

ORDINANCE 248

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARSON, IOWA, CHAPTER 151, ENTITLED "TREES", BY AMENDING SECTIONS 151.01 ENTITLED "DEFINITION" AND SECTION 151.02 ENTITLED "PLANTING RESTRICTIONS"; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council of the City of Carson, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 151 of the Code of Ordinances by amending Section 151.01 entitled "DEFINITION" Section 151.02 entitled "PLANTING RESTRICTIONS".

SECTION 2. AMENDMENT OF SECTION 151.01. Section 151.01 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Section 151.01 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

151.01 PLANTING RESTRICTIIONS. No person shall plant any tree or shrub on any publicly owned property or on the right-of-way of any street, including but not limited to, between the sidewalk and the curb of any street.

SECTION 3. AMENDMENT OF SECTION 151.01. Section 151.02 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Section 151.02 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

151.02 PROHIBITED TREES. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

SECTION 4. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the City Council on the 13 day of December, 2021 and approved this 13 day of December, 2021.

Tim Todd

Tim Todd, Mayor

ATTEST:

Brianne Duede

Brianne Duede, City Clerk

1st Reading: 10-11-21

COUNCIL ROLL CALL

VOTE: 4 Ayes: Pilling, Brandon, Houser, Graves. Motion Carried.

2nd Reading: 11-8-21

4 Ayes: Pilling, Brandon, Graves, Richardson. Motion Carried.

3rd Reading: 12-13-21

5 Ayes: Pilling, Brandon, Houser, Graves, Richardson. Motion Carried.

12/17/21 sent to Newspaper for publication. -B Duede