

ARTICLE II - TREES

Section 1. PURPOSE. The purpose of this chapter is to beautify and preserve the City. Since the City has the ultimate responsibility for trees planted in the public property adjacent to public traffic ways (hereinafter in this chapter referred to as the "right-of-way"), it is necessary to establish standards as to locations where trees may be planted.

Section 2. PLANTING AND REMOVAL OF RIGHT-OF-WAY TREES. As a matter of public policy, property owners adjacent to public property shall not be permitted to plant trees in the right-of-way in strict accordance with this chapter. Permission to plant shall be obtained by majority vote of the City Council. Such permission to plant, if granted, is permissive only, and shall not give rise to any property or proprietary interest in such trees or plantings, and the City has the absolute right to maintain, trim or remove any such trees, if the Council finds it necessary to do so. Reasons for removal, trimming or other maintenance shall include, but not be limited to, disease, wind damage, obstruction of pedestrian or vehicular traffic, interference with utility lines, incongruity in appearance with respect to the neighborhood or other trees planted in the area, obnoxious character of the tree itself, or for any esthetic reason.

Section 3. DUTY TO TRIM TREES.

1. The owner or agent of the abutting property shall keep the trees on or overhanging the street or alley trimmed to that all branches will be at least fifteen (15) feet above the surface of the street or alley and ten (10) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within fourteen (14) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as property tax.

2. Except as allowed in subsection 1, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

Section 4. DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

Section 5. INSPECTION AND REMOVAL. City Maintenance or the City Council may inspect of cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. **Public Property.** If it is determined that any such condition exists on any public property, including the right-of-way, the City Council may cause such condition to be corrected by treatment or removal. The City Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon. The City shall be responsible for the removal of any dead or diseased trees on public property.

2. **Private Property.** If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the City Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply with fourteen (14) days of receipt of the notice, the City Council may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. [Code of Iowa, Sec. 364.12(3b. & h.)]

Section 6. PENALTY. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a fine not exceeding one hundred dollars.

Section 7. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

TITLE III COMMUNITY DEVELOPMENT AND SERVICES

ARTICLE II – TREES (AMENDED)

Section 8. EFFECTIVE DATE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

DATED this 4th day of May, 2021

Dan Patterson
Mayor

The above Ordinance was passed and approved on the 4th day of May 2021, and was signed by the Mayor on the ____ day of May, 2021.

ATTEST:

Haylee Stecker
City Clerk

1st Reading: 3/3/2021
2nd Reading: 4/6/2021
3rd Reading: 5/4/2021

I hereby certify that the foregoing was published as Ordinance No. 3-2 in the Mt. Pleasant News on the ____ day of _____, ____.

Haylee Stecker
City Clerk

| | AYES | NAYS | ABSTAIN | ABSENT |
|-----------|---------------------|-------|---------|---------------------|
| G. Tedrow | _____ | _____ | _____ | <u> X </u> |
| Hoyer | <u> X </u> | _____ | _____ | _____ |
| Feehan | <u> X </u> | _____ | _____ | _____ |
| D. Tedrow | <u> X </u> | _____ | _____ | _____ |
| Francy | <u> X </u> | _____ | _____ | _____ |