

**CITY OF POLK CITY, IOWA**

**Ordinance No. 2018-300**

**AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF  
THE CITY OF POLK CITY, IOWA, BY ADOPTING A NEW CHAPTER  
151 "TREES"**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF POLK CITY, IOWA:**

**Section 1.** The Polk City Code is hereby amended by deleting the current Chapter 151, Trees, and inserting the following:

**TREES**

151.01 Definition	151.09 Parkway and Buffer Trees
151.02 Planting Prohibited	151.10 Landscape Plan
151.03 Public Tree Care	151.11 Trees required with Building Permits for One- and Two- Family Homes
151.04 Street Tree Permit Required	151.12 Tree Planting Guidelines
151.05 Duty to Trim	151.13 Enforcement
151.06 Removal of Trees and Stumps	151.14 Tree Service Businesses
151.07 City Abatement; Assessment of Cost	
151.08 Non-conforming Trees in Public Right-of-Way	

**151.01 DEFINITIONS.** For the purposes of this chapter, the following terms are defined:

1. "dbh" or "caliper" means the diameter of a tree at breast height (4'-6")
2. "Park trees" means trees, shrubs, bushes, and all other woody vegetation located in public parks having individual names, and all areas owned by the city or to which the public has free access as a park, including trees, shrubs, bushes, and all other woody vegetation located in parkway easements along public streets designated as parkways.
3. "Parking" means that part of the street right-of-way 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 right-of-way lying between the lot line and that portion of the street usually traveled by vehicular traffic.
4. "Private trees" means trees, shrubs, bushes, and all other woody vegetation located on private property to which the city has no responsibility.
5. "Public right-of-way" means any publicly-owned property or easement area intended to provide for a public street, sidewalk or other public property, and includes, but is not limited to, the parking area between the curb of any public street and the adjacent public sidewalk.
6. "Street tree" means any tree, shrub, bush, or other woody vegetation has been approved by the City Council for a specific location in the public right-of-way parking.
7. "Topping" means 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. Trees severely damaged by storms, diseases or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city.

**151.02 PLANTING PROHIBITED.** No trees, shrubs, bushes, or woody vegetation shall be planted in any public right-of-way, including parking or within island medians of divided streets, located within the City except in compliance with the provisions of this chapter.

**151.03 PUBLIC TREE CARE.** Except as limited by Section 151.02 of this chapter, the city has the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, avenues, stands and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

**151.04 STREET TREE PERMIT REQUIRED.** Any person proposing to plant a tree on or in a public right-of-way shall be required to obtain approval of permit from the city based on the process described herein:

1. **Plan Submitted.** Any person proposing to plant a tree on or in a public right-of-way shall first prepare a written plan which shall contain the following information:

- A. The names and addresses of the person making the proposal and of all private property owners whose property is adjacent to or contiguous with the public right-of-way upon or in which the proposed trees are to be planted.
- B. The location of the property where the proposed planting is to take place.
- C. The type and number of trees proposed to be planted and a sketch or drawing showing how the plantings will be placed on the property. The sketch or drawing shall show distances between proposed trees and distances of proposed tree plantings from existing streets, sidewalks, traffic signs, utility lines, utility poles, hydrants and intersections.
- D. The plan shall be signed by the person submitting the same.

2. **Review of Plan.** The City Public Works Director shall review each plan submitted and shall either approve it or deny it, in writing, within thirty (30) days after it is received. The Public Works Director shall provide the City Tree Board with a copy of all plans submitted and shall obtain the advice and assistance of the City Tree Board in determining whether to approve or deny any plan. If the plan is denied, the denial shall state the reasons therefor. If denied, the plan may be resubmitted with any modifications required by the Public Works Director. The decision of the Public Works Director shall be final.

3. **Guidelines.** No plan submitted pursuant to the provisions of this chapter shall be approved unless all of the following conditions are met:

- A. Any tree proposed to be planted in accordance with the terms of this section must be of a type included on the list of tree species suitable for planting within the right-of-way, as established from time to time by Resolution of the City Council, subsequent to a recommendation of the Polk City Tree Board.
- B. Trees must be spaced at least fifteen (15) feet apart, center to center.
- C. Every tree to be planted must have a trunk diameter of at least one inch, measured twelve (12) inches from the base.
- D. Trees must be planted a minimum of:
  - A. Five (5) lineal feet from water service stop boxes.
  - B. Ten (10) lineal feet from water hydrants, utility poles, transformers, telephone junction boxes, manholes and driveway approaches.