

**North Liberty Tree & Storm Water Advisory Board  
Committee Meeting: Thursday October 9, 2014 @ 7:00PM  
City Council Chambers (#1 Quail Creek Circle)**

**Proposed Agenda**

**NEW BUSINESS:**

1. Review and approve minutes: Minutes from the July meeting.
  
2. Public Comments/Concerns: Open to public for comments and concerns;  
5 minutes per person time limit.
  
3. MidAmerican Energy: *Trees  
Please Grant* Finished grant for tree funds requested for  
West Lakes Park spring 2015.
  
4. Storm Water Issues: Tom Palmer; City of North Liberty Building Official  
Top Soil Requirements discussion.  
Any Storm Water issues or concerns not on the agenda.
  
5. Tree Ordinance Tree Board review of ordinance and recommendation of changes to  
City Staff. Don Colony; Streets Superintendent will be present to talk  
about Right-of-way planting.

**OLD BUSINESS:**

1. Old Business:  
Issues from past meetings.

**CONCLUSION:**

1. Next meeting: Next Meeting: April 8, 2015 at 7:00 pm. City Council Chambers.  
Meeting Quarterly: (January, April, July, October)
  
2. Adjourn:

## North Liberty Tree & Storm Water Advisory Board

Minutes of Wednesday July 9, 2014

Meeting called to order: 7:00

Present: Guy Goldsmith, Thomas Stoeffler, Gary McDowell, Malinda Allen

Absent: Sean Pearl, Darice Baxter

### **New Business:**

1. Review and approve minutes: Minutes approved
2. Open to public for comments and concerns: No comments or concerns brought forward
3. MidAmerican "Trees Please" grant \$1,000. 12-15 trees to be planted at a new park (Mar Lee Park) near North Bend Elementary School. Delay in planting remaining trees. Email will be sent to board for planting dates
4. Storm Water Issues: Bill Minor (not present). Guy Goldsmith: discusses silt fence protection. No reports to date.
5. Iowa Urban Community Forest program Grant for communities larger than 5k: Guy Goldsmith: City will probably not apply for grant. Mallinda Allen: suggest smaller communities visit board and use North Liberty as a resource.
6. Review of new city tree ordinance: Improved language of ordinance to protect city in the event of EAB infestation. Gary McDowell/Malinda Allen suggest review of existing ROW tree planting policy. Move made by Gary McDowell and seconded by Mailinda Allen. Malinda Allen quotes Complete Streets policy and long term beautification of North Liberty. Guy Goldsmith will mention board recommendations to City superintendent and City Council. Forbidden tree list reviewed by board.
7. Emerald Ash Borer: Identified in Iowa City. Guy Goldsmith: All 114 city Ash trees treated. Recommends treatment now.

**Old Business:** None

Next meeting: October 9<sup>th</sup> 7:00pm at City Council Chambers, (#1 Qual Creek Circle)

Meeting adjourned: 7:35pm



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 150 OF THE NORTH LIBERTY CODE OF ORDINANCES TO IMPLEMENT CHANGES TO TREES IN RIGHT-OF-WAY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** That Chapter 150, "Trees," of the North Liberty Code of Ordinances be and the same is hereby amended by repealing Chapter 150 and adding a new Chapter 150 in lieu thereof to read as follows:

**CHAPTER 150  
TREES**

150.01 Purpose	150.07 Tree, Shrub, and Bush Removal on Public Property
150.02 Definitions	150.08 Tree, Shrub, and Bush Removal on Private Property
150.03 Trees, Shrubs, or Bushes in the Public Right-of-Way	150.09 Permit and Regulation
150.04 Prohibited Trees	150.10 Authority of the Council
150.05 Duty to Trim	
150.06 Removal of Trees	

**150.01 PURPOSE.**

The purpose of this chapter is to regulate and preserve the appearance of the City by requiring trees, shrubs, and bushes to be uniformly located, and to regulate the planting and care of such trees, shrubs, and bushes in the City for the protection of public health, safety, and welfare.

**150.02 DEFINITIONS.**

For the purposes of this chapter, the following definitions apply:

1. "Owner" means a person owning private property in the City as shown by County records. This term includes the term "agent," "occupant," "tenant," and "person in control" of the property.

2. "Parking" means the area within a street right-of-way located between the back of the curb and edge of the sidewalk closest to the curb. Also referred to as "parkway that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and the portion of the street, avenue, or highway usually traveled by vehicular traffic."

3. "Private property" means all property not owned by the City.

Comment [SP1]: Consistent with subdivision definition

4. "Public property" means any and all property located within the confines of the City and owned by the City or held in the name of the City by any departments, commissions, or agencies within the City government.

5. "Public right-of-way" means that portion of land between property lines that is dedicated and deeded to the City to provide the area necessary for the installation of street and sidewalk surfacing, public utilities, and other improvements~~all of the land lying between the property lines on either side of all public streets, avenues, highways, and alleys, including public easements and grants to the City.~~

Comment [SP2]: same

6. "Street" means the right-of-way dedicated to public use serving more than one property with vehicular access and frontage~~entire width between property lines, including the parking and the public right-of-way, and that portion of the roadway usually traveled by vehicular traffic.~~

Comment [SP3]: same

### 150.03 TREES, SHRUBS, OR BUSHES IN THE PUBLIC RIGHT-OF-WAY.

1. It is unlawful for any person to plant any tree, shrub, or bush in any public right-of-way or parking. In the event that the City or a private utility disturbs any public right-of-way or parking, the City or the private utility shall only be responsible for reseeded and establishing grass in the disturbed area.

2. The City of North Liberty may plant trees, shrubs, and/or bushes in the public right-of-way as a part of an approved City project, such as landscaped medians and boulevards.

### 150.04 PROHIBITED TREES.

Comment [SP4]: The changes here are consistent with prohibited trees by the IDNR, Iowa State and Trees Forever (per GG)

The following species of trees are declared to be nuisances, and no person shall plant any of the following trees within the City:

- |  |                       |
|--|-----------------------|
| Box Elder                                    | <u>Tree of Heaven</u> |
| Cotton Bearing Poplar                        | <u>Female Ginkgo</u>  |
| Silver Maple/White River Maple (soft maples) | Siberian Elm          |
|  | <u>Green Ash</u>      |
| <u>Tree of Heaven</u>                        | <u>White Ash</u>      |
| <u>Female Ginkgo</u>                         | <u>Black Locust</u>   |
|  | <u>Russian Olive</u>  |

### 150.05 DUTY TO TRIM.

1. ~~All property owners, agents, or occupants of property adjoining the streets in the City shall prune, maintain, and care for all trees, shrubs, and bushes located upon the public right of-~~

~~way or parking.~~ All trees, shrubs, and bushes ~~in the parking which that~~ overhang onto the street, alley, or other roadways of the City ~~must shall~~ be trimmed ~~to a height of 13 feet~~ immediately above such streets, alleys, or roadways ~~and clear of the curb line, as determined to be necessary and appropriate by the Street Superintendent.~~ The trimming under this subsection shall be the responsibility of the City.

2. All trees, shrubs, and bushes, ~~whether in the parking or on private property which that~~ overhang onto the sidewalk of the City ~~must shall~~ be trimmed to a minimum height of eight (8) feet immediately above such sidewalk. Any trees, shrubs, and bushes, whether in the parking or on private property, lower than eight (8) feet shall be trimmed so as to be at least two (2) feet clear of the sidewalk. All trees on private property shall be trimmed to a minimum height of sixteen (16) feet immediately above and at least two (2) feet clear of any public street, alley or roadway. The trimming under this subsection shall be the responsibility of the property owners, agents, or occupants of property adjoining the sidewalk.

~~—3.— All trees, shrubs, and bushes located upon public right-of-way or parking shall be trimmed so there are no branches within 2 feet of the sidewalk or curb line, unless they are higher than the height restrictions in subsections 1 and 2 of this section.~~

#### **150.06 REMOVAL OF TREES.**

The City shall remove any tree standing on public property, or in the public right-of-way or parking thereof, which is dead, diseased, or declared to be a nuisance to public safety and may remove any other trees in its discretion. No compensation shall be paid to the abutting property owner regardless of whether the City or the property owner placed the tree in the public right-of-way or parking. Any person desiring to remove a live tree which has been planted in the public right-of-way or parking shall first obtain a permit from the ~~Building Inspector~~Street Superintendent. If a permit is issued, the permittee must remove the tree at the permittee's own expense. No fee shall be charged for the permit to remove the tree.

#### **150.07 TREE, SHRUB, AND BUSH REMOVAL ON PUBLIC PROPERTY.**

No trees, shrubs, bushes, or other parts thereof which are dead, decayed, diseased, or dying upon a street, public right-of-way, parking, or public property of the City and which constitute a hazard to the health, safety, or well-being of any person shall be allowed to remain in such condition. No trees, shrubs, or bushes shall be maintained in such a manner as to interfere with the moving of traffic upon the streets in a safe and orderly manner.

#### **150.08 TREE, SHRUB, AND BUSH REMOVAL ON PRIVATE PROPERTY.**

No trees, shrubs, or bushes or parts thereof on private property which are dead, decayed, diseased, or dying or which have become dangerous to the public shall be allowed to remain in such condition.

#### **150.09 PERMIT AND REGULATION**

**Comment [SP5]:** Example: We have had residents that border Park property that will plant trees on Park property without permission just outside of their property line). They get the benefit of the trees without taking up their property space (Per GG)

1. No trees, shrubs, or bushes may be planted on any public property or within any public utility easement without written permission of the City. No trees, shrubs, or bushes shall be planted under existing lines if, at maturity, it is likely to cause interference with those lines.

2. Trees ~~stipulated required~~ by City ordinance or approved site plans to be planted in and around parking lots, with the intent to provide shade for such parking lots, shall have a caliper of at least two (2) inches at the time of planting and an anticipated mature height of at least fifteen (15) feet.

**150.10 AUTHORITY OF THE COUNCIL.**

1. The City shall have the authority to order the property owner, agent, or occupant of the property adjoining ~~the streets~~any sidewalk to prune, maintain, and care for all trees, shrubs, and bushes located on the street, public right-of-way, ~~or~~ parking, or the adjoining property of the owner, agent, or occupant which that have become dangerous to the public or ~~which that~~ may interfere with the regular movement of pedestrian or other permitted traffic upon the ~~streets~~ sidewalks in a safe manner, by serving notice upon the property owner to comply with the order. This order is in addition to the requirements that all trees, shrubs, and bushes be trimmed as above described.

2. Should the adjoining property owner, agent, or occupant fail to comply with said order within thirty (30) days after receiving notice from the City, then the City may order the pruning or maintenance of such trees, shrubs, and bushes, and the City Council may assess the costs thereof against the adjoining property by resolution of the Council.

**SECTION 2. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Second reading on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Third and final passage on the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
GERALD L. KUHL, MAYOR

ATTEST:

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published in accordance with the laws and ordinances of the State of Iowa and the City of North Liberty the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

