

CHAPTER 151

TREES

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151.01 DEFINITION. For use in this chapter, "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.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, or evergreens.

151.03 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

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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])

151.04 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.

151.05 TREES SUBJECT TO REMOVAL. The Council having determined that the health of any tree, shrub, or part thereof within the City is threatened by serious insects, or disease pests, or disease, or shows evidence of deterioration to the extent that it appears to be hazardous to the public or property of another is hereby declared a nuisance. The following shall be treated or removed:

1. Any dead or damaged tree, shrub, or part thereof.
2. Any tree, shrub, or part thereof infected with serious insects, or disease pests, or a disease.
3. Any tree, shrub, or part thereof showing evidence of deterioration to the extent that it appears to be hazardous to the public property or property of another.

(Amended by Ordinance No. 592)

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected, all premises and places within the City to determine whether any condition as defined in Section 151.05 of this chapter exists thereon. Such trees, shrubs, or parts thereof shall be subject to removal as follows:

1. Removal from City Property. If the Council upon inspection or examination, in person or by some qualified person, shall determine that any condition as defined in Section 151.05 exists in or upon any public property, other than the strip between the curb and the lot line of private property, within the City and that the danger to other trees, shrubs, or parts thereof 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 insects, disease pests, disease, or evidence of deterioration. The Council may also order the removal of any trees, shrubs or parts thereof on the streets of the City which interfere with the making of improvement or with travel thereon.

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2. Removal from Private Property. If the Council upon inspection or examination in person or by some qualified person, shall determine with reasonable certainty that any condition as defined in Section 151.05 exists in or upon private property, including the strip between the curb and the lot line of private property, and he/she shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within fourteen (14) days of such notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the nuisance to be removed and the costs shall be assessed against the property.

(Amended by Ordinance No. 592)

151.07 COMMUNITY TREE BOARD.

1. Purpose. It is the purpose of this section to promote and protect the public health, safety and general welfare of the City of Glenwood, Iowa by establishing a legal community tree board to oversee tree planting and tree maintenance needs of City property, and to promote citizen involvement and education to enhance Glenwood's community tree resources.

2. Establishment. There is hereby created and established a City Tree Board of the City of Glenwood, Iowa, which shall consist of five members, who shall be appointed by the Mayor with the approval of the City Council.

Members of the City Tree Board shall serve without compensation.

3. Term of Office. The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first board shall be only 2 years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

4. Duties and Responsibilities. It shall be the responsibility of the board to study, investigate, counsel, and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees in public areas. Such a plan will be presented to the City Council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the City of Glenwood, Iowa. The board shall review annually and update if needed the comprehensive tree plan. The board, when

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requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question within the scope of its work.

5. Operation. The board shall choose its own officers, make rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Section 151.07 added by Ordinance No. 599)

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