

APPLICATION FOR A TREE TRIMMER LICENSE

TREE TRIMMER LICENSES MUST BE APPROVED BY THE CITY COUNCIL OF MARSHALLTOWN

Name of Business: _____

Address of Business: _____

Business Telephone: _____

Owner(s) of Business: _____

Home Address of Owners: _____ Home Phone of Owners: _____

If incorporated, is business authorized to transact business in the State Of Iowa? _____

Sales Tax Number: _____

If title is a trade name, has such name been registered? _____

Date of commencement of business: _____

Has Owner(s) ever been convicted for violation of the law other than minor traffic offenses?

Yes ___ No ___ (A conviction record will not necessarily be a bar to approval. Factors such as nature and seriousness of the violation, age at time of the offense, and rehabilitation will be taken into account.) If you answered yes or if you are unsure, please explain: _____

EQUIPMENT TO BE USED IN TREE TRIMMING BUSINESS:

VEHICLES/MAJOR EQUIPMENT	LICENSE PLATE NUMBERS	OWNER(S)

An Up-To-Date Certificate of Insurance showing liability insurance and worker's compensation coverage must be filed with the City Clerk prior to issuance of a Tree Trimmer License.

Date Insurance Certificate Received _____ Insurance Expiration Date _____

Applicant

Co-Applicant

Date: _____

\$25.00 fee Paid _____

Approved by City Council on _____

City Administrator

Please remember that all brush and tree trimmings must be disposed of in a proper and legal fashion.

CHAPTER 120: TREE TRIMMERS

Section

120.001 Tree trimmer license required

120.002 Work performed

120.999 Penalty

§ 120.001 TREE TRIMMING LICENSE REQUIRED.

(A) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street, park or private trees within the city without first applying for and procuring a license from the City Clerk. The license fee shall be set by Council resolution. However, a license shall not be required of any public service utility company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of insurance pursuant to § 10.009 of this code of ordinances.

(B) The license shall be further conditioned upon the permittee complying with all the pertinent sections of this code and other city ordinances relating to or in any way connected with the work to be done or contemplated to be done under such license including the payment of all fines against the licensee, his or her servants, agents, employees or subcontractors in connection with work done or contemplated under such permit.

(2013 Code, § 27-28) (Ord. 14429, passed 6-14-1993; Ord. 14609, passed 12-30-1998)

§ 120.002 WORK PERFORMED.

Work performed shall be in accordance with Chapter 58 of this code of ordinances.

§ 120.999 PENALTY.

Violation of any section of this chapter shall be deemed to be a municipal infraction and be punished by a penalty as provided in § 10.999(A) of this code of ordinances.

(2013 Code, § 27-30) (Ord. 14429, passed 6-14-1993; Ord. 14970, passed 11-27-2017)

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(2013 Code, § 27-28) (Ord. 14429, passed 6-14-1993; Ord. 14609, passed 12-30-1998)

§ 120.002 WORK PERFORMED.

Work performed shall be in accordance with Chapter 58 of this code of ordinances.

§ 120.999 PENALTY.

Violation of any section of this chapter shall be deemed to be a municipal infraction and be punished by a penalty as provided in § 10.999(A) of this code of ordinances.

(2013 Code, § 27-30) (Ord. 14429, passed 6-14-1993; Ord. 14970, passed 11-27-2017)

CHAPTER 58: VEGETATION

Section

General Provisions

- 58.001 Purpose
- 58.002 Removal of weeds, vines and brush
- 58.003 Definitions

Trees

- 58.015 Injuring or damaging
- 58.016 Fastening materials
- 58.017 Planting in public alleys and utility easements
- 58.018 Public utilities
- 58.019 Planting permit
- 58.020 Certain species prohibited
- 58.021 Spacing and placement in terrace areas
- 58.022 Planting distance from street intersections and from driveways
- 58.023 Location of underground utilities
- 58.024 Unauthorized trimming prohibited; permit required
- 58.025 Trimming and removal of hazardous terrace trees
- 58.026 Removal and trimming on private property
- 58.027 Notice and assessment of costs to property owners
- 58.028 Barricades and other protective devices required

- 58.999 Penalty

GENERAL PROVISIONS

§ 58.001 PURPOSE.

(A) It is the policy of the city to regulate and control the planting, removal, pruning and protection of trees and other vegetation within streets, highways and alley rights-of-way and

public park areas within the boundaries of the city; to eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the city; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees located in public areas from undesirable and unsafe planting, removal, pruning and protection practices; and to guard all trees within the public areas of the city against the spread of disease or pests. The provisions of this chapter shall apply to all trees, shrubs, weeds, vines and brush planted in or upon any public area and in certain instances on private property within the city and any existing trees that violate other sections of this chapter.

(B) It is also the intent of this chapter to maintain all public and private areas in the city in such a manner that they are free of weeds, vines and brush; to eliminate and guard against dangerous conditions which may cause injury or illness to persons using the public areas; to promote and enhance the beauty of the city; and to guard against pestilence and widespread weed invasion of any area of the city. State legislation or State Department of Transportation rules take precedence over this chapter if along a state-designated highway.

(2013 Code, § 27-1) (Ord. 14429, passed 6-14-1993)

§ 58.002 REMOVAL OF WEEDS, VINES AND BRUSH.

All areas of the city are to be kept free of any noxious weeds and shall also be kept free of any other weeds, vines or brush for health and safety reasons.

(2013 Code, § 27-2) (Ord. 14429, passed 6-14-1993)

§ 58.003 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A thoroughfare through the middle of a block giving access to the rear of a building.

PARK. Any property owned in whole or in part by the city used in whole or in part for recreational purposes, wildlife purposes or other municipally-owned public purpose related to recreation or wildlife, but does not include parkings or terraces or municipal parking lots.

PROPERTY OWNER. The contract purchaser if there is one of record, otherwise the record holder of legal title.

PUBLIC AREA. Parks and other lands owned or leased by the city and all terraces along all streets, highways, boulevards and alleys.

SHRUB. A woody plant with several stems and usually with a low mature height of eight feet or less.

STREET INTERSECTION. The intersection of the public street right-of-way lines of the two intersecting streets. On streets that have sidewalks, this would be the intersection of the inside edges on the private property side of the sidewalks.

TERRACE. The city-owned street right-of-way or street easement area between the property line and the outside edge of any street, road or boulevard in the city, including the sidewalk if present.

TREE. Any woody perennial plant of any age with a main trunk and many branches, and includes living or dead trees and standing or fallen trees.

(2013 Code, § 27-3) (Ord. 14429, passed 6-14-1993)

TREES

§ 58.015 INJURING OR DAMAGING.

(A) No person shall in any public area of the city break, injure, mutilate, kill or destroy any tree or shrub; permit any animal under his or her control to do so; permit any fire to injure any portion of any tree or shrub; or permit any toxic chemicals or materials to seep, drain, be emptied on or otherwise enter into any tree or shrub.

(B) It shall be unlawful for any person to cut, damage, carve, transplant or remove any tree, or injure the bark of any tree located in a park, except for authorized city personnel in the performance of his, her or their duties.

(C) During building operations, commercial promotions or public promotions, the builder or sponsor shall erect suitable protective barriers around public trees and shrubs that may be injured.

(2013 Code, § 27-15) (Ord. 14429, passed 6-14-1993) Penalty, see § 58.999

§ 58.016 FASTENING MATERIALS.

No person shall fasten any sign, rope, wire or other materials to or around or through any trees or shrubs in any public area, except in emergencies such as storms or accidents.

(2013 Code, § 27-16) (Ord. 14429, passed 6-14-1993) Penalty, see § 58.999

§ 58.017 PLANTING IN PUBLIC ALLEYS AND UTILITY EASEMENTS.

It shall be unlawful to plant any tree or other woody plant material within any platted alley right-of-way or dedicated utility or walkway easement area within the city.

(2013 Code, § 27-17) (Ord. 14429, passed 6-14-1993) Penalty, see § 58.999

§ 58.018 PUBLIC UTILITIES.

Public utility work affecting trees or shrubs, including cutting, trimming, pruning and the use of approved growth inhibitors, shall be limited to the actual necessities or protection of the services of the company and such work shall be done in a professional manner and in accordance with proper arboricultural standards. Trees growing on private land, but encroaching public right-of-way or utility easements, may be trimmed for the protection of the services of the company.

(2013 Code, § 27-18) (Ord. 14429, passed 6-14-1993)

§ 58.019 PLANTING PERMIT.

(A) No person shall plant a tree in a terrace area unless he or she has completed a planting permit application at the Parks and Recreation Office and has been issued a permit by the City

Parks and Recreation Director or his or her designee.

(B) (1) Trees shall be subject to conditions of the permit. Conditions of the permit shall include a requirement for diversity of species within the planting area, as well as other conditions as may be provided elsewhere in this subchapter.

(2) Whenever a tree is planted in conflict with the provisions of the permit or without obtaining a permit, it shall be lawful for city staff to remove or cause removal of the tree.

(3) The cost of the removal of such tree may be charged to the property owner responsible for the planting.

(2013 Code, § 27-19) (Ord. 14429, passed 6-14-1993; Ord. 14774, passed 10-24-2005; Ord. 14947, passed 3-14-2016)

§ 58.020 CERTAIN SPECIES PROHIBITED.

(A) (1) It shall be unlawful to plant any tree species on or adjacent to any street, terrace, avenue or highway in the city that has been identified on a list of prohibited species compiled by city staff. The list shall be kept on file at the Parks and Recreation Office and on the city website. The City Council may issue a special decorative planting permit for planting evergreen and deciduous shrubs with a mature height greater than 12 inches within the terrace area for decorative purposes.

(2) Each request will be reviewed upon its own merits, and the proposed plantings at mature height shall not interfere with pedestrian and vehicular safety or the free use of the street or sidewalk.

(B) It shall also be unlawful to plant any tree species that bears fruit, except for male sterile varieties, on a city terrace or on private property in a location where the tree will overhang a sidewalk.

(C) Any plant species prohibited by this section, but in place on the effective date of Ord. 14429, need not be removed by virtue of its mere existence unless interference with other sections of this chapter so requires.

(D) A list of tree species recommended for public right-of-way plantings will be compiled by city staff and kept on file at the Parks and Recreation Office and on the city website.

(2013 Code, § 27-20) (Ord. 14429, passed 6-14-1993; Ord. 14774, passed 10-24-2005; Ord. 14947, passed 3-14-2016) Penalty, see § 58.999

§ 58.021 SPACING AND PLACEMENT IN TERRACE AREAS.

(A) All trees planted on or adjacent to any street, highway, terrace or avenue in the city shall be planted in a location that is midway between the outer line of the sidewalk and the curb where the curb line is established or midway between the proposed sidewalk and designed curb locations as established by the Director of Public Works/City Engineer where no sidewalk or curb is established. No tree shall be planted nearer than three feet to the curb or outer sidewalk line. On terraces 14 feet wide or greater, trees shall be planted seven feet from the outside edge of the sidewalk.

(B) (1) Trees planted on or adjacent to a highway shall be planted ten feet back from the back of the curb line.

(2) Other special considerations do exist and a special permit must be secured from the state's Department of Transportation; contact the local state's Department of Transportation Engineer. Tree spacing for trees included in the listing of recommended tree for terrace areas less than eight feet in width as specified under § 58.020 of this chapter shall be planted no closer than 20 feet from one another, nor closer than 30 feet to a large tree.

(3) Large trees such as those listed in the recommended tree species for terrace areas of eight feet or more in width shall be planted no closer than 40 feet from one another.

(4) Trees shall be planted no closer to a utility pole than a distance equal to the mature spread of the tree species being planted.

(2013 Code, § 27-21) (Ord. 14429, passed 6-14-1993)

§ 58.022 PLANTING DISTANCE FROM STREET INTERSECTIONS AND FROM DRIVEWAYS.

No tree shall be planted closer than 30 feet to a street intersection. No tree shall be planted closer than ten feet to a driveway or alley in residential terrace areas of the city. Spacing of trees from commercial driveways shall be judged on an individual basis.

(2013 Code, § 27-22) (Ord. 14429, passed 6-14-1993) Penalty, see § 58.999

§ 58.023 LOCATION OF UNDERGROUND UTILITIES.

Before any digging is done in terrace areas, all underground utilities shall be located by the proper utility service companies, in particular mechanical diggers. Call 1-800-292-8989, 48 hours before planting to verify all underground utilities located in the terrace area by the proper utility companies.

(2013 Code, § 27-23) (Ord. 14429, passed 6-14-1993)

§ 58.024 UNAUTHORIZED TRIMMING PROHIBITED; PERMIT REQUIRED.

It shall be unlawful to trim or cut in any manner, other than that otherwise allowed in this subchapter, any tree on any terrace, street, avenue and highway or in any public place in the city without the person receiving a permit from the parks and recreation office. Property owners, agents or occupants may trim limbs or branches not exceeding six inches in diameter from trees on terrace areas adjacent to their property without a written permit. Such cutting or trimming shall conform to the arboricultural specifications and standards of practice adopted by the city staff.

(2013 Code, § 27-24) (Ord. 14429, passed 6-14-1993; Ord. 14947, passed 3-14-2016)

§ 58.025 TRIMMING AND REMOVAL OF HAZARDOUS TERRACE TREES.

(A) The city shall be responsible for removing dead or diseased trees from all public areas within the city. The abutting property owner, agent or occupant shall be responsible for trimming and maintaining the trees on the terrace abutting his, her or their property. Trees shall be so trimmed that the overhanging branches shall be at least 15 feet above the surface of the street and at least eight feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public, taking into consideration tree maturity and size. Branches or limbs over six inches in diameter or trees on terrace areas

shall only be removed by the city, a public service company or a person or firm licensed under § 120.001 of this code of ordinances upon a permit issued by City Clerk. No permit shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors.

(B) The city may serve notice as per section § 58.027 of this chapter to the abutting property owner, agent or occupant to trim or otherwise maintain the trees on the abutting terrace or remove trees, other than dead or diseased trees, that are not in compliance with the provisions of this subchapter. If the abutting property owner, agent or occupant does not perform the required action required within a reasonable time, the city may perform the required action and assess the costs against the abutting property as per § 58.027 of this chapter.

(C) The city shall have the authority to trim or remove any tree, shrub or other plant material planted on any city terrace for non-compliance of this subchapter. This work shall be done at city expense if notice is not given to the abutting property owner.

(2013 Code, § 27-25) (Ord. 14429, passed 6-14-1993)

§ 58.026 REMOVAL AND TRIMMING ON PRIVATE PROPERTY.

(A) The property owner, agent or occupant of any lot or parcel of land shall keep the trees on his or her property so trimmed that the overhanging branches shall be at least 15 feet above the surface of the street and at least eight feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public and shall be kept free of dead limbs and branches, taking into consideration the tree maturity and size.

(B) Trees, branches or limbs over 12 inches in diameter on private property shall only be removed by a person or firm licensed under § 120.001 of this code of ordinances unless the tree canopy is inside the property. A licensed, bonded tree firm or person should do felling of all trees on private property.

(C) The city shall have the right to trim or prune any tree or shrub on private property without notice when it overhangs public property and interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. The city may serve notice on the abutting property owner as per § 58.027 of this chapter to remedy the situation and assess the cost to the property.

(2013 Code, § 27-26) (Ord. 14429, passed 6-14-1993)

§ 58.027 NOTICE AND ASSESSMENT OF COSTS TO PROPERTY OWNERS.

(A) If the property owner does not perform an action required under this subchapter within a reasonable time after notice, the city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be by certified mail or other service to the address of the property owner as well as the occupant of the premises as shown by the records of the County Auditor and shall state the time within which action is required.

(B) In an emergency, the city may perform any action which may be required under this subchapter without prior notice if it is deemed an imminent hazard to the safety and well-being of the public and assess the costs as provided in this section after notice to the property owner and hearing. All action taken by the city without notice to the property owner is done at city expense and shall not be assessed to the property owner.

(2013 Code, § 27-27) (Ord. 14429, passed 6-14-1993)

§ 58.028 BARRICADES AND OTHER PROTECTIVE DEVICES REQUIRED.

When necessary for the protection of the public, guards, barricades or other protective devices or warnings shall be maintained on any sidewalk, street or other public places where trees are being trimmed or removed. Barricades and other protective devices shall meet the standards set forth by the Public Works Department. Traffic on any street shall not be barricaded without first obtaining permission therefor from the Public Works Department and notifying the Fire Department, Police Department and the ambulance service of the closing and again when the street is reopened.

(2013 Code, § 27-29) (Ord. 14429, passed 6-14-1993)

§ 58.999 PENALTY.

Violation of any section of this chapter shall be deemed to be a municipal infraction and be punished by a penalty as provided in § 10.999(A) of this code of ordinances.

(2013 Code, § 27-30) (Ord. 14429, passed 6-14-1993; Ord. 14970, passed 11-27-2017)