

CHAPTER 14 TREES

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6-14-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

2. "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

6-14-2 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD. There is hereby created and established a City Tree Board for the City of Maquoketa, Iowa, which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the Council.

6-14-3 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 for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

6-14-4 COMPENSATION. Members of the Board shall serve without compensation.

6-14-5 DUTIES AND RESPONSIBILITIES It shall be the responsibility of the Board to study, investigate, counsel and develop and/or annually administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan for the City of Maquoketa, Iowa. The Board, when requested by the City, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work. Variations from Section 7,8, and 9 of this ordinance may be made on an individual basis by action of the City Tree Board.

6-14-6 OPERATION. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

6-14-7 STREET TREE SPECIES. The following list constitutes the Official Street Tree species for Maquoketa, Iowa. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

Small Trees:	Crabapple Flowering Pear Bradford Redbud
Medium Trees:	Ash Hackberry Honeylocust (thornless) Linden Oak Maple
Large Trees:	Maple Sugar Oak Burr

6-14-8 SPACING. The spacing of Street Trees will be in accordance with the tree species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; Large Trees, 60 feet; except in special plantings designed or approved by a landscape architect.

6-14-9 DISTANCE FROM CURB AND SIDEWALK.

1. No trees may be planted closer to any curb than ten feet (10') without the approval of the City Tree Board and completion of application being filled out by property owner and Iowa One Call finished. This section shall not apply to the Central Business District as defined in Section 6-7-1 of this Code.

2. No tree shall be planted within the City's right-of-way, unless such tree is planted to replace a tree that has been removed within the last two years and unless advance approval is given by the Tree Board. The Tree Board shall meet during the months of March and August of each year or as necessary and shall review applications to plant such trees in the City right-of-way.

(Ord. 955 8-6-01)

6-14-10 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

1. No Street Tree shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersection curbs or curb lines.

2. No Street Tree shall be planted closer than 10 feet of any fireplug.

6-14-11 UTILITIES. No Street Trees other than those species listed as Small Trees in Section 7 of this Ordinance may be planted under or within ten lateral feet (10') of any overhead utility wire, or over, or within five lateral feet (5') of any underground water line, sewer, transmission line or other utility.

6-14-12 PUBLIC TREE CARE.

1. The City and the Maquoketa Municipal Electric Utility shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

2. The City Tree Board may remove or cause or order to be removed, any tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this ordinance.

6-14-13 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 of limbs to stubs larger than three inches (3") 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 from this ordinance at the determination of the City Tree Board. The tree trimming and tree topping conducted by the Employees of the Maquoketa Municipal Electric Utility shall be exempt from this section.

6-14-14 PRUNING, CORNER CLEARANCE.

1. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or

obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

2. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

6-14-15 **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

6-14-16 **REMOVAL OF STUMPS.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

6-14-17 **INTERFERENCE WITH CITY TREE BOARD.** It shall be unlawful for any person to prevent, deny or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

6-14-18 **LICENSE FEE AND INSURANCE REQUIREMENTS.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the City without first applying for and procuring a license.

1. The license fee shall be seventy-five dollars (\$75.00) annually in advance.
2. No license shall be required of:
 - a. Any public service company, or City employee, doing such work in the pursuit of their public service endeavors.
 - b. Any person with reference to tree or trees on his/her own premises.
 - c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree trimmer while in the performance of such function.
 - d. Any public utility, including its authorized employees and agents, when engaged in the tree trimming and/or tree removal for the purpose of line clearance, and in order to insure the continuity of utility service to the public.

2. Before any license shall be issued, each application shall first file evidence of possession of liability insurance with an insurance company of good standing and authorized to do business in the State of Iowa, in the minimum amounts as follows:

General Aggregate	\$1,000,000
Products and Completed Operations Aggregate	\$1,000,000
Personal and Advertising Injury	\$500,000
Each Occurrence	\$500,000
Fire Damage (any one fire)	\$50,000
Medical Expense (any one person)	\$5,000

(Ord 856, 04-17-95)
(Ord. 861, 11-20-95)
(Ord. No. 958 10-15-01)

6-14-19 REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling, or order of the City Tree Board to the City Council who may hear the matter and make final decision.

6-14-20 PENALTY. Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred thousand dollars (\$100,000).