

## CHAPTER 150

### TREES

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**150.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**150.02 PLANTING RESTRICTIONS.** No tree shall be planted in any parking or public right-of-way except in accordance with the following:

1. No person shall plant a tree within the parking or public right-of-way without first obtaining a permit therefor, which shall show the type of tree to be planted and the placement of the tree. The placement of the tree must be approved by the Superintendent of Public Works, and no permit shall be issued until the Superintendent of Public Works has actually viewed the site of said placement.
2. No person shall plant in any parking or public right-of-way any fruit-bearing or nut-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.
3. No tree may be planted where there is less than 2½ feet of soil on all sides of said tree; and no tree may be planted closer than five (5) feet from any fire hydrant or closer than forty (40) feet to another tree on the parking.
4. No person may plant a shrub upon the public right-of-way or parking.
5. The Clerk may deny the issuance of a permit if the same would cause damage to the public right-of-way and parking, create a safety hazard or fail to conform to the scheme of planting of trees upon that particular public right-of-way or parking area.
6. Where overhead power lines still exist within the City, no permit for the planting of trees shall be issued.

**150.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fourteen (14) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d & e])*

**150.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 150.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**150.05 DISEASE CONTROL.** Any dead, diseased, or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**150.06 INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

1. Removal from City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, and that danger to other trees within the City is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to destroy or prevent as fully as possible the spread of the disease or the insect or disease pests. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Removal from Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that the danger to other trees within the City is imminent, the Council shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within the time period set by the Council and stated in the notice. If the owner, occupant, or person in charge of said property fails to comply within such time period, the Council may cause the nuisance to be removed and the cost assessed against the property.

*(Code of Iowa, Sec. 364.12[3b & h])*

**150.07 PERMIT TO REMOVE TREE FROM PARKING OR PUBLIC RIGHT-OF-WAY.** Any person desiring to have a live tree removed from the public right-of-way or parking for the construction of a walk, drive, building, or any other reason shall first obtain a permit from the Clerk. If a permit is issued, the permittee must remove the tree at said person's own expense. No fee shall be charged for the permit to remove said tree.

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