

CHAPTER 151

TREES

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151.01 PURPOSE. It is the purpose of this chapter to provide for the placement of trees and to regulate the height and spacing of trees in public ways; to provide for permits therefor and to provide for penalties for violations thereof.

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

1. “Large tree” means any tree with a mature height of more than 25 feet.
2. “Park trees” are trees, shrubs and all other woody vegetation in public parks having individual names and in all areas owned by the City or to which the public has free access as a park.
3. “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.
4. “Shrub” means any multiple-stemmed woody plant.
5. “Small tree” means any tree with a mature height of 15 to 25 feet.
6. “Street trees” are trees on land lying between property lines on either side of all streets, avenues or ways within the City.
7. “Tree” means a single stemmed woody plant with a mature height of at least 15 feet.

151.03 STREET TREE SPECIES.

1. The following tree species are not allowed for planting along City streets:

<i>ACER NEGUNDO</i>	BOX ELDER
<i>CATALPA SPECIOSA</i>	CATALPA
<i>POPULUS DELTOIDES</i>	COTTONWOOD
<i>SALIX</i>	WILLOWS
<i>ULMUS</i>	ELMS (except American Elm hybrids resistant to Dutch Elm Disease)
<i>MORUS RUBRA</i>	RED MULBERRY
<i>ACER SACCHARINUM</i>	SILVER MAPLE
Any tree of the order <i>Coniferales</i>	CONIFERS – EVERGREENS

2. The following tree species are recommended for planting along City streets:

Large Trees

<i>ACER NIGRUM</i>	BLACK MAPLE
<i>ACER PLATANOIDES</i>	NORWAY MAPLE
<i>ACER RUBRUM</i>	RED MAPLE
<i>ACER SACCHARUM</i>	SUGAR MAPLE
<i>CELTIS OCCIDENTALIS</i>	HACKBERRY
<i>FRAXINUS AMERICANA</i>	WHITE ASH
<i>FRAXINUS LANCEOLATA</i>	GREEN ASH
<i>FRAXINUS QUADRANGULATA</i>	PURPLE ASH
<i>GINKO BILOBA</i>	GINKO (except female)
<i>GLEDTISIA TRIACANTHOS</i>	HONEYLOCUST (thornless)
<i>LIRIODENDRON TULIPIFERA</i>	TULIP TREE
<i>PHELLODENDRON AMURENSE</i>	CORKTREE
<i>PLATANUS OCCIDENTALIS</i>	AMERICAN SYCAMORE
<i>GYMNOCLADUS DIOICUS</i>	KENTUCKY COFFEETREE
<i>QUERCUS ALBA</i>	WHITE OAK
<i>QUERCUS BOLEALIS</i>	NORTHERN RED OAK
<i>QUERCUS BICOLOR</i>	SWAMP WHITE OAK
<i>QUERCUS MACROCARPA</i>	BUR OAK
<i>TILIA TOMENTOSE</i>	SILVER LINDEN
<i>TILIA REDMOND</i>	REDMOND LINDEN

Small Trees

<i>ACER GINNALA</i>	AMUR MAPLE
<i>CERCIS CANADENSIS</i>	EASTERN REDBUD
<i>CRATAEGUS SPECIES</i>	THORNLESS HAWTHORN VARIETIES
<i>MALUS SPECIES</i>	ORNAMENTAL CRABAPPLE (disease-resistant)
<i>OSTRYA VIRGINANA</i>	HOP HORNBEAM (IRON WOOD)
<i>PRUNUS SARGENTI</i>	DOGWOOD
<i>PYRUS CALLERYANA</i>	BRADFORD PEAR
<i>TILIA CORDATA</i>	LITTLELEAF LINDEN

151.04 SPACING. Small trees shall not be planted closer than twenty (20) feet from one another or closer than thirty (30) feet from a large tree. Large trees shall not be planted closer than thirty (30) feet from one another.

151.05 DISTANCE FROM CURB AND SIDEWALK. No trees shall be planted on parkings that are less than eight (8) feet wide. Small trees shall be planted no closer than four (4) feet to the curb or curblines and no closer than two (2) feet to the sidewalk or property line. No large trees shall be planted on parkings that are less than twelve (12) feet wide. Large trees shall be planted no closer than six (6) feet to the curb or curblines and no closer than five (5) feet to the sidewalk or property line. Whenever possible trees shall be centered between the curb or curblines and the sidewalk or property line.

151.06 DISTANCE FROM STREET CORNERS, ALLEYS AND FIREPLUGS. No street trees shall be planted closer than thirty-five (35) feet to the intersecting lot lines of a corner lot. No street trees shall be planted within five (5) feet of any alley or drive. No street trees shall be planted closer than ten (10) feet to any fireplug or utility pole.

151.07 VISIBILITY AT INTERSECTIONS. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection of the right-of-way lines.

151.08 VARIANCES. Any spacing or distance requirements provided by this chapter may be waived and a variance granted by the Council provided that such variance is first presented to and approved by the City Tree Board created and established pursuant to Chapter 28 of this Code of Ordinances. If the Tree Board approves the requested variance, the request shall then be presented to the Council, which may grant such variances which have been recommended by the Tree Board and are, in the opinion of the Council, acceptable variances from the official comprehensive City Tree Plan for the City.

151.09 UTILITIES. No street trees other than those species listed as small trees in Section 151.03 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line or sewer line. The electric utility shall be given permission to trim trees that are growing into the conductors (wires) of the overhead power lines energized above 600 volts to a sufficient distance from the conductors to provide reliable, uninterrupted service. This shall include private trees that are overhanging the public rights-of-way.

151.10 PERMIT FOR PLANTING OR REMOVAL REQUIRED. No street tree shall be planted unless a permit is obtained. No living tree shall be destroyed or removed from the parking unless a permit is obtained. Permits shall be obtained from the Tree Board at no charge.

151.11 PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City, upon recommendation of the Tree Board, may remove or leave as is any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or public improvements, or is infected with or affected by any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with this chapter.

151.12 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])

151.13 TRIMMING TREES. Except as allowed in Section 151.12, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done with permission of the City.

151.14 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.

151.15 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 City 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 City may cause the condition to be corrected and the cost assessed against the property.

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

151.16 REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

151.17 FLOWERS ON RIGHT-OF-WAY. Flowers may be grown on public right-of-way if maintained under two (2) feet above ground level and if they present no safety hazard. No vegetables may be planted on public right-of-ways.

151.18 ABUSE OR MUTILATION OF PUBLIC TREES. It is unlawful as a normal practice for any person or City department to top any street, park or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Council, upon the recommendation of the City Tree Board. Unless specifically authorized by the City Tree Board, no person shall intentionally damage, cut, carve, transplant or remove any tree on public property; attach any rope, wire, nail, advertising poster, or other contrivance to any tree on public property; allow any gaseous liquid or solid substance that is harmful to such trees to come in contact with them or with their roots; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree on public property. Growth retardants approved by the City Tree Board may be utilized and shall not be a violation of this chapter.

151.19 INTERFERENCE WITH CITY TREE BOARD. It is unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or other trees on public property as authorized by this chapter.

151.20 FUNDS RECEIVED FOR DAMAGE OR LOSS OF TREES. Any funds received or collected by the City for damage or loss of street or park trees shall be designated for the purchase of replacement street and park trees.