

CHAPTER 151

TREES and Shrubs

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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 shrubs.

151.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Commissioner” means the Superintendent of Public Works or such other person as may be designated by the Council.
2. “Contractor” means any person, business or organization who receives compensation for the performance of work done.
3. “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.
4. “Obstruction” means a condition which affect free passage or vision
5. “Private tree” means any and all trees growing on private property.
6. “Property owner” means a person owning private property in the City.
7. “Public property” means any and all property located within the confines of the City and owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
8. “Public tree” means any and all trees growing on public property including but not limited to street right-of-ways.
9. “Right-of-way” means a parcel of land intended to be occupied for streets, sidewalks, utilities and other public purposes.
10. “Shrubs” means woody vegetation usually growing with multiple stems and a height less than ten (10) feet.
11. “Trees” means all wood vegetations except where otherwise indicated.

151.03 AUTHORITY. The Commissioner shall have the authority to perform and to regulate the planting, maintenance and removal of trees and shrubs on streets and other

public property in order to ensure public safety and preserve the symmetry of public places. The Commissioner shall have the authority and duty to supervise or inspect all work done in accordance with the terms of this chapter.

151.04 PLANTING RESTRICTIONS. It is the City's desire when at all possible, trees should be planted inside the property lines and not between the sidewalk and curb. Property owners should use the "Suggested Plantings for the City of Robins" listing, which is on file at City Hall, to select appropriate plants allowed by the City. No tree shall be planted in any street or parking, except in accordance with the following:

1. Permit. Prior to any planting of trees on the street or parking, a permit shall be obtained by the property owner or agent for the owner from the City. The permit shall indicate the type, quantity and the general location of the tree planting.
2. General. All trees planted on the streets or parking shall be sufficient size to warrant satisfactory results and stand the abuse common to street trees. All trees must be free of insects, disease, mechanical injuries and other objectionable features at the time of planting. All standard sized trees shall have comparatively straight trunks.
3. Alignment. All trees planted on any street parking shall not be planted in the drainage area of an open ditch design street. On closed ditch design streets, all trees 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.
4. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eight-one (81) square feet of exposed soil surface per tree without written approval by the Commissioner. Trees shall not be planted closer than thirty (30) feet to street intersections (property lines extended) and ten (10) feet from any driveway.
5. Prohibited Trees. No person shall plant in any street parking, any fruit-bearing tree or any trees of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, weeping willows, silver maples or evergreens.
6. Supports. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

151.05 IMPROPER PLANTING. Whenever any tree or shrub is planted in conflict with this chapter, it shall be lawful for the Commissioner to require its removal. The Commissioner shall cause written notice to be served on the property owner requiring the property owner to do so within thirty (30) days. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner. If the City is unable to secure notice on the property owner, said written notice may be served on the occupant or person in charge of the property in the same manner as set

herein. If the property owner fails to remove the trees or shrubs within the specified time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as general property tax.

151.06 OBSTRUCTION. Trees or shrubs on public or private property bordering on any street shall be trimmed to sufficient height to allow free passage of pedestrians and vehicular travel and so that they will not obstruct or shade the street lights, the vision of traffic signs, or the view of any street intersections. The minimum clearance of any overhanging portion of such trees shall be nine (9) feet over sidewalks and fifteen (15) feet over all streets or alleys.

151.07 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees and shrubs on or overhanging the street or sidewalk trimmed so that all branches are in accordance with this chapter. The City reserves the right to exempt, by resolution of the Council, specific and identified areas in which the City has invested in streetscape and landscaping enhancements. The City will be responsible for any trees/shrubs that it plants. When the Commissioner shall find it necessary to order obstructing trees to be trimmed, the Commissioner shall cause written notice to be served on the property owner requiring the property owner to do so within thirty (30) days. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner. If the City is unable to secure notice on the property owner, said written notice may be served on the occupant or person in charge of the property in the same manner as set herein. If the property owner fails to trim the trees or shrubs within the specified time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as general property tax.

151.08 TREE TRIMMING ASSISTANCE. Upon notification for trimming of obstructing trees from the City, as previously mentioned, and the citizen meets the current Federal TRIO Programs Annual Low Income Levels found at:

<http://www2.ed.gov/about/offices/list/ope/trio/incomelevels.html>

and whose principal residence is on the property requiring the tree trimming, may request from the City, within thirty (30) days from receipt of the notification for trimming, assistance in the tree trimming and exemption from the cost of tree trimming. The Council shall review the request and, upon acceptance of the request, shall order the Commissioner to carry out the trimming of trees at no cost to the respective property owner or a shared cost between the City and the property owner.

151.09 FELLING OF TREES ONTO STREETS. The Commissioner shall be notified prior to the time any tree is to be trimmed, if said tree or any portion thereof will fall on a street or alley. No tree shall be felled onto any street without having persons stationed in the street to stop traffic from both directions at the time the tree is being dropped, unless the street has been duly barricaded. Trees or branches which are felled into a street, sidewalk or alley must be removed immediately.

1. Insurance. Before any tree or branch is felled onto public property and the property owner is doing the work, proof of homeowner personal liability insurance may be required. If a contractor has been hired to perform the work, the contractor shall provide the City with a certificate of insurance. The certificate must show proof to the City of a liability insurance policy in the amount of \$1,000,000.00 per person and \$1,000,000.00 per accident for bodily injury liability, and \$1,000,000.00 per person and \$1,000,000.00 aggregate for property damage liability.

151.10 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.

151.11 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 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])

151.12 INTERFERENCE WITH COMMISSIONER. No person shall hinder, prevent, delay or interfere with the Commissioner or any of the Commissioner's assistants, while they are engaged in carrying out the execution or enforcement of this chapter; provided, however, nothing herein shall be remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

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