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CHAPTER 151

TREES

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151.01 DEFINITIONS.

1. “Street Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or formally referred to as public right-of-way.
2. “Park Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

151.02 TREE SPECIES TO BE PLANTED. A list of approved tree species is available at City Hall. No species other than those approved by the Parks and Recreation Committee may be planted as Street or Park Trees. Planting of non-approved Street Trees or Park Trees requires written permission of the Parks and Recreation Committee.

151.03 PLANTING RESTRICTIONS. No Street Tree or Park Tree shall be planted without the permission of the City and in accordance with the following:

1. Spacing. The spacing of Street Trees will be in accordance with the three species size classes included in the City’s approved tree species list. No trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.
2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes included in the City’s approved tree species list. No trees may be planted closer to any curb or sidewalk than the following: Small Trees, 3 feet; Medium Trees, 4 feet; and Large Trees, 5 feet. In the event a curb line or sidewalk is not established, Street Trees shall be planted on a line ten (10) feet from the property line towards the center of the street. No Street Trees shall be planted closer than 10 feet to any driveway that crosses the City right-of-way.

3. Distance from Street Corners and Fireplugs. No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street or Park Tree shall be planted closer than 10 feet of any fireplug.
4. Utilities. No Street Trees other than those species listed as Small Trees in the City of Spirit Lake's approved tree list may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 later feet of any underground water line, sewer line, transmission line or other utility.

151.04 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. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. 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 twenty (20) 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])

1. 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.
2. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
3. 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. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees shall be in accordance with Section 151.02 and 151.03 of this ordinance.

151.05 TREE TOPPING. It shall be unlawful as a normal practice for any person, firm, or City department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the drastic removal or cutting back of

large branches in mature trees, with little regard for location of the pruning cut, 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 ordinance at the determination of the Parks and Recreation Committee.

151.06 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.07 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.

151.08 INSPECTION AND REMOVAL. The City 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 such trees and shrubs shall be subject to removal as follows:

1. Removal from 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, and that danger 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 destroy or prevent as fully as possible the spread of the 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 thereon.
2. Removal from Private Property. If it is determined with reasonable certainty 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 owner, occupant or person in charge of such property to correct such condition by treatment or removal within thirty (30) days of said notification. If such owner, occupant or person in charge of said property fails to comply within thirty (30) days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property.

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

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