

ORDINANCE NO. 31

AN ORDINANCE DECLARING ALL TREES ON PUBLIC PROPERTY OR PRIVATE PROPERTY INFECTED WITH DUTCH ELM DISEASE, PILES OF BRUSH, DEBRIS OR WOOD CONTAINING ELM WOOD AND STANDING DEAD ELM TREES AND LIVE COTTONWOOD TREES WHICH ARE COTTON BEARING TO BE NUISANCES; AND PROVIDING FOR THE REMOVAL AND ABATMENT OF SUCH NUISANCES AND THE ASSESSMENT OF THE COST AGAINST THE PROPERTY.

Whereas, trees infected with Dutch Elm disease, piles of brush, trees, debris or wood containing elm wood, and standing dead elm trees are breeding places for the elm bark beetle which carries the spores of Dutch Elm disease, now therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF UNIVERSITY HEIGHTS, IOWA:

Section 1. That all trees infected with Dutch Elm disease and all standing dead trees are hereby declared nuisances and the owner or occupant or person in charge of the property whereas such tree or trees are located is hereby ordered to remove such tree or trees. 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 fails to remove any tree or trees so infected, the Town Council shall cause written notice to be served upon the property owner requiring the removal of the tree within thirty (30) days after receipt of said notice. The notice required herein shall be served by mailing a copy of said notice to the last known address of the property owner by certified mail. If the Town Clerk is unable to secure notice on the property owner, said 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 is not removed on or before the date specified in the written notice, the Town Council shall remove or cause to be removed the diseased tree and the exact cost of such work 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 Council shall cause written notice to be served upon the property owner or occupant or person in charge of the property requiring its removal within thirty (30) days.

If it is not removed within thirty (30) days, the Town Council may cause such nuisance to be abated or removed immediately and to assess the cost thereof against the property whereon the same is

located.

Section 3. That all cotton bearing trees are hereby declared to be a nuisance. When the Town Council shall find it necessary to remove such trees they shall cause written notice to be served on the property owner to remove the tree within thirty (30) days after receipt of said notice. If the Town Council is unable to secure notice on the property owner, said notice may be served on the occupant or person in charge of the property in the 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 Council shall remove or cause to be removed such trees and 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 4. This ordinance shall be in full force and effect from and after its passage and posting as provided by law.

Section 5. 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.

Introduced by the Council and given first reading on the 9th day of December 1965; given second reading on the 13th day of January, 1966; amended and passed by the Council on the 10th day of February, 1966, and approved this 12th day of February, 1966.