

CHAPTER 11 - PARKS AND RECREATION

Article 11-1 PARKS AND RECREATION COMMITTEE

- Section 11-1-1 Established
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- Section 11-1-3 Membership
- Section 11-1-4 Organization; Meetings
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- Section 11-1-6 Removal From Office; Vacancies

Section 11-1-1 Established

There is hereby established a Parks and Recreation Committee which shall consist of seven (7) members.

Section 11-1-2 Powers and Duties

The Parks and Recreation Committee shall have the following powers and duties:

- A. Act in an advisory capacity to the Council and Manager in all matters pertaining to parks and recreation.
- B. Review provisions in the proposed annual budget for parks and recreation purposes during the budget preparation process and make recommendations with respect thereto to the Council.
- C. Assist in the planning of a recreational program for the citizens of the City; promote and stimulate public interest therein and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested in these goals.
- D. Make recommendations to the Council concerning parks and recreation.
- E. Advise the Council with respect to money or property donated or offered to the City for parks and recreation purposes.
- F. Perform such other duties not inconsistent with this Chapter as may be requested by the Council from time to time.

Section 11-1-3 Membership

Appointments to the Parks and Recreation Committee shall be made by the Mayor with the approval of the Council. City residents or the owners of businesses located within the City shall be preferred. Appointments shall be for a term of two (2) years. Members

first appointed shall so classify themselves by agreement or lot so that each succeeding July 1, the term of at least three (3) members shall expire.

Section 11-1-4 Organization; Meetings

- A. As soon as practicable following appointment, the Committee shall organize itself by electing one of its members to serve as the Chair of the Committee. Said Chair to serve at the pleasure of the Committee for a period of one (1) year. The Committee shall hold such regular and special meetings as they shall determine necessary and all meetings shall comply with the open meeting laws of the State of Arizona.

- B. The affirmative vote of a majority of the Committee shall be necessary for it to take any action except to adjourn.

- C. The members of the Committee shall comply with the conflict of interest statutes of the State. No member of the Committee shall participate in any manner where such member has a financial interest, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the Committee.

Section 11-1-5 Compensation

The members of the Committee shall serve in an honorary capacity in lieu of compensation for their services but may receive reimbursement for necessary travel and other expenses incurred on official duty when such expenditures have received prior authorization from the City.

Section 11-1-6 Removal From Office; Vacancies

- A. The Council may remove any member of the parks and recreation Committee from office for good cause shown which shall be in the sole discretion of the Council. The decision of the Council shall be final.

- B. Any vacancy in the parks and recreation Committee, from whatever cause arising, shall be filled by appointment by the Mayor and Council within sixty (60) days. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of said term.

Article 11-2 PARKS AND RECREATIONAL PROGRAMS & FACILITIES

- Section 11-2-1 Parks and Recreation Division Established
- Section 11-2-2 Parks Development, Operation and Maintenance
- Section 11-2-3 Responsibilities of the Parks & Recreation Division
- Section 11-2-4 Employees and Equipment

Section 11-2-1 Parks and Recreation Division Established

There is hereby created the Division of Parks and Recreation within the Public Works Department. It shall consist of a Parks Superintendent and the Recreation Manager and all employees assigned thereto. All employees of the division shall perform their duties subject to the supervision of the Public Works Director who shall supervise the Division in accordance with any applicable personnel code and shall exercise such powers and perform such duties as are required by this Chapter.¹

Section 11-2-2 Parks Development, Operation and Maintenance

The Parks and Recreation Division functions include, but shall not be limited to: (1) the operation & maintenance of existing parks and recreation facilities, and (2) the operation of existing parks programs and the development of new parks programs and facilities. These functions shall be as accomplished as the Council may from time to time provide.

Section 11-2-3 Responsibilities of Parks & Recreation Division

The Parks and Recreation Division shall:

- A. Administer and operate existing recreation and park areas, facilities and programs and plan for the acquisition, development and operation of proposed facilities and programs in accordance with policies set by the Council.
- B. Prepare a proposed annual budget for presentation to the City Manager and Council.
- C. Inform the general public of the services and facilities being provided by parks and recreation; address professional, civic and lay groups on recreational subjects; solicit suggestions from the general public on increasing the effectiveness of the recreation program; cooperate with governmental and voluntary organizations and agencies in solving of recreation problems; provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to recreation and park facilities and programs.
- D. Assist community organizations in the promotion of recreational activities; conduct studies of local conditions and the need for recreation services and

¹ **Editor's Notes:** State law reference – parks authorized A.R.S. 9-494

facilities; assist with the recruitment of professional recreation personnel and volunteer leaders.

- E. Make recommendations to the City Manager, Council, and community organizations concerning the expenditure of public funds for recreation and parks, acquisitions, design and development of recreation facilities and areas.
- F. Propose such rules and regulations to the Council as may be deemed necessary for the conduct of persons in the parks and other recreation facilities and upon adoption thereof to enforce said rules and regulations.
- G. Assist and serve designate an ex-officio member of the Parks and Recreation Committee.
- H. Perform other duties as may be assigned.

Section 11-2-4 Employees and Equipment

Manpower and equipment necessary to perform the functions set forth in this Article shall be as provided by the Council from time to time.

Article 11-3 CITY PARK RULES AND REGULATIONS

- Section 11-3-1 Definitions
- Section 11-3-2 City Permit for Consumption of Alcohol in City Parks
- Section 11-3-3 Compliance with Rules and Regulations
- Section 11-3-4 Use of Facilities, Payment of Fees
- Section 11-3-5 Fires
- Section 11-3-6 Vehicles, Speed Limits, and Parking
- Section 11-3-7 Rubbish and Litter
- Section 11-3-8 Pets and Other Animals
- Section 11-3-9 Fireworks and Explosives
- Section 11-3-10 Soliciting
- Section 11-3-11 Noise and Nuisance
- Section 11-3-12 Golfing
- Section 11-3-13 Special Event Permits
- Section 11-3-14 Reservation of Parks and Recreational Facilities
- Section 11-3-15 Violation - Penalty

Section 11-3-1 Definitions

In this Article, unless the context otherwise requires:

- A. Spirituous Liquor or Alcohol: Includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, port, ale, beer, any malt liquor, malt beverage, or compound mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which contains alcohol and produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.
- B. Division: Means the City of Globe Parks and Recreation Division of the Public Works Department.
- C. Parks: Means Round Mountain Park, the Globe Community Center, and any baseball field, softball field, other fields, or any other City park or recreation area owned or controlled by the City of Globe or other additional property as may be designated by the Mayor and Council. Provided, however, that the part of the Community Center known as the Besh-Ba-Gowah Archeological Park, the Library and the Senior Center shall not be included within said definition for purposes of Articles 11-1 and 11-2.
- D. Permittee: Means any person to whom a permit or permission for use of park or recreational facilities has been issued by the City.

Section 11-3-2 City Permit for Consumption of Alcohol in City Parks

- A. A permit shall be required of any group of three (3) or more persons, prior to the consumption of spirituous liquor within the boundaries of any City park.
- B. Permits applications shall be available at City Hall and may be issued upon receipt of a completed application requesting such permit which application shall contain the applicant's name, address, telephone number, age and responsible party. The police and parks division shall be notified of said applications. The City may deny said permit for good cause.
- C. Such permit shall incorporate such terms and conditions which will reasonably safeguard public safety and property.
- D. Use of glass containers is prohibited within the boundaries of any City park.
- E. The permit may be summarily revoked for failure to follow any applicable rule or regulation.

Section 11-3-3 Compliance with Rules and Regulations

Permission to enter, occupy, use or otherwise utilize any area, facility, roadway, trail, open space or waterway on or within the boundaries of any park or recreation area under control of the City shall be conditioned upon compliance with all laws, rules, regulations, and orders of the City governing such area, and any person violating such laws, rules, regulations and orders may be cited. Such person may be required to immediately leave the park or recreation area or any portion thereof.

Section 11-3-4 Use of Facilities, Payment of Fees

No person shall use or occupy facilities in the park system for which a use fee has been lawfully established and posted by the division unless the fee has been paid to the City. Permits may be obtained at City Hall.

Section 11-3-5 Fires

- A. No authorization will be required for outdoor fires in designated park sites where such fires are built in a permanent barbecue, outdoor fireplace, incinerator, or grill, except where prohibited by proclamation or order of the Fire Chief, or designee.
- B. No person shall build, ignite, or maintain any outdoor fires of any kind or character, or for any purpose whatsoever in or upon any hazardous fire area, except by the authority of the Fire Chief or designee. Such an authorization shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Regardless of permit, however, no person shall build, ignite,

or maintain any outdoor fire in or upon any hazardous fire area, as determined by the Fire Chief under the following conditions:

1. When any high wind is blowing.
2. When there is no person aged eighteen (18) or over present at all times to watch and who is capable of tending such fire.
3. Such times as public announcement is made that there shall be no open burning.
4. When or where fires are prohibited by the adopted fire code or proclamation.

Section 11-3-6 Vehicles, Speed Limits, and Parking

- A. Motorized vehicles, including motorcycles and off-road vehicles, shall be operated only on maintained roadways at a speed not greater than fifteen (15) miles per hour, except as otherwise provided and posted, and in all cases the operator shall comply with the Arizona Motor Vehicle Code, as provided under Title 28, A.R.S., while within the boundaries of any park. Only licensed vehicles will be allowed within park boundaries. The parks and recreation Manager may further restrict and post certain areas in the park system to protect life and property.
- B. Vehicles parked in any unauthorized parking area, or vehicles parked in such a manner as to pose a danger to others, may cited and/or be removed at owner's expense.
- C. No unauthorized vehicles shall be allowed or operated on any City hiking trails.

Section 11-3-7 Rubbish and Litter

- A. All garbage, rubbish, cans, bottles, and other litter shall be disposed of in receptacles designated for such purposes or carried away when leaving an area.
- B. Draining or dumping wastes or refuse from any trailer, camper or other vehicle is prohibited.
- C. Using public park refuse containers to dispose of household or commercial garbage brought as such from private property is prohibited.
- D. No person shall use any permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash, or combustible waste material.

Section 11-3-8 Pets and Other Animals

Dogs, cats, and other domestic pets shall be kept under physical restraint or on a leash not longer than six (6) feet in length while in the confines of any park or recreational facility, except such areas as are specifically posted as a dog park. In the interest of public health and safety, the City may designate and post certain areas as closed to all Pets. Riding horses shall be confined to areas specifically designated for riding purposes. Horses shall be prohibited in ball fields and parks.

Section 11-3-9 Fireworks and Explosives

No person shall possess fireworks or explosives or devices for such use of any kind within the park system except under special permit for fireworks display issued by the parks and recreation Manager, subject to compliance with all applicable municipal, county, state or federal ordinances, rules and regulations.

Section 11-3-10 Soliciting

No person shall solicit funds, donations, sell or offer for sale any food, goods, wares, merchandise, or liquids, or distribute circulars in the park system except by written concession or permit granted by the City.

Section 11-3-11 Noise and Nuisance

- A. No person shall cause or permit any loud noise or sound which creates a nuisance. For the purpose of this Section, a nuisance by noise shall be defined as any sound which in volume or character would reasonably tend to disturb the peace of people who are legally occupying other portions of the park or residents of neighborhoods adjacent to the park.
- B. Upon complaint by any person, a police officer shall investigate and determine if a noise nuisance exists as defined above. If the officer determines that a noise nuisance does exist, he/she shall inform the person and order him/her to correct the situation to the extent that the nuisance is abated. If the person fails to abate the nuisance within a reasonable time and/or further complaints are received, the police officer may, in his/her discretion, immediately cancel the permit or permission to enter and order the person to vacate the premises.
- C. No person shall use or cause to be used a loudspeaker system or any other means of the mass amplification of sound without a special permit issued by the City.

Section 11-3-12 Golfing

No person in a park shall use any portion of the park for golfing purposes or make use of any golf club or golf ball in any park.

Section 11-3-13 Special Event Permits

- A. Special events, characterized as public spectator attractions, are prohibited except upon a special event permit issued by the City. Such permit shall cause the minimum possible interference with use of the area by the general public.
- B. Applications for special events permits shall be as provided in Section Article 8-3.

Section 11-3-14 Reservation of Parks and Recreational Facilities

Reservation for the use of any fee area for a purpose that is not classified as a special event under Article 8-4, may be obtained by completing a reservation application form and by payment of the applicable fee. Forms and fees shall be as approved by the Council from time to time. Compliance with all applicable rules shall be an implied term and condition of such reservation and use.

Section 11-3-15 Violation - Penalty

It shall be unlawful and a civil violation punishable as provided in Section 1-5-1(A) for any person to enter, remain upon or use any park, library, building, property or cemetery or facilities associated with same in violation of any of the provisions contained in this Code.

Article 11-4 LIBRARY

- Section 11-4-1 Creation
- Section 11-4-2 Board of Trustees
- Section 11-4-3 Rules and Regulations
- Section 11-4-4 Duties of Board of Trustees
- Section 11-4-5 Librarian
- Section 11-4-6 Duties of Librarian
- Section 11-4-7 Damage to Library - Failure to Return Penalty - Optional Action

Section 11-4-1 Creation

There is hereby created a Library Department of the City which shall provide such services as are authorized by the Council from time to time.

Section 11-4-2 Board of Trustees

- A. There is hereby established a seven (7) member Board of Trustees, all of whom shall be residents of the City. Each member shall be appointed by the Mayor, subject to confirmation of the Council.
- B. Trustees shall be appointed for a term of three (3) years from July 1 in the year of their appointment, unless sooner removed for good cause in accordance with A.R.S. 9-414 as amended from time to time.²
- C. The office shall be honorary and without compensation.

Section 11-4-3 Rules and Regulations

The Library Department shall be operated and managed in accordance, with such departmental regulations as may from time to time be recommended by the Board of Trustees and as enacted by the City Council.

Section 11-4-4 Duties of Board of Trustees

- A. The Trustees shall have charge of the library and all library property. They shall meet for business purposes at least once each month, and at such other times as they shall appoint. They may elect from their body a president and secretary, and may adopt an official seal. The secretary shall keep a full account of all property, receipts and expenditures, and a record of the proceedings of the Board.
- B. The Trustees may recommend to the Council rules, regulations and by-laws necessary for the administration and government of the library and all library property.

² **Editor's Notes:** Statutory reference - Library Board: A.R.S. 9-411 et. seq.

- C. The Trustees shall exercise and administer any trust declared or created for the library.
- D. The Trustees shall present to the Mayor and Council an annual report on or before the first Monday in July as provided by A.R.S. 9-418, as amended from time to time.³

Section 11-4-5 Librarian

- A. The office of Librarian is hereby created. The librarian, as the chief administrative officer of the Library Department, is responsible for planning, directing and coordinating the activities of the library. Work is performed under the general direction of the Board of Trustees and City Manager.
- B. The librarian shall be appointed by the City Manager upon recommendation of the Board of Trustees.
- C. The librarian shall be qualified by knowledge or training in library sciences.

Section 11-4-6 Duties of Librarian

The Librarian shall:

- A. Serve as chief executive officer of the Board of Trustees.
- B. Plan and direct all phases of the operation of the library system.
- C. Prepare and justify the annual budget estimate of the library system.
- D. Perform other duties as specified by law, the Board of Trustees or Council.

Section 11-4-7 Damage to Library - Failure to Return Penalty

- A. It shall be unlawful to damage or injure in any way the library, its property or books. A person who violates these Sections shall be guilty of a civil violation punishable as provided in Section 1-5-1(A) of this code.
- B. It shall be unlawful to fail to return a book or other library property (material) by the due date designated at the time of its loan. Each day a person fails to return a material, following ten (10) days written notice, shall be a separate offense punishable as provided by resolution of the Council from time to time.

³ **Editor's Notes:** State law reference: A.R.S. 9-411 et.seq.

Article 11-5 MUSEUM

Section 11-5-1 Museum - Administration

Section 11-5-2 Powers and Duties of Museum Director

Section 11-5-1 Museum - Administration

- A. There is hereby created the office of Museum Director appointed by the City Manager.
- B. The museum director shall have charge of all museums of the City including Besh-Ba-Gowah.

Section 11-5-2 Powers and Duties of Museum Director

The powers and duties of the Museum Director include:

- A. Administer and operate existing museum, facilities and programs and plan for the acquisition, development and operation of proposed facilities and programs in accordance with policies set by the Council.
- B. Prepare a proposed annual budget for presentation to the Council and City Manager.
- C. Inform the general public of the services and facilities being provided by the museum; address professional, civic and lay groups on the museum or archaeological and historical matters; solicit suggestions from the general public on increasing the effectiveness of the museum; cooperate with governmental and voluntary organizations and agencies in solving of museum issues; provide, upon request, assistance of a technical nature to community agencies and organizations on matters related to museum facilities and programs.
- D. Assist community organizations in the promotion of the museum; conduct studies of local conditions and the need for services and facilities; assist with the recruitment of professional and volunteer personnel.
- E. Make recommendations to the City Manager, Council, and community organizations concerning the expenditure of public funds for the museum, acquisitions, design and development of museum facilities and areas.
- F. Propose such rules and regulations to the Council as may be deemed necessary for the conduct of persons in the museum and associated recreation facilities and upon adoption thereof to enforce said rules and regulations.
- H. Perform other duties as may be assigned.

Article 11-6 SENIOR CENTER

Section 11-6-1 Senior Center - Administration

Section 11-6-2 Powers and Duties of Senior Center Director

Section 11-6-1 Senior Center - Administration

There is hereby created the office of Senior Center Director appointed by the City Manager.

Section 11-6-2 Powers and Duties of the Senior Center Director

The powers and duties of the Senior Center Director include:

- A. Administer and operate existing senior center facilities and programs and plan for the acquisition, development and operation of proposed facilities and programs in accordance with policies set by the Council.
- B. Prepare a proposed annual budget for presentation to the Council and City Manager.
- C. Inform the general public of the services and facilities being provided by the senior center; address professional, civic and lay groups on senior issues; solicit suggestions from the general public on increasing the effectiveness of the senior center; cooperate with governmental and voluntary organizations and agencies in solving of senior center issues; provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to senior center facilities and programs.
- D. Assist community organizations in the promotion of activities for seniors; conduct studies of local conditions and the need for services and facilities for senior citizens; assist with the recruitment of professional personnel and volunteer leaders.
- E. Make recommendations to the City Manager, Council, and community organizations concerning the expenditure of public funds for the senior center, acquisitions, design and development of facilities and programs for senior citizens.
- F. Propose such rules and regulations to the Council as may be deemed necessary for the conduct of persons in the senior center facilities and upon adoption thereof to enforce said rules and regulations.
- G. Implement and administer grants and contracts for the benefit of senior citizens.
- H. Perform other duties as may be assigned.

Article 11-7 CITY TREE COMMITTEE

Section 11-7-1	Definitions
Section 11-7-2	Purpose
Section 11-7-3	Creation, Establishment, Duties and Responsibilities of City Tree Committee
Section 11-7-4	Term of Office
Section 11-7-5	Compensation
Section 11-7-6	Operation of the Tree Committee
Section 11-7-7	Street Tree Species to be Planted
Section 11-7-8	Spacing
Section 11-7-9	Distance from Fire Apparatuses
Section 11-7-10	Utilities
Section 11-7-11	Public Tree Care
Section 11-7-12	Tree Topping
Section 11-7-13	Pruning, Corner Clearance
Section 11-7-14	Dead or Diseased Tree Removal on Private Property
Section 11-7-15	Removal of Stumps
Section 11-7-16	Interference with City Tree Board
Section 11-7-17	Review by City Tree Committee
Section 11-7-18	City Liability

Section 11-7-1 Definitions

Street Trees: “Street Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

Park Trees: “Park Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Small Tree: “Small Tree” is herein defined as a tree attaining a height of no more than 15’ at full maturity.

Medium Tree: “Medium Tree” is herein defined as a tree attaining a height of no more than 35’ at full maturity.

Large Tree: “Large Tree” is herein defined as a tree attaining a height of more than 35’ at full maturity.

Section 11-7-2 Purpose

This Article is enacted solely to create, protect, preserve and maintain a flourishing urban forest.

Section 11-7-3 Creation, Establishment Duties and Responsibilities of City Tree Committee

- A. There is hereby created and established a City Tree Committee for the City of Globe, Arizona, which shall consist of five (5) members, of which one (1) shall be a Council Member, all of whom shall be appointed by the Mayor, subject to Council approval. The City Manager or designee shall be an ex-officio member.
- B. The City Tree Committee shall have the following powers and duties:
1. To review and make recommendations on the public planting and cutting of trees in the City.
 2. To recommend an annual budget for the public planting and cutting of trees in the City, and include maintenance thereof.
 3. To advise the Council on questions of policy in all regards on the public planting and cutting of trees as requested or as may be initiated through the City Tree Committee.
 4. To study the problems and determine the needs of the City in connection with its tree program.
 5. To recommend to the City Council the type and kind of Street Trees and Park Trees to be planted.
 6. To assist the properly constituted officials of the City, as well as the Council and citizens of the City, in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees on public lands, and to make such recommendations from time to time to the City Council as to desirable legislation concerning the tree program and activities for the City.
 7. Develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Globe, Arizona.
 8. The City Tree Committee, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
 9. The City Tree Committee shall seek additional funding through grants for

the costs associated with protecting, maintaining, removing and planting trees on public lands

Section 11-7-4 Term of Office

- A. The term of the five (5) persons to be appointed by the mayor shall be three (3) years.
- B. In the event a vacancy shall occur during the term of any team member, his successor shall be appointed for the unexpired portion of the term.

Section 11-7-5 Compensation

Members of the Board shall serve without compensation, except that reasonable expenses may be approved by the Mayor.

Section 11-7-6 Operation of the Tree Committee

A majority of the members shall constitute a quorum for the transaction of business. The City Tree Committee shall meet not less than quarterly but the Chair may call a special meeting at any time.”⁴

Section 11-7-7 Street Species to be Planted

The City Tree Committee develops and maintains a list of desirable Street Trees for planting along streets. A list of tree species not suitable for planting as Street Trees will also be created and enforced by the City Tree Committee.

Section 11-7-8 Spacing

The spacing of Street Trees will be in accordance with the three (3) species size classes listed in Section 11-7-7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, thirty (30) feet; Medium Trees, forty (40) feet; and Large Trees, fifty (50) feet; except in special plantings designed or approved by the City Tree Committee.

Section 11-7-9 Distance from Fire Apparatus

No Street Tree shall be planted closer than fifteen (15) feet of any fire apparatus.

Section 11-7-10 Utilities

No Street Trees other than those species determined by the City Tree Committee may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or

⁴ **Editor's Notes:** Originally adopted by and through Ordinance No. 806, 10/10/11.

within fifteen (15) lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 11-7-11 Street or Park Tree Care

- A. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The City 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, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees are in accordance with this Article.
- C. No Park or Street Tree shall be cut down or pruned without prior public approval of the City Tree Committee except in the case of an emergency. An emergency for purposes of this section is an immediate or reasonably foreseeable imminent danger to safety or property. In the event of an emergency, the City Manager may authorize the necessary action.
- D. All due regard shall be taken to the public safety in the planting and cutting of Street or Park Trees.
- E. Any person may appear and be heard on any Park or Street Tree issue. In the event of a disagreement with any decision of the City Tree Committee, any aggrieved person may file a timely bill of reasons before the City Tree Committee at the meeting or next meeting of the Committee, and upon appeal, to the City Council.

Section 11-7-12 Tree Topping

It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and 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 Article at the determination of the City Tree Committee.

Section 11-7-13 Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street

lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the property spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 11-7-14 Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The City will notify in writing, the owners of such trees. Removal shall be done by said owners at their own expense within thirty (30) days after the service of notice. 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 removal to the owners in accordance with the procedures set forth in Section 10-2-1 (C) of the Globe City Code.

Section 11-7-15 Removal of Stumps

All stumps of Street Trees and Park 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.

Section 11-7-16 Interference with City Tree Committee

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Committee, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Section 11-7-17 Review by City Council

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Committee. Any aggrieved person may appeal from any ruling or order of the City Tree Committee to the City Council who may hear the matter and make a final decision.

Section 11-7-18 Liability

Nothing contained herein shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, avenue, way or public place within the City.