

ORDINANCE NO. 31 (as amended)

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

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 such tree or trees are located is hereby ordered to remove such tree or trees at that person's 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, the 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 the notice. The notice required herein may be served personally or by mailing a copy of the notice to the last known address of the property owner by certified mail. If the City Clerk is unable to perfect notice on the property owner, 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 not removed on or before the date specified in the written notice, the City Council may remove or cause to be removed the diseased tree or trees and assess 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 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 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 removal within thirty (30) days. If the nuisances are not removed within thirty (30) days, the City Council may cause such nuisance to be abated or removed immediately and assess the cost thereof against the property where the 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 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 the notice. If the Town Council is unable to secure notice on the property owner, the notice may be served on the occupant or person in charge of the property in the in the manner specified in Section 1. When the person to whom such notice is directed fails to remove the tree or trees within the specified time, the 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.

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 the 12th day of February, 1966.

Ordinance No. 206, amending Section 1, Section 2, and Section 3 was passed and approved on August 8, 2017 and published in the Iowa City Press-Citizen on October 20, 2017. The amendment adds "all dead ash trees (genus Fraxinus)" as declared nuisances. Deletes the phrase "That the owner, occupant, or person in charge of such property shall remove any tree or trees so infected at his own expense". The Ordinance adds to owner "or occupant or person in charge" and authorizes assessment of the cost of removal by the City to the property, collection by the Johnson County Auditor. Section 2 removes the word "or ash (genus Fraxinus), substitutes "City" for "Town", and adds "nuisances are located in the manner specified in Section 1." Section 3 substitutes "City" for "Town" and adds the procedural language "in the manner specified in Section 1".