

## CHAPTER 150

### TREES

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**150.01 PURPOSE.** The purpose of this chapter is to beautify and preserve the appearance of the City.

**150.02 DEFINITIONS.** For use in this chapter, the following definitions are given.

1. “Park trees” means trees, shrubs, bushes, and all other woody vegetation in public parks and other areas owned by the City to which the public has free access as a park.
2. “Street trees” means trees, shrubs, bushes, and all other woody vegetation on land owned by the City and lying between property lines on either side of all streets, avenues, or ways, within the City.

**150.03 LOCATION.** No tree shall be planted less than twenty (20) feet from the street edge, intersection of a street, or alley.

**150.04 REMOVAL OF TREES PROHIBITED.** Any tree currently existing on publicly owned right-of-way shall not be removed by an adjoining property owner, or anyone else, without first obtaining permission from the Council.

**150.05 REMOVAL OF DEAD OR DISEASED TREES.** The City has the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees within the City. The City Administrator or Public Works Director will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 45 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner’s property tax notice.

**150.06 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 does not project above the surface of the ground. When the City causes a tree on City property to be removed, the City shall remove the stump to six inches below ground level.

**150.07 PUBLIC TREE CARE.** The City has 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 may remove or cause or order to be removed 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 other public

improvements, or is affected with any injurious fungus, insect, or other pest; provided, however, such removal shall be conducted in accordance with tree removal policies of the tree plan. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter.

**150.08 TOPPING PROHIBITED.** Topping, also referred to as heading, stubbing, rounding, tipping, dehorning, or the drastic removal of large branches, is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. It is unlawful as a normal practice for any person or firm to top any street tree, park tree, or other tree on City property. Proper early trimming, selective branch thinning, or entire tree removal are acceptable tree maintenance alternatives to topping. Allowable natural shape branch thinning techniques include drop-crotch, under pruning, side pruning, and through pruning. It is under the supervision of the Public Works Director to determine which alternatives to use in such instances.

**150.09 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on public or private property trimmed so that all branches will be at least 15 feet above the traveled roadway and to a minimum of eight feet above a sidewalk. 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. Except as allowed in this section, it is unlawful for any property owner to trim or cut any tree in a street or public place.

*(Code of Iowa, Sec. 364.12[2c, d, & e])*

**150.10 SPECIAL PENALTY.** In the event any trees are removed or altered in violation of this chapter, the person shall replace said trees within 45 days of the violation. The Council will determine age and type of tree to be planted in such event.

**150.11 ALTERNATIVE REMEDY.** In addition to or in lieu of the special penalty provided by this chapter, the Zoning Enforcement Officer may enforce these provisions by issuing the offender a municipal infraction.

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