

ORDINANCE OF THE TOWN OF WEST MIAMI PROHIBITING PLANTING OF TREES, SHRUBS AND PLANTS IN PUBLIC PARKWAYS AT STREET INTERSECTIONS, REGULATING PLANTING IN PARKWAYS AT PLACES OTHER THAN STREET INTERSECTIONS, PROHIBITING PLANTING ON ALL OTHER MUNICIPAL PROPERTY, REGULATING PLANTING ABUTTING SIDEWALKS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, indiscriminate planting of trees, shrubs and other plants have created dangerous conditions within the Town, and

WHEREAS, it is to the best interest of the residents that reasonable restrictions be placed upon the planting of trees, shrubs and plants to correct such conditions and prevent their occurrence in the future,

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF WEST MIAMI:

Section 1: As used in this Ordinance the following words, terms and phrases shall have the meaning given herin:

a. The term "public parkway" shall mean that parcel of land lying between the sidewalk or sidewalk line of any property and the curb, or where there is no curb, the edge of street pavement.

b. The term "street intersection" shall mean the area of street right-of-way lying within the property lines of corner properties extended.

Section 2. It shall be unlawful for anyone to plant any tree, shrub or plant within thirty feet of any street intersection as herin defined within the Town of West Miami. Trees, plants and shrubs existing at the time of the effective date of this ordinance shall be kept cut back and trimmed in such a manner as not to materially impede or obstruct the vision of persons using the streets and sidewalks at such intersection.

Section 3. From and after the effective date of this ordinance no person shall plant any tree, shrub or plant within

any parkway in the Town of West Miami not within thirty feet of any street intersection unless such plantings shall meet the following requirements:

a. The plantings shall not obstruct the sidewalk, street, or any driveway through the parkway.

b. The plantings will be of varieties whose root systems will not undermine or otherwise damage sidewalks curbs, driveways or streets.

c. The plantings will not be of varieties which shed leaves, flowers, seeds, nuts, fruit, bark, or other matter excessively, thereby causing undue maintenance and cleaning.

d. The plantings will not materially interfere with or impede vision at street intersections or driveways.

e. The plantings will not interfere with or adversely affect any public utility installation, in, upon, or over the parkway.

f. The plantings shall be of varieties suitable to the area and compatible with the neighborhood.

g. The plantings will not prohibit parking of vehicles in the parkway and will be at least ten feet from existing trees, shrubs, and other plantings.

h. The proposed plantings will not be of varieties which are poisonous or produce poisonous fruits or flowers, or produce barbs, or spines, or are otherwise dangerous to humans, domestic animals or birds.

Section 4. No person other than duly authorized Town personnel shall plant any tree, shrub, or other plant upon municipal property owned by the Town of West Miami, other than upon public parkways as herein provided.

Section 5. No person owning or occupying property within the Town of West Miami shall permit any tree, shrub or plant growing thereon and which abuts or extends to or over a public sidewalk to grow out

over the public sidewalk at a height of less than eight feet, and every such person shall keep all such trees, shrubs and plants cut back or trimmed so that same do not interfere with or impede the use of the abutting public sidewalk by persons using same.

Section 6. Penalties. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the West Miami jail for a period not exceeding sixty (60) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 7. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.


PASSED AND ADOPTED this 2nd day of October 1963.

ATTEST:

  
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President of the Town Council

  
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Town Clerk

APPROVED:

  
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Mayor