ORDINANCE NO. 189 (2024-2025)

AN ORDINANCE TO PROHIBIT THE PLANTING OF ANY TREES IN STREET RIGHT-OF-WAYS WITHIN THE CITY LIMITS OF KELLEY, IOWA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF KELLEY, IOWA:

SECTION 1. *Purpose*. The purpose of this ordinance is to prohibit the planting of any tree in the public right-of-way within the City of Kelley, Iowa. It shall be unlawful to plant any Street Tree within the city limits and no existing street trees shall be replaced followings its removal.

SECTION 2. *Definition*. "Street Trees" are defined as trees, shrubs, bushes and all other woody vegetation on land lying in the right-of-way as defined by the county assessor upon the public streets within the City. This includes all property outside of the lot and property lines on either side of all streets, avenues, or roadways within the City.

SECTION 3. *Penalty*. Any Street Tree not removed within 7 days of notification from the City to the property owner will be removed by the City at the owner's expense at the hourly rate for City labor as defined by resolution.

SECTION 4. *Repealer.* All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. *Severability*. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such as adjudication shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. *Effective date*. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 2025.

_____
Jackie Sapp, Mayor

Attest:_____
Jaeda Davies, City Clerk