

TITLE V – BUILDING AND PROPERTY REGULATIONS

CHAPTER 140

TREES

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140.01 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.

140.02 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 right-of-way any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, black walnut, or ash.
(Ord. 584 – Dec. 09 Supp.)

140.03 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])

140.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 140.03, 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.

140.05 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.

140.06 DEAD OR DISEASED TREE REMOVAL ON PUBLIC OR PRIVATE PROPERTY. 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 or diseased pests or which constitute a hazard to life or property, 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, life or property 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, the insect, disease pests, or the hazards that could affect life or property. 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.** The owner or person in possession of private property shall remove any trees "constituting a hazard to life or property," or trees harboring insects or disease which constitute a potential threat to other trees within the City located on private property within the City. If the owner or person in possession fails to remove any such tree, the City may serve notice on the property owner requiring the property owner to do so within sixty (60) days. If the property owner fails to remove any such tree 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.

(Ord. 585 - Dec. 09 Supp.)