

**Title 3 – Public Ways and Property**  
**Chapter 9 – Trees and Shrubs**

SECTIONS:

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**3-9-1 Removal and Trimming of Dangerous Tree; Compliance.**

- A. If the City deems any shade, ornamental, or other tree situated on private property in the City to be diseased or dead, it shall cause to be served a notice upon the owner, in accordance with the most recently enacted Code of Iowa, if known within the City, or if not, then upon the occupant of the lot, to cut down such tree and remove the same and all debris therefrom. Said tree and debris shall be hauled to an area designated or approved by the City and/or the Iowa Department of Water, Air, and Waste Management.

*(Code of Iowa, Section 364.12[2][c])*

- B. If such notice is not complied with within ten (10) days, the City shall cause such tree to be cut down or removed and the cost of cutting down and removing it shall be certified to the County Treasurer and be assessed against the real estate in the same manner as a property tax.

*(Code of Iowa, Section 364.12[2][e])*

- C. All diseased trees shall be sprayed, if required by the City, at the site of their cutting down or removal before being hauled or transported through the City to an approved disposal site.

*(Code of Iowa, Section 364.12[2][c])*

- D. The General Manager of any utility shall have the authority to trim any tree which interferes with utility property and equipment, after notification and approval by the City.

- E. The City shall have authority to trim any tree, located on private property, which interferes with the proper distribution of light from street lights or signs following notification to the property owner in accordance with Sections 3-9-3 and 3-9-4 of this Chapter.

**3-9-2 Abutting Property Owners.** Any person owning any real estate within the City with trees located upon said real estate or located in the street right-of-way (including parking) adjacent to said real estate, shall trim such trees in such manner that no overhanging branches thereof shall in any way obstruct any such street or sidewalk below the height of ten feet (10') above the surface of the sidewalk and fourteen feet (14') from the surface of the street.

*(Code of Iowa, Section 364.12[2][c])*

**3-9-3 Notice to Trim; Failure to Comply.** Any person or owner of property as described in this Chapter who shall have been served by the City with a notice by Certified Mail, and shall not comply with the notice within ten (10) days of the receipt of the notice, shall be guilty of a misdemeanor and subject to penalty as provided in the Schedule of Penalties in Appendix A to this Code of Ordinances.

**3-9-4 Trimming by City; Recovery of Cost.** When the owner or occupant of real property in the City having trees upon or in front of the same, the branches of which overhang the street or any part thereof, and having had notice to trim the same and fails or refuses to comply therewith for more than ten (10) days after service of notice, then it shall be lawful for the City to trim such trees to the height provided in Section 3-9-2 of this Chapter and certify the cost of the same to the County Treasurer to be assessed against the real estate in the same manner as a property tax.

*(Code of Iowa, Section 364.12[2][e])*

**3-9-5 Liability Insurance; Tree Removal.** All persons and/or corporations engaged in removal of trees within the City right-of-way shall obtain a license therefor. The licensee must pay the fee and present a copy of an insurance policy for liability insurance in the amounts set by resolution of the City Council and listed in the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances.

**3-9-6 Obstructing Streets; Barricades.**

- A. Before any street or thoroughfare can be shut off or blocked in any way for tree removal, permission must be granted by the City.
- B. Streets when barricaded or shut off must be barricaded by proper barricades appropriately marked and readily seen by all.
- C. All persons, and/or corporations barricading any street or thoroughfare for the purpose of trimming or removing any tree shall first notify the City of Muscatine Police and Fire Departments stating the location and time period that such street or thoroughfare will be closed.
- D. No street or thoroughfare shall be closed for the purpose of removing any tree unless the required permit is secured as provided in this Chapter.

**3-9-7 Removal of Debris.** Removal of debris, stumps, logs, etc. shall be made upon or in trucks and no hauling shall be allowed hanging from outside by booms or dragging from such vehicle.

### **3-9-8 Street Trees (Existing).**

- A. All existing trees located within the public right-of-way as of the effective date of this Section shall be the responsibility of the adjacent property owner.
  - a. Exception. Any street tree which is diseased, dead, or otherwise poses an immediate threat to the public health and welfare shall be the responsibility of the City.

*(Code of Iowa, Section 364.12[2][c])*

- B. It shall be the duty and right of the adjacent property owner to trim, remove, treat, or otherwise maintain all existing street trees in a manner that promotes the public health, safety, and welfare and in accordance with the provisions of this Chapter.

*(Code of Iowa, Section 364.12[2][c])*

- C. Any person or corporation removing any existing street tree shall obtain a permit to do so from the City in accordance with the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances for the purpose of maintaining a citywide inventory. The Tree Removal Permit shall be provided at no charge to the applicant.
- D. Nothing contained in this Chapter shall be construed so as to prevent the immediate removal and/or trimming by officers of the City of any tree from the streets, when in the judgment of the City, such removal or trimming is necessary for the purpose of making street improvements or to eliminate obstructions of public signs which, by design, promote safety of persons or property.

### **3-9-9 Street Trees (New).**

- A. As of the effective date of this Section, all proposals to plant trees in the public right-of-way shall require a permit from the City in accordance the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances.
- B. The permit application provided by the City shall state the applicant's name, address, type of tree to be planted, exact location, and any additional information that may be needed by the City to determine whether the application should or should not be approved.
- C. The application shall be recommended for approval or disapproval by the City prior to issuance. Failure to secure a positive recommendation by the City shall constitute a denial of the application.
- D. Permit Requirements:
  - 1. The permit shall state that the applicant agrees to plant the street tree(s) in accordance with the requirements of this Chapter.
  - 2. The permit shall state that the applicant will plant a specific type of tree which shall be an approved species for street trees; a list of which shall be provided to the applicant upon request.

3. The permit shall state that once the street tree is planted, it becomes the property of the City of Muscatine and the applicant agrees to relinquish all interest in said tree. The permit shall state that the owner agrees to donate the tree to the City, at the applicant's expense, and that the applicant agrees to adhere to the provisions of Title 3, Chapter 9, Section 8 of this Code.
4. The permit shall include a provision which indemnifies the City from any and all claims for damage to private and public property as a result of the permit to plant a street tree.

**3-9-10 New Street Trees (City Program).**

- A. The City may, at its discretion and with the approval of the City Council, initiate a program for the purpose of planting, maintaining, trimming, and removal of new street trees.
- B. It shall be the policy of the City to notify abutting property owners before planting any street tree in front of any residential structure in the City.
- C. The owner of the abutting property shall be required to sign a permit in accordance with Chapter 9, except the tree will be planted by the City at no expense to the abutting residential property owner.

**3-9-11 Injuring; Defacing; Removing.** Any person who shall willfully, maliciously, or negligently, in any manner, injure, deface, remove, or destroy any street tree or boxing placed around the same, or any shrub upon any public grounds and right of ways shall be deemed guilty of a misdemeanor, and shall reimburse the City for any costs incurred by such action if directed to do so by the Iowa District Court for Muscatine County.