

CHAPTER 52 - DISEASE & DEAD TREE CONTROL

52.01 Dead or Diseased Tree Removal on Private Property

52.02 Duty to Remove

52.03 Inspection

52.04 Removal from City Property

52.05 Reasonable Certainty

52.01 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall notify the owner of any tree, shrub, bush or other woody vegetation located on private property to remove the tree, bush, shrub or other woody vegetation when such plant constitutes a public nuisance or is a hazard to person or property, or harbors insects, other pests, or disease, or is a danger to other trees. If the City upon inspection or examination, in person or by some qualified person acting for the City, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises, then the city shall notify in writing the property owner of the property on which such tree, shrub, bush or other woody vegetation is located of the necessity to remove same. Upon such notice, the owner shall remove the planting at the owner's expense within thirty (30) days. Notice shall either be given by personal service or by certified mail to the property owner. In the event the property owner fails to comply with the notice, the city may force compliance by legal process and if granted authority to perform the required action, may there after assess the costs against the property for collection in the same manner as a property tax. Code of Iowa, Chapter 364.12(3)(h) allows the City in an emergency to perform any action which may be required to abate the emergency without prior notice, and assess the costs as provided in Chapter 364.12, after notice to the property owner and hearing.

52.02 DUTY TO REMOVE.

No person, firm or corporation shall permit any diseased tree, dead wood, or fallen branches or portions on the premises owned, controlled or occupied by the person within the City. Branches or portions of trees fallen from a tree located on private property which fall on public property shall be removed by the owner of the private property on which the source tree is located and at the owner's cost.

52.03 INSPECTION.

The City shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 52.01 of this Article exists thereon, and shall also inspect or cause to be inspected any trees reported or suspected to constitute a public nuisance, a hazard to person or property, or harbors insects, other pests, or disease.

52.04 REMOVAL FROM CITY PROPERTY.

If the City, upon inspection or examination, in person or by some qualified person acting for the City, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property within the City, and that the danger of other trees, shrubs, bushes, or woody vegetation within the City is imminent, the City shall immediately cause the tree, shrub, bush or woody vegetation to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of disease, or insect pests, or vectors known to carry such disease, insects, and/or fungus.

52.05 REASONABLE CERTAINTY.

If the City is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected, diseased, or harboring insects or pests, a City representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.