

CHAPTER 151: TREES /SHRUBS**151.01 Purpose****151.02 Definitions****151.03 Authority****151.04 Planting Restrictions****151.05 Improper Planting****151.06 Obstruction****151.07 Duty to Trim Trees/Shrubs****151.08 Felling of Trees/Shrubs Onto Streets****151.09 Disease Control****151.10 Inspection and Removal****151.11 Interference with Commissioner**

151.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of Trees/Shrubs.

151.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Commissioner” means the Superintendent of Public Works or such other person as may be designated by the Council.
2. “Parking/Right-of-Way” 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 that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
3. “Trees/Shrubs” means all wood vegetations except where otherwise indicated.

151.03 AUTHORITY. The Commissioner shall have the authority to perform and to regulate the planting, maintenance and removal of Trees/Shrubs on streets and other public property in order to ensure public safety and preserve the symmetry of public places. The Commissioner shall have the authority and duty to supervise or inspect all work done in accordance with the terms of this chapter.

151.04 PLANTING RESTRICTIONS. No tree/shrub shall be planted in any street right-of-way or parking. Existing trees/shrubs currently located in the public right-of-way/parking shall be grandfathered until such time the tree needs to be removed due to the health of the tree or the desires of the property owner to remove it. Under no circumstances shall it be allowed to be replaced within the public right-of-way/parking area.

151.05 IMPROPER PLANTING. Whenever any tree/shrub is planted in conflict with this chapter, it shall be lawful for the Commissioner to require its removal. The Commissioner shall cause written notice to be served on the property owner requiring the property owner to do so within thirty (30) days. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner. If the City is unable to secure notice on the property owner, said written notice may be served on the occupant or person in charge of the property in the same manner as set herein. If the property owner fails to remove the Trees/Shrubs within the specified time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as general property tax, or proceed with a Municipal Infraction.

151.06 OBSTRUCTION. Trees/Shrubs on public or private property bordering on any street shall be trimmed to sufficient height to allow free passage of pedestrians and vehicular travel and so that they will not obstruct or shade the street lights, the vision of traffic signs, or the view of any street intersections. The minimum clearance of any overhanging portion of such Trees/Shrubs shall be nine (9) feet over sidewalks and fifteen (15) feet over all streets or alleys.

151.07 DUTY TO TRIM TREES/SHRUBS. The owner or agent of the abutting property shall keep the Trees/Shrubs on or overhanging the street trimmed so that all branches are in accordance with this chapter. When the Commissioner shall find it necessary to order obstructing Trees/Shrubs to be trimmed, the Commissioner shall cause written notice to be served on the property owner requiring the property owner to do so within thirty (30) days. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner. If the City is unable to secure notice on the property owner, said written notice may be served on the occupant or person in charge of the property in the same manner as set herein. If the property owner fails to trim the Trees/Shrubs within the specified time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as general property tax.

151.08 FELLING OF TREES/SHRUBS ONTO STREETS. The Clerk shall be notified prior to the time any tree is to be trimmed, if said tree or any portion thereof will fall on a street or alley. No tree shall be felled onto any street without having persons stationed in the street to stop traffic from both directions at the time the tree is being dropped, unless the street has been duly barricaded. Trees/Shrubs or branches which are felled into a street, sidewalk or alley must be removed immediately. Before any tree or branch is felled onto public property, the property owner or agent of the property owner must show proof to the City of a liability insurance policy in the amount of \$1,000,000.00 per person and \$1,000,000.00 per accident for bodily injury liability, and \$1,000,000.00 per person and \$1,000,000.00 aggregate for property damage liability.

151.09 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other Trees/Shrubs is hereby declared to be a nuisance.

151.10 INSPECTION AND REMOVAL. The Commissioner shall inspect or cause to be inspected any Trees/Shrubs in the City reported or suspected to be dead, diseased or damaged, and such Trees/Shrubs shall be subject to the following:

1. 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, the Commissioner may cause such condition to be corrected by treatment or removal. The Commissioner may also order the removal of any Trees/Shrubs on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other Trees/Shrubs or to adjoining property or passing motorists or pedestrians is imminent, the Commissioner shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within sixty (60) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 60 days of

receipt of notice, the Commissioner may cause the condition to be corrected and the cost assessed against the property, or a municipal infraction may be filed.

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

151.11 INTERFERENCE WITH COMMISSIONER. No person shall hinder, prevent, delay or interfere with the Commissioner or any of the Commissioner's assistants, while they are engaged in carrying out the execution or enforcement of this chapter; provided, however, nothing herein shall be remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.