

# CHAPTER 151

## TREES AND GRASS

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**151.01 PURPOSE.** The purpose of this chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees and the care and removal of grass, weeds and brush.

**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.

**151.03 PLANTING RESTRICTIONS.** No tree, bush, woody stemmed plant or other plant which would obstruct the view of a passing motorist shall be planted within ten (10) feet of the traveled portion of any street.

**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. 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 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])*

**151.05 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.04, 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.

**151.06 DUTY TO TRIM GRASS, WEEDS AND BRUSH.** The owner or agent of property within the City shall keep grass, weeds or brush growing thereon trimmed to a height of no more than 8 inches above the surface of the ground. If the property owner or agent fails to trim the grass, weeds or brush as required by this chapter, the City may serve notice on the property owner requiring the property owner to do so within five (5) days. If the property owner fails to trim the grass, weeds or brush within that time, the City may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Specifically maintained lots and gardens are excluded from the requirements of this section at the discretion of the Council.

**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 Council 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 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. 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 Council 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 Council may cause the condition to be corrected and the cost assessed against the property.

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

**151.09 RATE.** The rate at which a property owner shall be assessed for the City's performance of the required action under this chapter shall be fifty dollars (\$50.00) per hour, with a minimum charge of fifty dollars (\$50.00).

**151.10 PENALTY.** A person who violates the provisions of this chapter is guilty of a municipal infraction.

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