

CHAPTER 151

TREES

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

1. "Large tree" means a tree of forty-five (45) feet or more in height.
2. "Park" means all public parks within the City, including Chautauqua, Central, Schueman, Gazebo, and Lions Park.
3. "Tree Board" (**See Section 23.07**)
4. "Tree lawn" means that part of a street or highway right-of-way not covered by a sidewalk or other paving, lying between the property line and that portion of the right-of-way used for vehicular traffic.
5. "Urban Forester" means the person designated by Pottawattamie County.

151.02 PLANTING AND MAINTAINING. The following requirements shall control the planting and maintaining of trees, shrubs and other plants:

1. All trees planted shall have trunks not less than one-half (½) inch in diameter at six (6) inches above the ground.
2. No tree or shrub shall be planted within three (3) feet of the curb line or sidewalk.
3. The tree lawn must be at least twenty-five (25) feet wide for the planting of large trees and at least fifteen (15) feet wide for medium and small trees.
4. All trees shall be in line with each other and spaced from forty (40) to sixty (60) feet, depending upon the species planted.
5. No tree shall be planted in the tree lawn under or within ten (10) lateral feet of any overhead utility wires or over or within five (5) lateral feet of any underground utility cables.
6. No trees shall be planted within fifty (50) lateral feet of any corner or intersection.
7. All trees and shrubs on public or private property which overhang a public street or sidewalk shall be trimmed to a clearance height of fourteen (14) feet over any street or alley and a clearance of ten (10) feet over any sidewalk.
8. All trees on private property designated for removal by the Tree Board shall be completely removed from the growing site, including the stump, and disposed of in an authorized manner.

151.03 ADJOINING PROPERTY OWNERS' DUTIES. The owners of land adjoining any public land and rights-of-way shall:

1. Trim trees, shrubs and other plants adjoining their property to comply with Section 151.02.
2. Trim trees, shrubs and other plants on their property to prevent the trees, shrubs, and other plants from obstructing or shading street lights, obstructing the passage of pedestrians on sidewalks, obstructing traffic signs, or obstructing the view of drivers of vehicles.

151.04 GENERAL PROHIBITIONS. No tree topping is allowed on any publicly owned tree. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters or other contrivance to any tree, shrub, or other planting on publicly owned land. No person shall intentionally allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees, shrubs, or other plantings on publicly owned land to come into contact with them. No person shall intentionally set fire to or permit a fire to burn or the heat from a fire to injure any portion of any tree, shrub or other planting on publicly owned land. No person shall intentionally plant any species of plants listed by the Tree Board as not being suitable for planting.

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 is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Urban Forester 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 Tree Board 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 Tree Board 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 14 days of receipt of notice, the Tree Board may cause the condition to be corrected and the cost assessed against the property.

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

151.07 NUISANCE. Failure of a private property owner to comply with this chapter shall be considered a nuisance and the Urban Forester or the Tree Board may proceed under Chapter 50 of this Code of Ordinances.

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