

TITLE V - BUILDING AND PROPERTY REGULATIONS
MISCELLANEOUSCHAPTER 142
TREES

142.01 Definition
142.02 Planting Restrictions
142.03 Duty to Trim Trees

142.04 Trimming Trees to be Supervised
142.05 Disease Control
142.06 Inspection and Removal

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

1. "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.
2. "Superintendent" means such person as may be designated by the Council.

142.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, black walnut or austrees.

(Ord. 945 – June 07 Supp.)

142.03 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 fifteen (15) 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])

142.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 142.03, 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.

142.05 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.

142.06 INSPECTION AND REMOVAL. The Superintendent shall inspect any trees or shrubs in the City reported or suspected to be dead or dying or 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, or that danger to other trees within the City is imminent, the Superintendent shall immediately correct such condition 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 Superintendent may also remove 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 Superintendent 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 fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Superintendent may remove the nuisance and the cost assessed against the property. If the Superintendent is unable to

determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, the Superintendent is authorized to remove or cut specimens from said tree and obtain a diagnosis of such specimens.

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

o o o o o o o o o o

