

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 142  
TREES AND SHRUBBERY

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**142.01 PURPOSE.** The purpose of this chapter is to beautify and preserve trees and shrubs for the appearance of the City and to provide for the abatement of diseased and dangerous trees to promote public safety.

**142.02 DANGEROUS TREES DEFINED.** All trees which, by reason of their size, age, condition, disease or location, may endanger public life or safety, or the safety of property, are hereby declared to be dangerous trees and are also declared to be a nuisance which should be removed and abated. If there is a danger that all or a substantial portion of such tree or trees might fall on any public alley, street or other public property or any private property, such condition is also hereby declared to be sufficient evidence that such tree or trees constitute a nuisance.

**142.03 CITY FORESTER.** The City Manager shall designate a person to act as City Forester and such person shall have jurisdiction over all trees and other plantings on the streets within the City in order to provide orderly tree planting, to protect the health of all trees from disease, and to require trees and plantings to be maintained in a manner not dangerous to public safety.

**142.04 DUTIES OF CITY FORESTER.** The City Forester shall have the following authorities and duties:

1. Prevent the indiscriminate trimming or removal of trees or plants within streets.
2. Regulate new planting of trees or other plantings in streets in accordance with street tree planting regulations approved by the Council and on file in the office of the Clerk.

3. Order private persons to comply with duties placed upon them by this chapter.

4. Supervise all work by City employees or contractors in the trimming, preservation, planting, or removal of trees or other plantings in the streets.

**142.05 DUTIES OF PRIVATE OWNERS.** It shall be the duty of any person growing a tree or other plantings on private property abutting on street or public places:

(Code of Iowa, Sec. 364.12 [2c])

1. Trim For Clearance. To trim trees or plantings so that they shall not cause a hazard to the public or block public walks or ways or interfere with proper lighting of public streets or places. The minimum clearance of any overhanging portion shall be eight (8) feet over walks and fourteen (14) feet above the surface of the traveled portion of the street.

2. Planting Restricted. Not to plant any tree or other planting on private property which would cause a public danger or nuisance. At intersections, all trees and shrubbery shall be so trimmed and pruned as to give clear vision to all vehicular traffic approaching from any direction.

3. Planting At Intersections. Not to plant trees or other plantings on corner lots or lots adjacent to an alley in the area bounded by the street or alley lines of such lots and a line joining points along said street or alley lines twenty-five (25) feet from the point of intersection of the right-of-way lines. If the lot is located at the intersection of an alley or street and a street or alley designated for one way traffic, the City Forester shall have the authority to allow trees or other plantings within said area provided the planting does not restrict visibility of approaching vehicles or pedestrians at the intersection.

4. Planting At Sidewalk or Alley Line. Not to plant any tree nearer than four (4) feet to the sidewalk line or alley right-of-way line.

5. Diseased Trees or Plants. To treat in an accepted manner or remove any tree or plant so diseased or insect ridden as to constitute a hazard to other trees and especially those dangerous to trees or plants in public streets or places.

6. Prohibited Species. Not to plant any of the following species: Cottonwood (unless cottonless), Cotton-bearing poplar, or Box-elder.



**142.06 REMOVAL OF DANGEROUS AND INFECTED TREES.** The owner, occupant or person in charge of any property shall remove at his or her own expense any tree, brush, wood or debris infected with Dutch Elm Disease or other crippling disease or in dangerous condition found thereon when so notified by the City Forester. The notice shall state that said owner may appear before the Council at an appointed time not less than fourteen (14) days from the date of mailing to show cause why said tree, brush, wood or debris should not be declared a public nuisance. At said meeting the Council may resolve and declare the same to be a public nuisance and may order its removal by said owner.

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

**142.07 REMOVAL BY CITY.** In the event said owner fails to comply with the resolution and order of the Council to so remove said public nuisance, the City Forester shall cause said public nuisance to be removed and shall submit the costs incident to said service and removal to the Council, which shall certify the same to the County Treasurer for collection with and in the same manner as general property taxes.

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

**142.08 MULTIPLE OWNERS.** If such tree, brush, wood or debris is growing upon the property of two (2) different owners, and/or two (2) different occupants, notices shall be served upon both and the expense of removal shall be divided equally between them.

**142.09 SHRUBBERY.** All shrubbery, bushes and other growth within the confines of the area between the outer line of the sidewalk and the curb, or if there be no curb, the surfaced portion of the street, shall be kept trimmed and pruned by the owner of the premises abutting so as not to impede or interfere with traffic or travel on the streets or sidewalks.

**412.10 OBSTRUCTION OF ENFORCEMENT.** It shall be unlawful for any person to hinder, obstruct or otherwise interfere with the agents or employees of the city while engaged in carrying out the provision of Section 142.06 through 142.08 upon order of the Council made thereunder.

**142.11 ABUSE OR MUTILATION OF TREES.** No person shall willfully damage, cut, carve, pick the seeds of, or injure the bark of any tree or plant on the streets or public places of the City. Tree trimming shall be done in accordance with good practice and the regulations of the City.

**142.12 CONTINUING VIOLATION.** Each day that any condition prohibited herein is maintained shall be considered a separate offense and may be punished accordingly.



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