

CHAPTER 151

TREES

151.01 Definitions

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Removal of Trees

151.05 Trimming of Trees to be Supervised

151.06 Inspection and Removal

151.01 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 lines and curb line; or, on unpaved street, 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. “Property owner” means a person owning private property in the City as shown by the County Auditor’s plats of the City.
3. “Public property” means any and all property located within the confines of the City and owned by the City or held in the name of the City by any of the departments, commissions, or agencies within the City government.

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

1. 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 10 feet from the property line.
2. Trees shall not be planted on any parking which is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 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. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, popular, box elder, Chinese elm, evergreen, willow and black walnut.

151.03 DUTY TO TRIM TREES. The owner of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches shall be at least 15 feet above the surface of the street and eight 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 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.

151.04 REMOVAL OF TREES. The City shall remove, on the order of the Council, any trees on the streets of the City which interfere with the making of improvements or with travel thereon. The City shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may

otherwise be declared a nuisance. Any diseased tree cut down should be burned or removed to a designated disposal area immediately.

151.05 TRIMMING OF 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.

151.06 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 of 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 14 days of said notifications. If such owner, occupant or person in charge of said property fails to comply within 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])

[The next page is 651]