

PART II

PARKS, RECREATION AND CEMETERY

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Sec. 11-101

CHAPTER 1

LIBRARY

- Section 11-101 Library department, board.
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SECTION 11-101 LIBRARY DEPARTMENT, BOARD.

There shall be a library board, which shall be head of the library department. It shall consist of five (5) members, each appointed by the city manager for a limit of no more than two (2) successive terms of three (3) years each. No appointee shall complete a former member's term of office. Each new board member will start a new term of office beginning on the month and year as appointed by the city manager. The city manager may remove a member for the good of the service at any time. Members shall serve without compensation. (Ord. 2000-1399) (Prior Code, Section A23)

State Law Reference: Oklahoma State Statutes SB 746, 1992. (Prior Code, Municipal library board, Section 24 of the charter.)

Charter Reference: Library board, Section 24 of the charter.

SECTION 11-102 LIBRARY ELECTIONS.

Every year at a time prescribed by the Library Board a chairman, a vice-chairman, and a secretary shall be elected. The Library Board shall determine the time and place of its regular meetings; at least quarterly, as required by the Oklahoma Department of Libraries. The city manager, the chairman or any three (3) members may call special meetings of the Board.

SECTION 11-103 LIBRARY BOARD SUPERVISION.

The Library Board shall have supervision and control of the public library or libraries of the city, and shall appoint the librarian or librarians and all other subordinates; provided that the Board may authorize a librarian to appoint subordinates. The Library Board may adopt regulations for the administration and operation of the library or libraries, subject to ordinances which the council may enact.

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SECTION 11-104 LIBRARY RULES, FINES, PENALTY.

The library board may adopt from time to time rules and regulations governing the library and use of its books and resources. The rules and regulations of the library board, as amended, are adopted and incorporated herein by reference. Any violation of such rules is punishable as provided in Section 1-108 of this code. The board, by rules or otherwise, may also restrict a violator's use of library resources in addition to any penalty.

Parks, Recreation, and Cemetery

CHAPTER 2

CEMETERY

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SECTION 11-201 CEMETERY DECLARED TO BE A PUBLIC UTILITY

The municipal cemetery, as well as any additions or supplements thereto, is and are hereby declared to be a public utility and a proper source of revenue. (Prior Code, Section N25)

State Law Reference: Municipal cemeteries, 11 O.S. Sections 26-101 et seq.

SECTION 11-202

CHARGE FOR CEMETERY SPACE

Dewey Residents	\$300.00
Non-Residents	\$800.00

(Amended Ordinance# 2004-1443; 8/16/200; Amended Ordinance# 2010-1499; 7/6/2010)

SECTION 11-203

CHARGE FOR OPENING CEMETERY SPACE

Open and Close for Weekdays:	Adult	\$375.00
	Infants	\$200.00
	Ind. Mausoleum	\$375.00
	Double Mausoleum	\$500.00
	Triple Mausoleum	\$625.00
	Cremation Um	\$125.00
		\$400.00
	Disinterment adult space (opening/closing only)	\$400.00
	Disinterment infant space (opening/closing only)	\$200.00

(Amended Ordinance 2002-1411 2/19/02;
amended 2019-1577 11/18/2019)

Sunday and holiday funerals will not be allowed. Saturday burials shall be charged at three (3) times the above listed fees for opening and closing. (Amended Ordinance #2002-1411; 2/19/02)

SECTION 11-204

INFANT MAY B-E BURIES IN ADULT CEMETERY SPACE

Infants may be buried in grave space containing adult graves where there is sufficient unused area to permit the same. For the purpose of this chapter, "infant" means a child under the age of one year. (Prior code, Section N28)

SECTION 11-205

COSTS AND CHARGES, MARKERS

Costs and charges for locating and setting of grave markers:

Setting of stones:	Single Marker	.35 per square inch
	Double Marker	.35 per square inch
	Upright Marker	.35 per square inch
	Comer Marker	\$25.00 each
	Vases	\$35.00 each

(Amended Ordinance# 2002-1411; 2/19/02; amended #20019-1577 11/18/2019)

SECTION 11-206 COSTS AND CHARGES TO BE COLLECTED IN ADVANCE.

All costs and charges shall be collected in advance by the office of the city clerk.
(Prior Code, Section N29a)

SECTION 11-207 CEMETERY CARE FUND, GENERAL FUND.

From the proceeds derived from sale of lots, an amount equal to twenty-five percent (25%) of such proceeds is hereby set aside for a cemetery care fund. The city manager shall transfer, or cause to be transferred, all such sums set aside into a cemetery fund intended for care and maintenance of the premises, grounds and environs of the cemetery, and all additions and supplements thereto, such fund to be known as the cemetery care fund, and to be drawn upon by the city in accordance with the purposes above set out. All other proceeds from the sales and services prescribed in this chapter shall be placed into the general fund for general use of the city. (Prior Code, Section N30)

State Law Reference: Similar provisions, 11 O.S. Sections 26-101 et seq.

SECTION 11-208 CONCRETE, STEEL BOXES, VAULTS OR NICHEs REQUIRED.

All burials in the cemetery shall be required to be in a concrete box or vault, or a steel vault; or in niches or otherwise as approved by the city for burial of cremains.
(Ord. No. 79-1266, 9/17/79)

SECTION 11-209 SETTING GRAVE MARKERS.

Under circumstances to be determined by the council of the city, or in the alternative, by the city manager, persons other than employees of the city may be permitted to set grave markers, in accordance with rules and regulations to be established by the council or the city manager, in writing, in the individual cases. (Ord. No. 79-1266, 9/17/79)

SECTION 11-210 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be penalized as provided in Section 1-108 of this code. (Ord. No. 79-1266, 9/17/79; Prior Code, Section N31)

Parks, Recreation, and Cemetery

CHAPTER 2

CEMETERY

SECTION 11-211 PERPETUAL AND CEMETERY CARE FUND

Repealing section 11-207 of the Dewey Code of Ordinances and enacting in the creation of the cemetery care fund and the perpetual cemetery care fund and the attached stipulations. (Ord. 98-1383)

SECTION 11-212 CEMETERY CARE FUND

Creation of the Cemetery Care Fund to be funded by twelve and one half percent (12.5%) of all monies received from the sale of lots and interments in the cemetery. The Cemetery Care Fund principal and interest shall be expended for purchasing lands for cemeteries and for making capital improvements. Capital Improvements shall mean all items and articles, either new or replacements not consumed with use but only diminished in value with prolonged use, including but not limited to roads, drainage improvements, machinery, equipment, all real property, construction or reconstruction of buildings, engineering, architectural or legal fees.

SECTION 11-213 PERPETUAL CARE FUND

Creation the Perpetual Cemetery Care Fund to be funded by twelve and one half percent (12.5%) of all monies received from the sale of lots and internment's. These funds are to be set aside as a permanent perpetual fund to help in the care and maintenance of the cemetery beyond the time at which revenue is no longer generated through the sale of lots and internment's in the cemetery.

SECTION 11-214 CEMETERY HOURS

Operational hours of the Dewey Cemetery. The operational hours for the Dewey Cemetery shall be sunrise to sunset, and shall be in full force and effect from and after the time of its passage. (Ord. 99-1391)

SECTION 11-215 RESTRICTIVE COVENANTS

For the purpose of providing adequate restrictive covenants for the mutual benefit of said dedicator and its successors in title to the various parcels and parts and create the following limitations, conditions, and easements to which it shall be incumbent upon its successors to adhere. That the following restrictions, limitations and conditions are set forth for the First, Second, Third and Fourth Sections of the Dewey Cemetery. (Ord. 98-1385)

Parks, Recreation and Cemetery

SECTION 11-216 GRAVE SPACES

Grave spaces shall be used for no other purpose than the burial of the human dead.

SECTION 11-217 PERMISSION OF FLOWERS

Permission will be granted for funeral homes and individuals to place wreaths, flowers and temporary plants on graves for funerals and holidays after which they shall be removed. Holidays shall include the following: Memorial Day, Christmas, Mother's Day, and Father's Day. For each of the aforementioned holidays, the following schedule is adopted for removal of all wreaths, flowers, and temporary plants by those funeral homes or individuals wishing to retain their ground decorations:

Memorial Day:	removed by the first Monday following Memorial Day
Christmas:	removed by the seventh day following Christmas
Mother's Day:	removed by the first Tuesday following Mother's Day
Father's Day:	removed by the first Tuesday following Father's Day

Any ground decorations remaining beyond the established dates shall be removed by the City. A notice will be published in the local newspaper regarding the Memorial Day removal date. Also, signs will be posted at the cemetery noting the removal date.

No planting of shrubs, flowers or the like shall be permitted, and no articles of whatever nature shall be placed upon the surface of said grave spaces except as here in specifically set out.

SECTION 11-218 IMPROVEMENT TO SPACES

Grave space owners shall create or erect no improvement, monument, marker, or otherwise install anything or structure upon grave space. Such things or improvements or markers as may be placed or installed shall be done by or under the direction of the City and its authorized employees or officers.

SECTION 11-219 GRAVE ENCLOSURES

No enclosure of any kind such as fences, coping, hedge, ditch, or the like shall be permitted on or around any grave space, or lot. Grave mounds of any description or prohibited; no grave or grave space shall be raised above the established grade or surrounding terrain.

SECTION 11-220 BENCHES OR FLOWER BOXES

Benches, urns, boxes, shells, or other similar articles of any description being inconsistent with the intended usage of the cemetery are prohibited; such articles, if found upon the above premises shall be forthwith removed.

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SECTION 11-221 ENFORCEMENT OF REGULATIONS

The employees of the City shall, in the exercise of the City's function of caretaker, enforce all of the restrictions, limitations, and conditions in this instrument or in the plat of said lands set out, together with *any* and all other or further rules, regulations, or ordinances promulgated by the City in furtherance of its corporate functions. The City, through its proper employees or officers, shall supervise any and all workmen, visitors, and vehicles.

Any person violating restrictions, limitations, conditions, rules, regulations, resolutions, or ordinances shall be removed or otherwise excluded from the cemetery, upon such occasions and under such circumstances as said employee or officers shall deem expedient and proper.

SECTION 11-222 TRANSFER OF SPACES

The transfer or conveyance of any more grave space shall be and is hereby made subject to the written approval and consent of the City of Dewey, as a condition precedent.

SECTION 11-223 MARKERS

No more than one upright or flat memorial marker will be permitted on each grave space with the exception of military markers. Military markers may be placed as a seconded marker on the grave space and must be set flush with the surface. Such memorial marker shall be formed or constructed of granite or bronze. The base dimensions of memorial markers shall be not less than 12" x 24" and not greater than 24" x 36" in size; double markers where used shall be not less than 14" x 42" and not greater than 24" x 72" in size and neither greater than 48" in height. Special corner markers shall be installed under special permit of the City of Dewey and shall be installed by the City, at the sole expense of the grave space owner; the same shall be of granite or bronze construction, and set flush with the surface, or similar. (Amended Ordinance #200J1488; 3/9/09)

MAUSOLEUMS

Mausoleums will only be permitted to be placed in the section located at the north portion of Section Four, currently labeled as Block 55 through Block 69.

Individuals interested in the placement of a mausoleum shall submit the design and specifications of the mausoleum to the city manager for consideration and approval. Once approved, mausoleums shall only be installed and/or constructed by a licensed contractor, and all construction shall be coordinated with the city manager. The size of mausoleum constructed will require the city manager to determine the amount of spaces needed and required to be purchased in order to place the mausoleum.

(Amended Ordinance 2019-1577; 11/18/2019)

SECTION 11-22:4 INTERMENT NOTICE

No interment will be permitted in any space without the written order and consent of the owner. Twenty four (24) hour notice is required prior to any interment.

SECTION 11-22:5 INTERMENT SPACE

No more than one interment shall be permitted in a single grave space except by special permission in exceptional cases to be granted by the City.

SECTION 11-22:6 DISINTERMENT

No disinterment shall be made without consent of the City which is to be obtained upon presentation of suitable credentials and at the written request of the owner of said grave space.

Parks, Recreation and Cemetery

SECTION 11-227 ENTRY ONTO CEMETERY PREMISES

Entry upon the cemetery premises shall be made by use of the drives provided and indicated upon the plat recorded in connection herewith.

SECTION 11-228 DOGS, DISORDERLY PERSON, FIREARMS, ADVERTISING

No dogs, person carrying or under the influences of intoxicating liquors, or in any way disorderly will be permitted within the cemetery premises; no persons bearing firearms shall be admitted, except in the proper functions of military funeral ceremonies. No person shall bring into the cemetery or display therein, any sign or other advertising devise.

SECTION 11-229 INVALIDATION

Invalidation of any one or more of the above and foregoing covenants by judgment or order of court shall in no way affect any of the other provisions hereinabove set out, which shall remain in full force and effect.

CHAPTER 3

PARKS

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Section 11-301	Punishment of violators.
Section 11-302	Park Shelter Fees.

CHAPTER 4

URBAN FORESTRY

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Section 11-402	Term of office.
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Section 11-419	Changes in and/or conflicting ordinances.
Section 11-420	Effective date.

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CHAPTER 3

PARKS

SECTION 11-300 PARK RULES.

It is declared to be unlawful for any person to commit any of the following acts in any parks within the city:

- A. To operate any motor vehicle in excess of twenty miles per hour or to fail to conform to any lesser posted speed;
 - B. To Park any motor vehicle in any area in violation of posted regulations or to follow a traffic pattern that does not conform to posted regulations;
 - C. To destroy, break, deface, mar or remove any tree, shrub, plant, flower, building, fence, light, fixture or equipment of any type;
 - D. To build an open fire except in a facility provided for outdoor cooking;
 - E. To use glass beverage containers in park area;
 - F. To dump or scatter trash, garbage or litter of any kind at any place except in designated containers;
 - G. To use firearms, fireworks, B.B. guns, air rifles, or sling shots;
 - H. To kill or molest wildlife;
 - I. To throw stones or other dangerous hard objects;
 - J. To use profanity, become intoxicated or otherwise act disorderly or offensive;
 - K. To ride a horse except in designated areas;
 - L. To permit dogs, cats or other pets to run loose;
 - M. To climb trees, fences, light posts and other hazardous structures;
 - N. To use tobacco products and/or an electronic smoking device in any form. The use of tobacco products and electronic smoking devices in all city-owned parks and in and around all public restrooms located in city-owned parks. Tobacco products and electronic smoking devices may be used in parking lots located within city-owned parks; however, said usage is restricted to within a motor vehicle. For the purposes of this section, "Tobacco" and "Electronic Smoking Device" are as defined in Part 8, Chapter 6, Section 8-601 of the Code of Ordinances of the City of Dewey, Oklahoma.
 - O. To park any motor vehicle on the grass; unless duly authorized by a special event permit;
 - P. To use any alcoholic beverages; including beer.
- (Revised#2012-1513; 6/18/2012, Amended Ord#2014-1526 4/7/2014)

Section 11-301. Punishment of Violators.

Any person who violates any of the provisions of this ordinance shall be deemed guilty of an offense against the city and, upon conviction thereof, shall be punished in accordance with Section 1-108.(ORD. 94-1363)

PARKS, RECREATION, CEMETERY

Section 11-302

Park Fees

Any non-resident wishing to use any park shelter is to pay a fee of \$12.50 for the first two (2) hours of use. Excess usage will cost \$5.00 per hour. Fees is to be paid in the office of the City Clerk at the time of reservation. Fee's are non-refundable

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CHAPTER 4

URBAN FORESTRY

Section 11-400	Intent and purpose.
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Section 11-416	Enforcement.
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Section 11-418	Severability.
Section 11-419	Changes in and/or conflicting ordinances.
Section 11-420	Effective date.

SECTION 11-400 - INTENT AND PURPOSE

To develop, enhance and protect the urban forest of Dewey, Oklahoma, as it relates to public lands in parks, streets, and utility right-of-ways.

SECTION 11-401 - ESTABLISHMENT OF THE ARBOR COMMITTEE

There is hereby created and established an Arbor Committee for the City of Dewey, Oklahoma, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council. Meetings of the Committee shall be in accordance with all open meeting laws. The committee shall hold regular monthly meetings on the Second Monday at 7:00 PM and may adjourn from time to time. The Chairperson may call special meetings.

The appointments shall be of men and women possessing some degree of experience in/or who are constructively interested in the beautification and aesthetic quality of our entire community by demonstrating their interest in the purposes enumerated in Section 1 of this ordinance.

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SECTION 11-402 - TERM OF OFFICE

The term of the five (5) persons to be appointed by the Mayor shall be three (3) years, except that the term of one (1) of the members appointed to the first committee shall be for only one (1) year and the term of two (2) members of the first committee shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members may not serve more that two (2) consecutive three (3) year terms.

SECTION 11-403 - COMPENSATION

Members of the Committee shall serve without compensation.

SECTION 11-404 - DUTIES AND RESPONSIBILITIES

It shall be their responsibility of the Arbor Committee to study, investigate, council and develop, and/or update annually, 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 plans 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 Dewey, Oklahoma**. The Arbor Committee, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 11-405 - OPERATION

A member of the Arbor Committee will be chairman. The Arbor Committee shall make its own rules and regulations and shall keep a journal of its proceedings. Minutes of each meeting shall be distributed to the City Council. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 11-406 - DEFINITIONS

TREE - A woody perennial plant having a well defined stem or trunk partially unbranched a few feet above the ground, having a definite crown, having a height at maturity of at least eight feet, and having a trunk diameter above buttswell that exceeds two inches.

Parks, Recreation and Cemetery

- PARK TREE -** Trees and other woody plants in designated public parks and all area owned by the City or to which the public has free access as a park.
- STREET TREE -** Trees and other woody plants within the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular and pedestrian traffic.
- LARGE TREE -** Trees and other woody plants with a potential mature height of fifty-five (55) feet or more.
- MEDIUM TREE -** Trees and other woody plants with a potential mature height of thirty (30) to fifty-five (55) feet.
- SMALL TREE -** Trees and other woody plants with a potential mature height of no more than thirty (30) feet.
- SHRUB -** A low, usually multi-stemmed, woody plant.
- WOODY PLANTS -** A perennial plant having xylem tissue in the vascular structure.
- ADOPTED STANDARDS -** Standards of tree care available to the public from the OSU EXTENSION SERVICE.
- TOPPING -** Sometimes called "dehorning", it is 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 natural canopy and disfigure the tree.
- PUBLIC -** Any land owned by City municipality, i.e., parks, streets, etc.
- SEMI-PUBLIC -** Land designated public as in alleys, utility right-of-way easements, or where other municipal use has been granted, as with electrical, sewer, and water lines.
- PUBLIC SERVICE -** Any service rendered free of charge to the public by a non-profit organization.
- UTILITY, PRIVATE -** A commercial service distributed by wire, pipe, or airwaves to customers, (but not) regulated by the State of Oklahoma Corporation Commission.
- UTILITY, PUBLIC -** A service distributed by wire, pipe, or airwaves to customers, (but not) regulated by the State of Oklahoma Corporation Commission.

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PERSON - Any individual acting on his own behalf or on behalf of a Company, Agency, Corporation or other entity.

PROPERTY OWNER - Shall be the person owning property as shown by the Washington County Assessor's records.

SECTION 11-407 - TREE PROTECTION

A) Responsibility for Trees:

- * Trees on public land shall be maintained by the department having jurisdiction over such lands, or by other departments as designated, either by City crews or by crews under contract to the City, in accordance with standards approved by the Arbor Committee.
- * Trees on or affecting the use of semi-public lands (see definitions) are the property of the current owner of the land from which the right-of-ways, easements, etc., were granted, in the absence of other specified provisions by prior binding agreement; such ownership entails:
 1. That such is responsible for the general maintenance at his own expense, of such trees, including removal of deadwood and treatment of disease and/or insect infestation;
 2. That tree maintenance required for the protection and proper operation of public utilities, safe public use of right-of-ways, etc. shall be done by or under the supervision of the appropriate public office or public utility in accordance with standards approved by the Arbor Committee, further, that consent of the owner need not be obtained;
 3. That unsafe conditions involving utilities, right-of-ways, etc., arising between normal periodic tree maintenance cycles, may be reported by adjacent landowners, or other persons to the City Manager for referral to the appropriate agency;
- * Trees on undeveloped land are the property and responsibility of the owner of such land. To encourage conservation of this natural resource, the Arbor Committee is empowered to take the following measures:
 1. Provide information and technical referral service to landowners, developers builders and other interested parties, including persons and public and private agencies, in protecting trees during planning and construction;

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2. Cooperate with interested public and private parties in conservation efforts such as Arbor Week observance, plant digs, community tree plantings, etc.;
 3. Participate in cooperative community projects.
- B) Protection of Trees on Public Lands from Wanton, Malicious, and Negligent Harm, i.e., Construction and Vandalism

* In relation to any tree or shrub on public land, the following acts shall be illegal:

1. To break, injure, mutilate, burn, kill, remove, or destroy any tree or shrub without authority to do so as set forth in this Ordinance;
2. To knowingly permit any leak to exist in any gas pipe or main within the root zone of such tree or shrub;
3. To permit any toxic chemical, either solid or liquid, to pass, drain, or be emptied on or about any such tree or shrub;
4. To knowingly permit any wire, designed to carry electrical current, to be attached to any tree or shrub, except in accordance with adopted standards;
5. To excavate any tunnel, ditch, or trench, or to lay any driveway, sidewalk, or pavement through or across the root zone of any such tree or shrub, except in accordance with adopted standards.
6. To attach any wire, rope, cable, poster, sign, nail or other fastener to such tree or shrub, except in accordance with adopted standards;
7. To move any building or other large object along the street in such a manner as to damage any tree or shrub that is maintained in accordance with adopted standards;
8. To undertake building any structure, pavement, utility or other construction without prior consideration of such trees and shrubs in accordance with adopted standards.

SECTION 11-408 - TREE SPECIES TO BE PLANTED

The following lists the official tree species to be planted on public land in the City of Dewey. No species other than those included in this list may be planted on Public property without written permission from the Arbor Committee:

- a) Large Trees - See Appendix A
- b) Medium Trees - See Appendix A
- c) Small Trees - See Appendix A
- d) Unacceptable Tree Species

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Trees on the following list have characteristics which make them unacceptable for use as public trees because of potential hazards to health and property or where root mass of said trees will affect sewers and/or drains:

- * Cottonwood (female)
- * Fruit bearing trees as a street tree
- * Lombardi Poplar
- * Mimosa
- * Mulberry (red & white female)
- * Siberian Elm
- * Silverleaf Maple
- * Tree of Heaven

SECTION 11-409 - SPACING AND CLEARANCES

The spacing of public trees between planting sites will be in accordance with the three (3) species size classes listed in Section 9 of this Ordinance, and no trees may be planted closer together than the following:

- * Small Trees - thirty (30) feet apart;
- * Medium Trees - forty (40) feet apart;
- * Large Trees - fifty (50) feet apart;

EXCEPT SPECIAL PLANTINGS APPROVED BY THE ARBOR COMMITTEE.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in Section 9 of this Ordinance, and no trees may be planted closer to any curb or sidewalk than the following:

- * Small Trees - two (2) feet ;
- * Medium Trees - three (3) feet;
- * Large Trees - four (4) feet.

No street trees or shrubs shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of intersecting curbs or curb lines, and no street tree or shrub shall be planted closer than fifteen (15) feet from any fire plug.

No street trees other than those listed as small trees in Section 9 of this Ordinance may be planted under or within ten (10) lateral feet of any overhead utility electrical wire.

SECTION 11-410 - PRUNING AND CLEARANCES

It shall be unlawful for any person, firm, or city department to prune by topping or dehorning (see definitions, Section 7), any street tree, park tree, or other trees on public property, that will result in the changing the natural form and/or shape of the tree canopy, as outlined in the approved standard.

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All cuts shall be made at the branch node or branch crotches using principles of **NATURAL TARGET PRUNING**, as outlined in the approved standards. Trees severely damaged by storms or other causes, where Natural Target Pruning practices are not realistic, may be exempted at the determination and approval of the City Manager.

Every owner of any tree overhanging any street or right-of-way within the City of Dewey shall prune the branches so as not to obstruct the view of any street intersection and so there shall be a clear space fifteen (15) feet above the street and eight (8) feet above the sidewalk. Said owners shall remove all dead, disease, or dangerous trees, or broken or decayed limbs which constitute a menace to public safety. The City of Dewey shall have the right to prune or remove any tree or other woody plant on semi-public and private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

SECTION 11-411 - TREE CARE AND PREVENTATIVE MAINTENANCE

The City of Dewey shall have the right to plant, prune, maintain and/or remove trees and other woody plants on all public and semi-public right-of-ways as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such areas. The City Manager or his/her designee may remove, cause, or order to be removed any tree or part thereof which is an unsafe condition or, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is affected with an injurious disease, insect or other pest.

SECTION 11-412 - DEAD OR DISEASED TREE REMOVAL ON PUBLIC OR SEMI-PUBLIC PROPERTY

The City Manager shall have the right to cause the removal of any dead or diseased trees on public and/or semi-public property within the City of Dewey, when such trees constitute a hazard to life and property or harbor insects and/or disease which constitutes a potential threat to other trees within the City. All stumps of street trees shall be removed so that the top of the stump does not project above the surface of the ground.

SECTION 11-413 - INTERFERENCE WITH THE ARBOR COMMITTEE

It shall be unlawful for any person to prevent, delay or interfere with the Arbor Committee, or any of its agents, while engaging in and about the planting, protection, maintenance and/or removing of any street trees, park trees, trees on public and semi-public or other woody plants, as authorized in this Ordinance.

SECTION 11-414 - LICENSING AND BONDING

It shall be unlawful for any person or firm to engage in the business or occupation of pruning,

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maintaining, or removing street trees, or trees on public and semi-public property without first applying for and procuring a license as required by the State of Oklahoma.

SECTION 11-415 - PENALTIES AND VIOLATIONS

Except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding One Hundred Dollars (\$100). Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section. (Ord. No. 83-1316)

SECTION 11-416 - APPEALS AND REVIEW

Any person may appeal from any order or ruling by the Arbor Committee to the City Council. The City Council shall have the right to review the conduct, acts and decisions of the Arbor Committee.

SECTION 11-417 - ENFORCEMENT

The provisions of the Ordinance shall be administered and enforced by the Arbor Committee or an official designee by the Arbor Committee. If at any time the Arbor Committee has reasonable cause to believe that any provision of this Ordinance has been violated or that a violation is imminent, the Arbor committee shall issue a notice of violation to the property owner or agent thereof, sighting the violation and describing what action is required to comply with the Ordinance and/or directing the property owner or agent to cease and desist from the violation. If the property owner or agent does not immediately comply with the actions specified in the notice within thirty (30) days from the date of notice, the Arbor Committee may bring action in the Municipal Court of the City of Dewey.

SECTION 11-418 - SEVERABILITY

It is declared to be the legal intent that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

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SECTION 11-419 - CHANGES IN AND/OR CONFLICTING ORDINANCES

In case of conflicts with existing City Ordinances, this Ordinance shall take precedence when pertaining to trees and/or affecting public and semi-public lands as defined in this Ordinance.

SECTION 11-420 - EFFECTIVE DATE

The provisions of this Ordinance shall become effective one hundred eighty (180) days after the date of its enactment by the City Council.
(ORD. NO. 95-1365)

Appendix A

Authorized tree species listed by height at maturity, i.e., Large - fifty-five (55) feet; Medium - thirty (30) feet; Small - not more than thirty (30) feet. No trees other than those listed may be planted on public property without first obtaining written permission from the Arbor Committee.

Large Trees - 55 to 100 ft. plus;

American Linden	Maple, Sugar (cv. Caddo)
Ash, Green	Oak, Black
Ash, White	Oak, Bur
Austrian Pine	Oak, English
Bald Cypress	Oak, Northern Red
Black Walnut	Oak, Pin
Eastern Cottonwood (male)	Oak, Shumard
Ginko (male)	Oak, Southern Red
Gum, Black	Oak, Swamp White
Gum, Sweet	Oak, Water
Hackberry/Sugarberry	Oak, White
Hickories	Oak, Willow
Honey Locust (cv. Skyline)	Poplar, White
Kentucky Coffee Bean	Scotch Pine
Loblolly Pine	Shortleaf Pine
London Plane Tree	Sycamore, American
Maple, Red	Atlas Cedar

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Medium Trees - 30 to 55 ft.

American Holly

Catalpa

Chinese Pistache

Eastern Hophornbeam

Japanese Black Pine

Lacebark Elm

Oak, Blackjack

Chinkapin

Oak, Post

Ornamental Pear (cv. Aristocrat & Bradford)

Osage Orange (cv. Park)

Sassafras

Sweet Bay Magnolia

Western Soapberry

White Mulberry (cv. Oak, Fruitless)

White Spire Birch

Small Trees - less than 30 ft.

Blue Beech

Deciduous Holly

Dogwood

Flowering Crabapple

Panicled Golden Raintree

Redbud (cv. Oklahoma)

Russian Olive

Smoke Tree

Sweet Mockorange

Yaupon Holly

NOTE: cv. - denotes cultivars or special variety within species that produce better quality trees in this area