

**CODE OF THE CITY OF ROANOKE
CHAPTER 33 VEGETATION AND TRASH**

ARTICLE I. IN GENERAL

Sec. 33-1. Planting trees or shrubs on city property.

It shall be unlawful and a Class 4 misdemeanor for any person, other than a duly authorized agent of the city, to plant any tree or shrub on any public right-of-way or other city property, except in accord with rules and regulations promulgated by the city manager.

Sec. 33-2. Cutting, pruning or removing trees or shrubs on city property.

(a) It shall be unlawful for any person other than a duly authorized employee or agent of the city, to cut, trim, prune or remove any tree or shrub in the public streets or ways or in any of the public grounds or property of the city, without first obtaining a permit so to do from the city manager. Application for such permit shall be in writing and shall specify, in detail, the work proposed to be done. Each such application shall be accompanied by a fee in such amount as is prescribed by the city council.

(b) In addition to the prescribed fee, each application for a permit under this section shall be accompanied by security to the city, in a sum not exceeding one thousand dollars (\$1,000.00) to guarantee satisfactory completion of the work proposed to be done, which security may be in the form of a certified check or a personal bond, in writing, of the applicant. Such security shall be deposited with the city clerk.

(c) If, in the discretion of the city manager, the work proposed to be done in an application for a permit under this section is necessary or desirable, and the method proposed for performing the work is in accord with approved practices, the city manager shall issue the permit. The permit shall contain the terms and conditions under which the work shall be performed. More than one (1) location may be designated in a single permit, but no permit shall remain in force and effect for more than one (1) year following its issuance.

(d) In performing work authorized by a permit issued under this section, no person shall use climbing irons or spurs on any live tree.

(e) All work done pursuant to a permit issued under this section shall be subject to the supervision of the city manager and shall be inspected, by personnel designated by the city manager, at times prescribed by the manager. Upon completion, the work shall be inspected to insure compliance with this section and approved practices. Upon such inspection and written approval of such work by the city manager, the city clerk shall forthwith release and deliver to the permittee the security held pending such completion and approval.

(f) Any violation of the provisions of this section shall constitute a Class 3 misdemeanor. (Code 1956, Tit. VIII, Ch. 6, § 3)

Sec. 33-3. Openings in sidewalks to protect trees and shrubs.

When any concrete, brick or other permanent sidewalk is laid in any street along which trees or shrubs have been planted, care shall be taken that, when practicable, an opening around such trees or shrubs shall be left in such sidewalk, large enough for the expected growth of the trees or shrubs.

(Code 1956, Tit. VIII, Ch. 6, § 4)

Sec. 33-4. Cutting or removing flowers, fruits or nuts from plants or trees on city property.

(a) It shall be unlawful and a Class 4 misdemeanor for any person to cut, break off, pull or otherwise remove any flowers, fruits or nuts from any bush, shrub or tree, whether wild or cultivated, growing in or on any public street, way, park or other public property in the city.

(b) This section shall not apply to persons harvesting crab apples from trees in public parks, on dates approved by the city manager and under the direct supervision of city personnel designated by the city manager.

(Code 1956, Tit. VIII, Ch. 3, § 5; Ch. 6, § 3)

Sec. 33-5. Authority of city to spray and treat diseased trees and shrubs.

For the purpose of preventing the spread of scale, insects, worms or other diseases to which trees and shrubs are subject, the city manager shall, in his discretion, have the power and authority to spray and treat any infected tree or shrub within the city, whether on public or private property. Before spraying or treating any trees on private property, the city manager shall give reasonable notice thereof to the owner. Any person interfering with, or in any way attempting to prevent city personnel from inspecting, spraying or treating trees and shrubs in the city, whether on either public or private property, shall be guilty of a Class 4 misdemeanor.

(Code 1956, Tit. VIII, Ch. 6, § 2)