

ORDINANCE NO. 206

AN ORDINANCE AMENDING ORDINANCE NO. 31 TO ADD
DEAD ASH TREES TO THOSE DECLARED TO BE NUISANCES.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA:

Section 1. AMENDMENTS TO ORDINANCE NO. 31. University Heights Ordinance No. 31 is amended as follows (with additions indicated by underline and deletions indicated by ~~strikethrough~~):

Section 1. That all trees infected with Dutch Elm disease, all dead ash trees (genus Fraxinus), and all standing dead trees are hereby declared nuisances and the owner or occupant or person in charge of the property where~~as~~ such tree or trees are located is hereby ordered to remove such tree or trees at that person's expense. ~~That the owner, occupant or person in charge of such property shall remove any tree or trees so infected at his own expense.~~ If the owner or occupant or person in charge fails to remove any tree or trees declared nuisances and ordered to be removed by this Ordinance ~~so infected,~~ the ~~Town~~ University Heights City Council shall cause written notice to be served upon the property owner requiring the removal of the tree or trees within thirty (30) days after receipt of ~~said~~ the notice. The notice required herein ~~shall~~ may be served personally or by mailing a copy of said the notice to the last known address of the property owner by certified mail. If the ~~Town~~ City Clerk is unable to ~~secure~~ perfect notice on the property owner, ~~said the~~ written notice may be served on the occupant or person in charge of the property in the same manner as set out herein. If such tree or trees are ~~is~~ not removed on or before the date specified in the written notice, the ~~Town~~ City Council ~~shall~~ may remove or cause to be removed the diseased tree or trees and assess exact the cost of such work to the property where the tree or trees are located, by certifying such amount to the Johnson County Auditor for collection shall be certified by the Town Clerk to the County Auditor of Johnson County to be collected with and in the same manner as general property taxes.

Section 2. That all piles of brush, trees, debris or wood of which part or all is composed of elm wood, including single felled elm trees, are hereby declared to be nuisances and the owner, occupant, or person in charge of the property whereon the same is located shall remove such nuisances. If the nuisances are not removed, the ~~Town~~ City Council shall cause written notice to be served upon the property owner or occupant or person in charge of the property, in the manner specified in Section 1, requiring its removal within thirty (30) days. If ~~it is~~ the nuisances are not removed within thirty (30) days, the ~~Town~~ City Council may cause such nuisance to be abated or removed immediately and assess the cost thereof against the property whereon ~~the same is~~ nuisances are located in the manner specified in Section 1.

Section 3. That all cotton bearing trees are hereby declared to be a nuisance. When the ~~Town~~ City Council shall find it necessary to remove such trees they shall cause written notice to be served on the property owner in the manner specified in Section 1 to remove the tree within thirty (30) days after receipt of said the notice. If the Town Council is unable to secure notice on the property owner, ~~said the~~ notice may be served on the occupant or person in charge of the property in the in the manner specified in Section 1 same manner as set out herein. When the person to whom such notice is directed fails to remove the tree or trees within the specified time, the ~~Town~~ City Council shall remove or cause to be removed such trees and assess the cost thereof against the property where the tree or trees are located in the manner specified in Section 1 the exact cost of such work shall be certified by the City Clerk to the County Auditor of Johnson County to be collected with and in the same manner as general property taxes.

Section 2. **SAVING CLAUSE.** In the event any word, phrase, sentence, paragraph, or section contained in this Ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this Ordinance would have been enacted and remain in full force and effect.

Section 3. **EFFECTIVE DATE.** This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this ____ day of _____, 2017, and approved this ____ day of _____, 2017.

Louise From, Mayor

Attest: _____
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this ____ day of _____, 2017, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise From and Christine Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 2017.

Christine M. Anderson
City Clerk

Signed and sworn to before me on the ____ day of _____, 2017, by Christine Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa

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