

CHAPTER 27

TREES AND SHRUBS

Sec. 27.1. CITY CONTROL, TREES AND SHRUBS IN STREET RIGHT-OF-WAY.

The City has charge, custody and control of all trees and shrubbery upon the parking and other portions of the public streets; and has the right and power to plant, prune, care for, remove and maintain all trees and shrubbery upon the public street; and, to prune limbs and branches of trees and shrubbery that extends onto or over public streets. 'Public Streets' means all land lying between property lines on either sides of all public streets, avenues, highways, boulevards and alleys within the corporate limits of the City.

(Ord. No. 876, Sec. 4, 10-1-57; Ord. No. 3044, Sec. 1, 4-11-89; Ord. No. 3065, Sec. 1, 11-21-89; Ord. No. 3101, Sec. 1, 10-23-90)

Sec. 27.2. STREET TREES, PLANTING PERMITS.

Trees and shrubs planted within the street limit, and trees having a trunk more than 50% within the public street as defined above, are referred to as 'street trees'. The planting of street trees shall be done by the City or owner of abutting private property only in accordance with the planting plan approved by the City Manager and on file in the City Department of Public Works. Permits will be issued without charge.

(Ord. No. 3101, Sec. 1, 10-23-90)

Sec. 27.3. REMOVAL OF STREET TREES

(1) Street trees which are dead or which for some other reason constitute a clear and present danger to the public safety may be removed at the direction of the City Manager or designee at any time without notice.

(2) Street trees which have been identified in an approved plan by City Council to manage a current or impending infestation or disease may be removed at the direction of the City Manager or designee. Appeals, if any allowed, shall be handled administratively and be included as an appendix to the approved plan.

(3) To remove a street tree for any reason other than as stated above the City Manager shall cause a notice of intention to do so to be posted on the subject tree or trees. The notice shall remain posted for a period of not less than fifteen (15) days, during which period any local resident may file a written objection with the City Manager. If no objections are filed after fifteen days' notice as aforesaid, the City Manager may cause or permit the tree to be removed. If objections are filed within the fifteen days of notice as aforesaid, they shall be referred to the City Council and a hearing held thereon at its next regular meeting and the Council may thereafter sustain the objection or authorize the tree removed as is deemed in the best interest of the public.

(Ord. No. 3101, Sec. 1, 10-23-90; Ord. No. 4201, 12-9-14).

Sec. 27.4. CUTTING, REMOVAL OF TREES, SHRUBS BY OWNER OR AGENT.

(1) The owner of adjoining property shall keep all street and private trees and shrubs trimmed so as not to interfere with the pedestrian use of sidewalks.

(2) Cutting or removing street trees shall be done only with permission and under the supervision of the City Manager's designee.

(Ord. No. 3101, Sec. 1, 10-23-90; Ord. 3309, 12-13-94)

(3) Cutting or trimming a tree where there is a risk of limbs, branches or any other portion of the tree falling or coming into contact with electric utility lines is prohibited without the express permission of the electric utility.

(Ord. No. 3309, 12-13-94)

Sec. 27.5. TREE SURGEON LICENSE REQUIREMENTS.

(1) No person shall solicit or engage in the work of felling trees or trimming trees where there is a risk of limbs, branches or any other portion of the tree falling into the public right of way without first obtaining a tree surgeon's license from the City Clerk and paying the license fee in such amount as shall be established for all such licenses by resolution of the City Council to cover costs of administration.

(Ord. No. 3309, 12-13-94)

(2) However, a property owner may trim or fell trees on his or her own property without a license except where there is risk of limbs, branches or any other portion of the tree falling or coming in contact with electric utility lines.

(Ord. No. 3309, 12-13-94)

(3) All licenses shall terminate on June 30th of the year issued.

(Ord. No. 3101, Sec. 1, 10-23-90)

Sec. 27.6. INSURANCE REQUIRED.

The applicant shall procure and maintain, for the duration of the license period, insurance against claims for injuries to persons or damages to property which may arise from or in connection with products, materials and services furnished.

The applicant shall furnish the City of Ames with certificates of insurance evidencing the following coverages:

(1) An insurance certificate naming the City of Ames, its officers, and employees as an additional insured with comprehensive general liability limits in the amount of \$500,000 combined single limit shall be in full force and effect during the life of the tree surgeons license. The coverage shall be at least as broad as the ISO Form Number CG0001 covering commercial general liability written on an occurrence basis only. A copy of the current insurance certificate shall be maintained on file with the City Clerk.

(Ord. No. 3746, 11-18-03)

(2) Automobile Liability with limits of no less than \$500,000 combined single limits per occurrence for bodily injury, personal injury and property damage.

The certificate must be on file in the office of the City Clerk before the license shall be issued.

(Ord. No. 876, Sec. 4, 10-1-57; Ord. No. 3044, Sec. 1, 4-11-89; Ord. No. 3065, Sec. 1, 11-21-89; Ord. 3309, 12-13-94; Ord. No. 3599, 11-28-00)

Sec. 27.7. PENALTIES FOR OFFENSES PERTAINING TO TREES AND SHRUBS.

A violation of any provision of Chapter 27, Trees and Shrubs, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

(Ord. No. 3497, Sec. 44, 8-25-98)