

CHAPTER 151

TREES

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151.01 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.

151.02 PLANTING RESTRICTIONS. No person shall plant any trees or shrubs within the parking unless said person agrees to plant and maintain the trees and shrubs according to an approved site plan and further agrees to be responsible for any and all liability arising from the planting of trees and shrubs within the parking. The work must be done by a responsible, insured contractor approved by the Council. Requests for such approval shall be made to the Council in writing and include a site plan showing the varieties and placement of the trees and shrubs to be planted within the parking and who is to do the work. Anyone violating any of the provisions of this section shall be ordered to remove the trees or shrubs, or removal shall be done by the City at the planter’s cost.

151.03 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])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, 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.

151.05 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.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and 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 Council may cause such condition to be corrected by treatment or removal. 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. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall 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 Council may cause the condition to be corrected and the cost assessed against the property.

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

151.07 TREES NEAR INTERSECTIONS PROHIBITED. All owners of corner lots within the City are prohibited from planting or maintaining trees, shrubs, vines or other plant life at the corner of such lots nearest the intersection of streets bounding such lots, which trees, shrubs or vines obstruct the view of motorists operating their automobiles at such intersections so that a clear view of the intersecting street cannot be had by the approaching motorists for a distance of at least fifty (50) feet along such intersecting street. In the event any person plants or maintains shrubs, trees, vines or other plant life at such corners which obstruct the view of motorists at such intersections, the same shall be trimmed or removed

so that motorists approaching such intersection on both streets may have a clear view of the intersection.

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