

PUBLIC NOTICE

Ordinance No. 264

ORDINANCE NO. 264

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OGDEN, IOWA, 1996, BY AMENDING PROVISIONS PERTAINING TO TREES

Be It Enacted by the City Council of the City of Ogden, Iowa:

SECTION 1. SECTION MODIFIED. Section 151.02 of the Code of Ordinances of the City of Ogden, Iowa, 1996, is repealed and the following adopted in lieu thereof:

151.02..... PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. No person shall plant a tree within the parking or public right-of-way without first obtaining a permit therefor, which shall show the type of tree to be planted and the placement of the tree. The placement of the tree must be approved by the Building Inspector, and no permit shall be issued until the Inspector has actually viewed the site of said placement. Property pins need to be located and Iowa One Call must be contacted so utilities are marked prior to viewing the site.

2. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.

3. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty-five (25) feet from street intersections (property lines extended) and ten (10) feet from driveways, or within three (3) feet of a sidewalk. No tree shall be planted closer than five (5) feet from any fire hydrant or closer than forty (40) feet to another tree on the parking. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.

4. Shrubs Prohibited. No person shall plant a shrub upon the public right-of-way or parking.

5. Prohibited Trees. No person shall plant in any street any fruit- or nut-bearing tree or any tree of the kinds commonly known as ash, birch, black walnut, boxelder, catalpa, Chinese elm, all evergreens, cottonwood, ginkgo, magnolia, maple (autumn blaze and silver), mulberry, pin oak, poplar, Siberian elm, Tree of Heaven, willow.

6. No trees may be planted within a sewer easement area or beneath overhead power lines.

7. The Building Inspector or City Clerk may deny the issuance of a permit if the same would cause damage to the public right-of-way and parking, create a safety hazard or fail to conform to the scheme of planting of trees upon that particular right-of-way or parking area.

SECTION 2. 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.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 9th day of March 2021 and approved this 9th day of March 2021.

Dennis Good - Mayor

ATTEST:

Melanie Olesen - City Clerk

First Reading: February 3, 2021

Second Reading: February 9, 2021

Third Reading: March 9, 2021

I certify that the foregoing was published as Ordinance No. 264 on the 24th day of March 2021.

Melanie Olesen - City Clerk

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