

ORDINANCE 930

AN ORDINANCE OF THE CITY OF GOTHENBURG, AMENDING SECTION 30.133 TO TITLE III, CHAPTER 30 OF THE GOTHENBURG CODE OF ORDINANCES; ESTABLISHING CRITERIA FOR TOPPING/TRIMMING TREES ON PUBLIC PROPERTY; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. A copy of Section 30.133 Article III, Chapter 30 of the Gothenburg Code of Ordinances, Ordinance No. 854, is attached hereto as Exhibit A.

Section 2. Section 30.133 Article III, Chapter 30 of the Gothenburg Code of Ordinances, Ordinance No. 854, is hereby amended to read as follows:

§ 30.133 OBSTRUCTIONS.

(A) Trees and shrubs, growing upon, or near, the lot line, or upon public ground and interfering with the use, or construction of any public improvements, shall be deemed an obstruction under this subchapter. The trees, shrubs, and their roots may be removed by the city at the expense of the owner of the property upon which the tree or shrub is located should the owner fail or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm, or corporation to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks.
(Neb. RS 17-557.01) (Prior Code, § 8-104)

(B) It shall be unlawful for any person to top any tree on city owned land or public right of way within the corporate limits of the City of Gothenburg. The term top or topping is defined as “Removing the vertical leader stems and cutting the tree limbs back to a stub, bud, or a later branch not large enough to assume a terminal role, resulting in decay of the trunk and/ or main branches and sprout production and involves removing more than one third of the tree canopy”. Any person trimming any trees on City owned land or on public right of way shall follow trimming guidelines as set forth in the ANSI A300 Pruning Standards.

(C) Persons engaged in the erection, construction, reconstruction, wrecking, or repairing of any building, or the construction, or repair, of a sidewalk along any street, may occupy the public street space with the building material and equipment as long as is necessary, if the persons shall make application to and receive a permit in writing from the City Administrator to do so; provided, no permit for the occupancy of the sidewalk space, and more than one-third of the roadway of the public space adjacent to the real estate on which the building is to be constructed, erected, reconstructed, wrecked, or repaired, shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the official issuing the permit.

(D) Persons violating the provisions of this Section 30.133 shall be subject to the penalty set forth in Section 30.999.

Section 3. This ordinance repeals all ordinances or parts of ordinances in conflict herewith.

Section 4. This ordinance shall become effective upon its passage approval and publication, according to law.

Passed and approved this ^{4th} 19 day of April, 2016.

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

BY Joyce L. Hudson
Joyce Hudson, Mayor

ATTEST:

Connie L. Dalrymple
Connie Dalrymple, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon
City Attorney

Exhibit A

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