

CHAPTER 151

TREES

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151.01 PURPOSE. The purpose of this chapter is to protect and promote tree planting in a reasonable and responsible way and to improve the aesthetic qualities of the City by regulating tree management and landscaping activities. Its purpose is to protect the public; protect public and private property; ensure pedestrian and vehicular rights-of-way; and to promote aesthetic quality and help create and maintain a pleasant community environment.

151.02 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by the 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.

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

1. Alignment. All trees planted in any parking shall be planted in the parking midway between the outer line of the sidewalk (or where a sidewalk would normally be placed) and the curb. In the event that a curb line is not established, trees shall be planted on a line nine (9) feet from the property line, except as noted elsewhere in this chapter. In no case shall a tree be planted closer than four (4) feet from the curb line or existing or potential sidewalk line and, if possible centered in the middle of the parking, except as noted elsewhere.
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 per tree. Trees shall not be planted less than thirty (30) feet from intersections (property lines extended) and ten (10) feet from driveways. If at all possible, all trees should be planted inside the property lines and not between the sidewalk (or where one would normally be placed) and the curb.
3. Prohibited Trees. No person shall plant in any parking any fruit bearing trees (except as noted), shrubs, bushes, or any type of the tree commonly known as:

- A. Cottonwood
- B. Poplar
- C. Box elder
- D. Chinese elm
- E. Evergreen
- F. Willow
- G. Black walnut
- H. Maples (except as indicated below)

4. Accepted Trees. The following is a list of trees which are acceptable to be planted in the parking. This list is divided into two (2) categories, A and B. The minimum distance between any trees (either category) is twenty-five (25) feet.

A. Category A Trees:

- (1) Amur maple (tree form only)
- (2) Japanese tree lilac
- (3) Ornamental pear
- (4) Purple leaf plum (non-fruit varieties)
- (5) White fringe tree
- (6) Corkscrew willow
- (7) Any flowering crabapple tree is acceptable provided that it is a variety in which the fruit it bears does not exceed three-quarters (3/4) inch in diameter
- (8) Padoga dogwood
- (9) Red bud

B. Category B Trees. Category B trees have different sitting requirements than Category A trees. The sitting requirements for Category B trees are:

- (1) No trees shall be planted closer than eight (8) feet to the curb line and no closer than four (4) feet from the nearest sidewalk edge or where a sidewalk edge would normally be placed.
- (2) Category B trees shall not be planted where they will potentially interfere with overhead wires.

- (3) Category B trees shall not be planted where the width of the parking is less than twelve (12) feet.
 - (4) Acceptable Category B trees are:
 - (a) Any variety of green or white ash trees
 - (b) River birch
 - (c) Greenspire linden
 - (5) As new species evolve, the City reserves the right to add species to either the Prohibited or Accepted trees list.
5. The abutting property owner is liable for any damage caused by a tree(s) not in compliance with this chapter. Prior to any digging or planting, it is the responsibility of the abutting property owner, occupant, or agent in charge to contact Iowa One Call at 1-800-292-8989 to have Locator Service come to the digging or planting site to determine where any underground systems are located.
6. No tree shall be planted within ten (10) feet of a fire hydrant.

151.04 DUTY TO TRIM TREES.

1. 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 sixteen (16) 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 no action is taken within that time, the City may perform the required action and assess the costs incurred with such action against the abutting property for collection in the same manner as a property tax.
2. Trimming trees:
 - A. The City may trim any tree located on the parking if the tree is creating a public hazard.
 - B. The City may trim any tree, bush, or shrub to the extent necessary to remove the hazard to protect lives and property.
 - C. The City will employ persons skilled in such trimming so that the life and general aesthetic qualities of the tree, bush, or shrub are preserved.

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,

as determined by the City Administrator or designee is hereby declared a nuisance and subject to abatement.

151.06 INSPECTION AND REMOVAL. The City 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 pests, and also trees damaged by storms and trees that could be considered hazardous to the public, and such trees and shrubs shall be subject to removal as follows:

1. **Removal from City Property.** If it is determined by the City Administrator or designee that any such conditions exist on any public property, including the parking between the curb and the lot line of private property, and that danger to the public or to other trees within the City is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to eliminate the hazard or destroy or prevent as fully as possible the spread of disease or the insect or disease pests. 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 thereof.
2. **Removal from Private Property.** If it is determined with reasonable certainty by the City Administrator or designee that any such condition exists on private property and that the danger to other trees within the City is imminent, the Council shall immediately notify (by certified mail) the property owner, occupant, or agent in charge of the property to correct such condition by treatment or removal of said tree(s) or shrub(s) within fourteen (14) days of said notification. If that property owner, occupant, or agent in charge of said property fails to comply within fourteen (14) days of the receipt of notice, the Council may cause the nuisance to be removed and the costs of removal be assessed against the property.
3. Except as provided above, no tree, bush or shrub shall be removed without the written consent of the property owner, occupant, or agent in charge of the property upon which property the tree, bush, or shrub is located.
4. The City shall not be responsible for a property owner's, occupant's, or agent's in charge of the property, discretionary removal of any tree not damaged by storm or disease or otherwise not posing a public hazard or nuisance.

151.07 NUISANCE ABATEMENT. All trees, shrubs, and bushes on the parking which are planted in violation of, or not maintained in compliance with, the provisions of this chapter are hereby declared to constitute a public nuisance. The City Administrator or designee may cause written notice to be served on the property owner requiring such nuisance to be corrected within a specified period, or the nuisance be abated and the costs thereof be assessed against the property owner in the manner of ordinary taxes.

151.08 APPEALS TO THE CITY COUNCIL. Whenever, because of unusual circumstances, there are practical difficulties involved in carrying out the provisions of this chapter, the City Council may grant a specific exemption for individual situations; provided that they shall first find that special and unusual individual circumstances makes the strict application of this chapter impractical and that the exemption granted with appropriate safeguards is in conformity with the intent and purposes of this chapter.

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