City unless legally authorized to do so.

(4) The scattering, throwing, or placing of bills, posters, advertising matter, handbills, or other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public ways, public buildings, or in or upon automobiles while parked on the streets, alleys, public ways or public parking lots in the City of Medora by any person, firm, partnership, association, corporation, or limited liability company is hereby declared to be a nuisance.

(5) Penalty: Any person, firm, partnership, corporation or limited liability company violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment.

Source: Section 40-05-01 (16) NDCC

### 3.0208      Heavy Vehicles

No person, firm, or corporation shall move or cause to be moved over the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts within the City of Medora any engine, tractor, wagon, truck or other vehicle, object, or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges or viaducts over which the same are transported or which exceeds 16,000 pounds per axle and/or 750 pounds per square inch of tire width for any vehicle which has attached to its wheels any spurs, bars, angle irons or cleats which will tend to mar or deface the paving, sidewalks, crosswalks, culverts, bridges or viaducts, except under the direction and permission of the governing body and, in addition thereto, shall pay or cause to be paid to the City of Medora, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges or viaducts, provided that when the specified load limits herein contained will cause damage to the City's paved streets, the City Council, by resolution adopted and made public, may lower said load limits for such period of time it may deem necessary. The provisions of this

section shall not apply to state and federal highways through the City.

Provisions herein are in addition to such powers exercisable by the City in accordance with Chapter 39-12 NDCC.

Source: City of Medora Ordinances 1970, Section 40-05-01 (8, 14) NDCC

3.0209        Removal of Snow and Ice from Sidewalks

It shall be and hereby is declared to be the duty of the owner or occupant of each lot in the City of Medora to remove any ice or snow which forms, accumulates or obstructs the sidewalk in front of or along said lot within twenty-four (24) hours after the ice forms or the snow ceases to fall thereon, provided, however, that where the accumulated ice is of such character so as to make removal thereof practically impossible, the sprinkling of ashes or sand thereon, within the time specified for removal, in such manner as to make such sidewalk safe for travel of pedestrians thereon shall be deemed a compliance with the provisions of this article.

Source: Sections 40-05-01 (13) and 40-29-18 NDCC

3.0210        Removal of Snow and Ice by City

In case the owner of any lot in the City refuses or neglects to remove such ice or snow from sidewalks in front of or along a lot, or refuses to sprinkle ashes or sand on the same within the time specified for removal, in such manner so as to make such sidewalk safe for pedestrian travel, the same may be removed, or ashes or sand sprinkled thereon, and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law.

Source: Sections 40-05-01 (13) and 40-29-18 NDCC

3.0211        Removal of Snow and Ice from Sidewalk - Assessments by City Auditor When Work is Done by City

Whenever the City, pursuant to Section 3.0210 of this article, shall remove or cause to be removed any snow or ice from any sidewalk or sidewalks along or in front of any building, grounds or premises, it shall assess the cost of the same against said property. On or before the first day of May in each year the City shall make and file in the office of the City Auditor a list of the property chargeable with such expenses, the actual cost and expense of such removal, and a description of the lot, lots or parcels of land along or in front of which the sidewalk or sidewalks from which snow or ice has been removed.

Source: Sections 40-29-18, 40-29-19, 40-29-20, and 40-29-21 NDCC

3.0212        Removal of Snow and Ice from Sidewalk - Assessments, Publication by Auditor, Hearing by City Commission

The City Auditor shall give notice by publication in the official newspaper of the hearing and confirmation of such report and assessment at the regular June meeting of the City Council, notifying all persons objecting thereto to appear and present their objections. Such notice shall be published twice, once in each week's issue for two (2) consecutive weeks, the last publication to be not less than eight (8) days before the time fixed for the hearing. At the June meeting of the City Council, or at such later meeting to which the hearing and confirmation of such assessment may be adjourned, the City Council shall take up and consider said assessment and costs and shall hear any objections thereto or to any part thereof, and after revising and correcting the same the City Auditor shall thereupon attach to such list a certificate that the same is correct as confirmed by the City Council and shall file said assessment list in the office of the City Auditor as provided by law, and such assessment shall be certified to the County Auditor by the City Auditor at the same time and in the same manner as the sidewalk assessments are certified.

Source: Sections 40-29-18, 40-29-19, 40-29-20, and 40-29-21 NDCC

3.0213        Impounding

Whenever any parked automobile, truck, machinery, vehicle or equipment shall be found to impede or hinder snow removal street maintenance or is not removed within two days of notice posted on the offending property, the same shall be removed and impounded by the City at a place to be provided and it shall be unlawful for any person, firm or corporation to remove or attempt to remove any truck, automobile, machinery, vehicle or equipment from the place where impounded without first paying the cost of such impounding.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14) NDCC

3.0214        Blocking Streets

No driver of any vehicle shall stop the same on any street, avenue, lane or alley of the City in such a manner as to hinder or prevent other vehicles or person from passing at all times, unless in case of absolute necessity, nor shall any driver of any vehicle stop the same at any regular crossing of said street, alley, lane or avenue so as to prevent the free passage of persons traveling or passing on foot.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14) NDCC

3.0215        Excavations - Permit

It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley, or other public place in the City without having obtained a permit as is herein required, or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14, 15, 50) NDCC

3.0216        Excavations - Guarding Of

It shall be unlawful for any person within the City limits to leave or keep open, uncovered, or unguarded any cellar door, pit, grating, vault or other subterranean passage opening from, into, or upon any street, alley or sidewalk or upon any private property if not suitably guarded.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14, 15, 50) NDCC

3.0217        Excavations - Application for Permit

Applications for such permits shall be made to the City Auditor and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm, limited liability company or corporation doing the actual excavating work, and the name of the person, firm, limited liability company or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

Source:        City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14, 15, 50)  
                  NDCC

3.0218        Excavations - Manner of

Proper bracing shall be maintained to prevent the collapse of adjoining ground and, in excavations, the excavation shall not have, anywhere below the surface, any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14, 15, 50) NDCC

3.0219      Excavations - Restoration

Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down and any bracing in such tunnel or excavation shall be left in the ground.

Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant, in compliance with the directions of and under the supervision of the City Council.

Source: City of Medora Ordinances 1970 and Section 40-05-01 (8, 13, 14, 15, 50) NDCC

3.0220      Excavations - Maintenance of Drawings of Subsurface Street Installations

Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the City Auditor within sixty days after new installations, changes, or replacements are made.

Source: Section 40-05-01 (8, 13, 14, 15, 50) NDCC

3.0221      Excavations - Liability of City

Nothing in this article shall be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections, the issuance of any permit, or the approval of any excavation work.

Source: Section 40-05-01 (8, 13, 14, 15, 50) NDCC

ARTICLE 3 - HOUSE NUMBERING

3.0301 House Numbering Required

All lots, buildings, and structures in the City shall be numbered in accordance with and as required by the City Council.

Source: Section 40-05-01 (19) NDCC

3.0302 Numbers on Houses

It shall be the duty of the owner and occupants of every house in the City to have placed thereon, in a place visible from the street, figures at least two and one-half (2-1/2) inches high, showing the number of the house.

Source: Section 40-05-01 (19) NDCC

3.0303 Failure, Refusal, or Neglect of Owner to Comply with Article

If the owner or other person in charge or custody of a building within the City fails, refuses, or neglects to comply with the requirements of this article, the appropriate City official shall cause proper numbers to be placed upon such building and the cost of so doing shall be collected from the owner or custodian of the building in a suit therefor initiated by the City. This is not an exclusive remedy.

Source: Section 40-05-01 (19) NDCC

ARTICLE 4 -PROCEDURE FOR VACATION OF STREETS AND ALLEYS

3.0401 Vacation of Streets and Alleys Where Sewers, Water Mains, Pipes, and Lines Located - Conditions

No public grounds, streets, alleys, or parts thereof, over, under, or through which shall have been constructed, lengthwise, any sewers, water mains, gas or other pipes, or telephone, electric, or cable television lines, of the City or City's grantees of the right-of-way therefor may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents thereto, or unless perpetual easements for the maintenance of the sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines have been given. Any vacation of areas within which are located electric facilities, whether underground or above ground, is subject to the continued right of

location of such electric facilities in the vacated areas.

Source: Section 40-39-04 NDCC

3.0402      Petition for Vacation of Streets, Alleys, or Public Grounds - Contents - Verification

No public grounds, streets, alleys, or parts thereof, within the City shall be vacated or discontinued by the City Council except on a petition signed by all the owners of the property adjoining the plat to vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated and shall be verified by the oath of at least one petitioner.

Source: Section 40-39-05 NDCC

3.0403      Petition Filed with City Auditor - Notice Published - Contents of Notice

If the City Council finds the petition for vacation to be in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the City Auditor, who shall give notice by publication in the official newspaper of the City at least once each week for four weeks. The notice shall state that a petition has been filed, the object thereof, and that it will be heard and considered by the City Council on a certain specified day, which shall be not less than 30 days after the first publication of the notice.

Source: Section 40-39-06 NDCC

3.0404      Hearing on Petition - Passage of Resolution Declaring Vacation by Governing Body

The City Council shall investigate and consider the matter set forth in the petition specified in Section 3.0502 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence favoring the granting of the petition, the City Council, by resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys or highways described in the petition vacated, upon such terms and conditions as it shall deem just and reasonable.

Source: 40-39-07 NDCC

3.0405      Resolution to be Published, Filed, and Recorded - Effect

Before the resolution declaring the vacation of a public ground, street, or alley shall go into effect, it shall be published as in the case of ordinances. A transcript of the resolution, duly certified by the City Auditor, shall be filed for record and duly recorded in the office of the Register of Deeds in the county in which the City is situated, and such resolution thereafter shall have the effect of conveying to the abutting property owners all the right, title, and interest of the City to the property vacated.

Source: Section 40-39-08 NDCC

3.0406      Expenses for Vacating Streets, Alleys, and Public Ways - Deposit Required

All expenses incurred in vacating any public grounds, street, or alley, shall be paid by the petitioners, who shall deposit with the City Auditor such sum as may be necessary before any such expense is incurred. The amount to be deposited shall be determined by the City Council and any part thereof not used for such expenses shall be returned.

Source: Section 40-39-09 NDCC

3.0407      Aggrieved Person May Appeal to District Court

Any person aggrieved by the decision of the City Council granting the vacation of any public grounds, street, or alley, within 15 days after publication of the resolution, may appeal to the District Court of the county in accordance with the laws and procedure of the State of North Dakota.

Source: Section 40-39-10 NDCC

ARTICLE 5 - TREES AND SHRUBS

3.0501      Nuisances - Generally - Prevention of Dutch Elm Disease

a.      The following conditions are public nuisances whenever they may be found within the City: Any living or standing elm tree or part thereof infected to any degree with the Dutch elm fungus, Ceratocystis ulmi, and which harbors any of the elm bark beetles, Scolytus multistriatus, or Hylurgopinus rufipes, or other tree species infected by a disease determined a nuisance by the Urban Forestry committee.

The City shall have the right to cause the removal of any dead or diseased elm trees or parts thereof infected with Dutch elm disease on private or public property and abutting boulevards within the City, when any such tree or part thereof constitutes a hazard to life and/or property or poses a threat to harbor insects or disease which constitute a potential threat to other trees within the City. The City Forester or designated City employee will notify in writing the owners of such trees. Removal shall be done by such owners at their own expense within fourteen days after the date of service of notice. The removed tree(s) shall be immediately debarked or transported to the City landfill for prompt disposal by burial or burning. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of laboratory analysis fees and removal against the abutting lot, boulevard or property by billing and special assessment if not paid in the manner prescribed by law. All elm stumps of trees shall be removed below the surface of the ground, so that the top of the stump shall not project above the surface of the ground, or the entire stump shall be stripped of the bark upon cutting of the tree.

b. Any owner or agent of owner of any real property shall trim all hedges and shrubbery adjacent to the sidewalks, improved streets or alleys, so the same will not interfere with pedestrian or public travel.

Source: Section 40-05-01 (9) NDCC

3.0502      Nuisances - Generally - Permitting to Remain on Property, Abatement

It is unlawful for any person to wilfully permit any public nuisance as defined in Section 3.0604 to remain on any premises owned or controlled by such person within the City. Such nuisance may be abated in the manner prescribed by law.

Source: Section 40-05-01 (9) NDCC

3.0503      Tree Topping

It shall be unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property or dedicated utility easements. "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 and disfigure the tree.

Source: Section 40-05-01 (9) NDCC