

ORDINANCE No. 190

AN ORDINANCE AMENDING ORDINANCE 52 REGULATING THE PLANTING, CARE, AND MAINTENANCE OF TREES AND SHRUBBERY UPON AND ADJOINING PUBLIC PROPERTY IN THE TOWN OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA.

BE IT ENACTED by the Council of the City of University Heights, Iowa:

University Heights Ordinance No. 52 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

Section 1. Definitions. For the purpose of this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. ~~The word "public~~ Public property" means any property owned by the ~~Town-City~~ of University Heights, and shall specifically include that portion of street rights-of-way located between the private property lines and streets or sidewalk(s).
2. "Trees and shrubs" shall mean all wood vegetation.
3. "Parking" shall mean that part of the street right-of-way lying between the private lot line and the curb line of the improved streets, and on unimproved streets it shall mean that portion of the public right-of-way lying between the lot lines and that portion of the street usually traveled by vehicular traffic.
4. "City Tree Board" shall mean the Board created and established pursuant to Section 6 of this Ordinance.

Section 2. No person, firm or corporation shall plant or remove any tree or shrub on ~~public~~ Public property Property without specific approval of the ~~Town Council of the Town-City Tree Board~~ of University Heights, Iowa.

Section 3. ~~That t~~The owners of private property shall be responsible for the proper care and maintenance of all trees and shrubs located in the parking adjoining said

private property.

Section 4. ~~That a~~All trees and shrubs on public or private property bordering on any street shall be trimmed to a sufficient height to allow free passage of pedestrians and vehicular traffic and so that they will not obstruct or shade street lights, the vision of traffic signs, or the view of any street intersection. The minimum clearance of any overhanging portion of such trees or shrubs shall be eight (8) feet over sidewalks and thirteen (13) feet over all streets.

Section 5. ~~That i~~If the owner of any property fails to maintain trees and shrubs in compliance with the provisions of this ordinance, the ~~Town-City Council~~ or the City Tree Board shall cause written notice to be served upon the property owner, requiring compliance with this ordinance within ~~Thirty-thirty~~ (30) days after receipt of said notice. The notice required herein shall be served by mailing a copy of said notice to the property address or address used by the Johnson County Treasurer to mail property tax statements~~last known address of the property owner by Certified Mail. If the Town Clerk is unable to secure a 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 this ~~ordinance~~ Ordinance is not complied with by said property owner within the date specified in the written notice the ~~Town-City Council~~ shall cause such work to be done as is necessary to bring said the trees on the property ~~owner~~ within compliance with the provisions of this ~~ordinance~~ Ordinance and the exact cost of such work shall be certified by the ~~Town Clerk~~City Council to the Johnson County Auditor ~~of Johnson County Iowa~~ to be collected with and in the same manner as general property taxes.

Section 6. City Tree Board

1. **Creation and Establishment of a City Tree Board.**
A City Tree Board is created and established. The Board shall consist of five (5) residents of the City who shall be appointed by the mayor.
2. **Term of Office.** The term of each Board member shall be five (5) years; provided, however, that the term of one member appointed to the first board shall be for only one (1) year, the term of

one member of the first board shall be for two (2) years, the term of one of the members appointed to the first board shall be for three (3) years, and the term of one of the members appointed to the first board shall be for four (4) years. In the event that a vacancy shall occur during the term of any member, the Mayor shall appoint a successor for the unexpired portion of that member's term.

3. **Compensation.** The Board members shall serve without compensation.

4. **Duties and Responsibilities.**

a. The Board shall develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs on Public Property, including Parking areas. This written plan shall constitute the Comprehensive City Tree Plan for the City of University Heights.

b. The Board shall update the Comprehensive City Tree Plan annually.

c. The Board shall study and advise the City Council with respect to selection, maintenance, and care of trees and shrubs and with respect to such other matters as the City Council may request from time to time.

d. The Board, when requested by the City Council, shall consider, investigate, make findings, report, and make recommendations upon any special matter of question coming within the scope of its work.

e. The Board shall meet from time to time to consider and approve or reject requests from the owners of private property to plant or remove trees or shrubs from Public Property, including Parking areas, adjoining the respective private property.

5. **Operation.** The Board shall choose its own chairperson, make its own rules and regulations, and keep minutes of its proceedings. A majority of the members shall constitute a quorum for the transaction of Board business.

6. **Appeal.** Any person aggrieved by a decision of the Board may appeal to the City Council by submitting a written appeal request that sets forth the basis for the appeal. The City Council may affirm, reverse, or modify any decision of the Board.

Section 6. Violation of this ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100.00.

Section 7. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Passed and approved by the Council of the City of University Heights, Iowa, on the 10th day of November, 2015.

 /s/ _____
Louise From, Mayor

Attest:

 /s/ _____
Christine M. Anderson, City Clerk