

## CHAPTER 151

# TREE PLANTING, CARE AND REMOVAL REGULATIONS

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**151.01 PURPOSE.** The purpose of this chapter is to beautify and preserve the City while providing more safety for residents and visitors. Since the City has the ultimate responsibility for trees planted in public property adjacent to public traffic ways (hereinafter in this chapter referred to as the “parking”), it is necessary to establish standards as to species of trees to be permitted, and as to the locations where trees may be planted.

**151.02 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. For purposes of this chapter, “street trees” shall be those trees planted in the parking. “Property owner” means the contract purchaser if there is one of record, otherwise the record holder of legal title.

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

1. Locates. No trees shall be planted in the parking until Iowa One Call has been notified resulting in a process marking underground facilities commonly thought of as underground utilities.
  - A. Iowa One Call must be notified at least forty-eight (48) hours prior to digging or excavating.
  - B. Iowa Law defines excavation as an operation in which a structure or earth, rock or other material in or on the ground is moved, removed, compressed or otherwise displaced by means of any tools or equipment. This includes but is not limited to digging, drilling, driving, grading, scraping, trenching, tiling, tunneling, ditching, and demolition of structures.
2. Spacing. Trees shall not be planted on any parking which is less than eight (8) feet in width, nor contains less than eighty-one (81) square feet of exposed soil surface per tree).
  - A. No street tree shall be planted within fifteen (15) lateral feet of an overhead utility line.
  - B. No street tree shall be planted closer than twenty (20) feet from street intersections (property lines extended).
  - C. No street tree shall be planted closer than ten (10) feet from driveways.
  - D. No street tree shall be planted within five (5) lateral feet from a water line or sanitary sewer line.
  - E. No street tree shall be planted within ten (10) feet of a fire hydrant.
  - F. No street tree shall be planted which will reach a height of more than forty (40) feet.

- G. No street tree shall be planted nearer than two and one-half feet to the curb and sidewalk line and centered in the parking eight (8) feet in width. Plantings in the parking over eight (8) feet in width shall be planted four feet from the edge of the sidewalk.
3. Prohibited Trees. For the purpose of this chapter, trees planted in the parking shall be known as “street trees”. The following are defined as undesirable species and shall not be planted in the parking:
- A. Specifically:
 

Cottonwood	Box Elder
Willow (all varieties)	Ash (all varieties)
American Elm	Catalpa
Siberian Elm	Black Locust
Tree of Heaven	Weeping Birch
Russian Olive	Poplar
American Plum	Silver Maple
Fruit Tree	Ailanthus
Walnut Tree	Hickory Tree
Mulberry Tree	Pin-Cherry Tree
Sycamore	Buck Thorn
Buckeye	Ginko (Female)
  - B. All coniferous trees, such as pine, fir, spruce, etc.
  - C. Shrubbery of any kind.

**151.04 DUTY TO TRIM TREES.** The property owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so as to allow free passage of pedestrians and vehicular travel, and so they will not obstruct or shade the street lights, the vision of traffic signs or the view of any street intersection. All branches will be at least thirteen (13) feet above the surface of the street and nine (9) feet above the sidewalks. 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. Said property owner may request a hearing before the Council Tree Board by a written request within twenty (20) days after service of notice. Further appeal to the Perry City Council must be requested within five (5) days after hearing with the Tree Board.

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

**151.05 TRIMMING TREES TO BE SUPERVISED.** It is unlawful for any person to trim or cut, in a street or public place, any tree greater than six (6) inches in diameter unless the work is done under the supervision of the City.

**151.06 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.

**151.07 INSPECTION AND REMOVAL.** The Tree Board 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 Chairman of the Tree Board or the Public Works Director of the City of Perry may order the removal of any trees on the streets of the City of Perry which interfere with the making of improvements or with travel thereon. The City of Perry shall be responsible for the removal of any dead or diseased trees on public property.

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 Chairman of the Tree Board or the Public Works Director of the City of Perry 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 fourteen (14) days of receipt of notice, the Chairman of the Tree Board or the Public Works Director of the City of Perry may perform or cause to be performed the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**151.08 FELLING OF TREES ON STREETS.** The City shall be notified prior to the time that any tree or shrub is to be trimmed, if said tree or shrub or any portion thereof will fall on a street, sidewalk or alley. The following safety measures shall be required during such felling:

1. Warning Device. The person to whom the permit is issued shall be responsible for placing such signs, flags, flares and barricades as are needed to warn persons of the danger of using the street, sidewalk or alley.

2. Traffic Control. No tree shall be felled onto any street without having persons stationed in the streets to stop traffic from both directions at the time the tree is being dropped, unless the street has been duly barricaded.

3. Cleanup. Trees or branches which are felled or trimmed on public property must be removed immediately unless an extension of time is granted by the City in writing.

**151.09 INSURANCE.** Before any tree over fourteen (14) inches in diameter or any branches over ten (10) inches in diameter is felled onto public property, the applicant must register with the City Clerk and provide a certificate of liability insurance.

**151.10 ALLEYWAY PLANTING/TRIMMING RESTRICTIONS.** As used in this chapter, the word “alley” means a public right-of-way less than 20 feet in width which affords only a secondary means of access to abutting property. The owner or agent of the property abutting the alleyway shall keep the trees on, or canopy over the alleyway trimmed so as to allow free passage of pedestrians and vehicular travel, and so they will not obstruct or shade any alleyway lights, the vision of traffic signs, vehicles traveling down the alleyways or the view of any street intersection. All branches will be at least thirteen (13) feet above the surface of the alleyway. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications: Developed Residential Areas – not to exceed six inches (6”);

Undeveloped Residential Areas – not to exceed eight inches (8”); Business and Industrial Areas – not to exceed six inches (6”). If the abutting property owner fails to trim the trees, brush, weeds or grass in the alleyway, 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 property tax. Said property owner may request a hearing before the Tree Board by a written request within twenty (20) days after service of notice. Further appeal to the Perry City Council must be requested within five (5) days after hearing with the Tree Board.

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

**151.11 ABUSE OR MUTILATION OF TREES ON PUBLIC PROPERTY.** No person shall willfully damage, cut, carve, transplant or remove any tree or shrub on public property; attach any rope, wire, nails or other contrivance to any such tree; cause or permit any wire charged with electricity to come in contact with any tree or shrub unless protected by approved methods; attach any electrical insulation to any public tree or shrub; allow any gaseous, liquid or solid substance which is harmful to a tree or shrub to come in contact with it; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any public tree or shrub, without first obtaining a written permit to do so from the City of Perry.

**151.12 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 severe cutting back limbs to stubs larger than three (3) inches in diameter within the tree’s crown 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 for this ordinance at the determination of the City Tree Board.

**151.13 CHARGES FOR ANY REQUIRED PERMIT.** If it is determined by the City Council of the City of Perry that administrative fees should be charged to process permits, such fees will be set by a resolution enacted by the Perry City Council.