

CHAPTER 150

TREES

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150.01 DEFINITIONS. Following are definitions as they pertain to this chapter.

1. "Parking area" means that part of the public street right-of-way lying between the sidewalk line or right-of-way line and the curb line, edge of pavement or edge of traveled way.
2. "Street tree" means any approved tree which is located behind the back of curb and within the public right-of-way.

150.02 STREET TREE PLANTING STANDARDS. The following standards shall govern the planting of street trees and other landscaping materials. These standards are established by the National Arbor Day Foundation and recommended by the Johnston Tree Board.

1. No landscaping material may be planted which would cause a public danger or nuisance.
2. No tree shall be planted nearer than three feet to the sidewalk line or other impervious surface such as the curb and gutter line of the street.
3. No street tree or shrub that will grow above 30 inches in height shall be planted on a corner lot where two streets intersect for a distance of 25 feet in any direction from the point of intersection at the curb line.
4. No street tree shall be planted within 15 lateral feet of an overhead utility line, three lateral feet from any buried utility, ten feet of a fire hydrant, five feet from a driveway or 25 feet from a traffic control sign.
5. A permit must be obtained prior to planting any street tree or landscape material in the public right-of-way (please refer to chapter 141 for more information on right-of-way work). City staff will assist with the selection of tree species if the site meets all requirements. This permit can be obtained at the Public Works office.
6. In cases of damaged or non-working utilities, any tree or landscape material planted in the right-of-way may be trimmed or even removed to repair the utility.

150.03 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 14 feet above the surface of the street and eight 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 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])

150.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 150.03, 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.

150.05 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.

150.06 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 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 Council may cause the condition to be corrected and the cost assessed against the property. Failure to perform the duty required by this subsection is a municipal infraction punishable by the following penalties: First offense – not to exceed \$750.00; each repeat offense – not to exceed \$1,000.00.

150.07 TREE TOPPING PROHIBITED. It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.