

# ORDINANCE NO. 1066

## AN ORDINANCE AMENDING TITLE ELEVEN (11) CHAPTER EIGHT (08) SECTION FIFTY (050), NINTY (090), 110 (110) & 120 (120), TO REVISE THE TREE AND LANDSCAPING REGULATIONS IN FAIRFIELD, IOWA

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, IOWA, THAT:

**Section One: Addition:** Ordinance Section 11.08.050. Placement and location of trees. All trees shall hereafter be placed so as to avoid interference with overhead utility wires or underground cables, sewers or drains. All planting within the public rights-of-way shall be of varieties that will pose a minimum of maintenance problems when mature. All plantings within the public rights-of-way shall be centered between the edge of the street and the sidewalk or property line. No trees shall be planted in areas where the distance between the street and the sidewalk or property line (where there is no sidewalk) is less than five feet. In areas where this distance is greater than five feet and less than eight feet, trees from the list of “small trees” as listed in the List of Recommended Trees for Fairfield may be planted. Where this distance is eight feet or greater, “small trees” and “large trees” may be planted.

**Section Two: Addition:** Ordinance Section 11.08.090. Residential districts (R-1, R-2, R-3, R-4, R-5) requirements. Whenever there is development on an undeveloped lot, the requirements of this section shall be applicable to the entire lot:

- (1) Large trees shall be planted at no less than one tree for every sixty feet of frontage, or no less than one small tree for every forty feet of frontage.
- (2) No trees, or other obstructions shall be planted or allowed to grow in any portion of the front or side yard within twenty feet of the intersection of two right-of-way lines.
- (3) Hereafter, no tree shall be planted within three feet of the front property line.

**Section Three: Addition:** Ordinance Section 11.08.110. Removal of trees. The city council may require the owner of any lands within the city to remove and destroy any dead or diseased tree or parts of trees standing on the lands of such owner at the cost and expense of such owner, and the city council may also require such landowner to remove any tree or part of tree, whether dead or diseased or not, standing in a place in violation of the provisions set out in Section 11.08.050, also at the cost to such landowner.

**Section Four: Addition:** Ordinance Section 11.08.120. Notice of landowner to remove trees, parts of trees. A landowner, becomes liable for the cost and expense of removing a tree or part

of tree only after a finding is made by the city council that such tree or part of tree is subject to removal under the provisions of Section 11.08.050, and orders the removal thereof at the cost and expense of such landowner, and service of a copy of the finding and removal order is made on the landowner. Such order shall set out with clarity the date fixed for the removal of such tree or part of tree, giving the landowner a reasonable time to remove same but not less than ten days from the time of service of such removal order. Such order shall be served on the landowner in the manner provided for service of original notices under the laws of the State of Iowa, and the city shall bear the cost of service of such removal order.

**Section Five: Severability:** If any section, provision, or part of this Ordinance shall be adjudged to be 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 Six: Effective Date:** This Ordinance shall be in full force and effect after its final passage, approval and publication as provided by law, starting January 1, 2012.

Ordinance No. 1066


The foregoing ordinance was adopted by the City Council of the City of Fairfield, Iowa at its regular meeting held on the 11<sup>TH</sup> day of July, AD, 2011 upon a motion by Councilperson Hamilton and seconded by Councilperson Adam.

The vote on the foregoing ordinance was as follows:

	AYES	NAYS	ABSTAIN	ABSENT
Gookin	_____	_____	_____	__X__
Hamilton	__X__	_____	_____	_____
Adam	__X__	_____	_____	_____
Halley	__X__	_____	_____	_____
Revolinski	__X__	_____	_____	_____
Mottet	__X__	_____	_____	_____
Silvers	__X__	_____	_____	_____

  
Ed Malloy, Mayor

ATTEST:

  
Jeff Clawson, City Administrator

SEAL