ORDINANCE NO. 336

“AN ORDINANCE AMENDING CHAPTER 151 OF THE HAMPTON MUNICIPAL CODE OF 2009 BY REVISING PURPOSE AND CREATING ADDITIONAL DEFINITIONS AND REGULATIONS FOR THE SAFE AND EDUCATED LAND STEWARDSHIP PRACTICES IN THE PRESERVATION AND PLANTING OF TREES.”

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

SECTION I.  Chapter 151 of the Hampton Municipal Code of 2009 is hereby amended by repealing the text of 151.01 Purpose, and replacing it with the following:

“The purpose of this Chapter is to encourage the safe and educated land stewardship practices within the corporate City limits of the City of Hampton, preserving the appearance of the City.”

Chapter 151.02 of the Hampton Municipal Code of 2009 is hereby amended by adding thereto new Subsections, adding No. 4, No. 5 and No. 6, as follows:

“4.  “Hampton Tree Board” means a seven (7) member board appointed by the Mayor to serve a term of up to five (5) years, with no term limits.”

“5.  “Tree Management Plan” is a document utilized for conducting urban forest management within the corporate City limits of Hampton, Iowa.”

“6.  “Tree Permit” is a signed document issued by the City of Hampton, authorizing tree removal and tree planting on City-owned properties within the corporate City limits of Hampton, Iowa.”

Chapter 151 of the Hampton Municipal Code of 2009 is hereby amended by repealing the text of 151.03 Planting Restrictions, and replacing it with the following:

“Tree planting shall be allowed along any street, avenue or highway between the outer line of the sidewalk and the curb, where the curb line is established, or within any public right-of-way, parking or street, provided an application for permit is first submitted, reviewed and approved by the City of Hampton.”

Chapter 151 of the Hampton Municipal Code of 2009 is hereby amended by adding new Subsections No. 151.12, No. 151.13 and No. 151.14, as follows:

“151.12 Permitting.  No person shall plant or cause to be removed any tree on any City-owned property or public right-of-way without first obtaining an approved permit, the application for which is available at Hampton City Hall.  Tree species will be monitored as part of the permitting process and only those species identified on the permit form will be allowed for planting.  This Chapter Subsection is implemented to encourage the planting of trees promoting safety, educated land stewardship and protection of vital infrastructure.”
“151.13 Appeals. Any person receiving notice to remove dead or diseased tree(s) and/or any person denied a permit for removal or planting of tree(s) may appeal the decision of City staff to the Hampton Tree Board. Appeal must be in writing and received at Hampton City Hall no later than ten (10) days following date of notice or denial of permit. The board will then set a date for public hearing before the board within thirty (30) days. Person(s) filing an appeal must appear before the board at the scheduled hearing and will be notified no less than five (5) days prior to public hearing. In the event the board denies initial appeal, a secondary appeal may be filed at City Hall and must be received in writing no later than ten (10) days following the board’s decision. The Hampton City Council will then schedule a hearing within thirty (30) days of receipt of the appeal. Person(s) filing secondary appeal will be notified of the scheduled date and time of the City Council hearing no later than ten (10) days prior to the hearing and must appear before the City Council at the date and time scheduled.”

“151.14 Hampton Tree Management Plan. The City of Hampton adopts and utilizes the document identified as the 2012 Management Plan, prepared by Bureau of Forestry, Iowa DNR, as a guide for implementing best practices for land stewardship, and will continue to update and adhere to this plan no less than once every five (5) year period.”

SECTION II. **REPEALER:** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION III. **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 IV. **EFFECTIVE DATE:** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HAMPTON, IOWA, ON THIS _________ DAY OF ________________, 20____.

ATTEST: __________________________________________________________________________

Shawn Dietz, Mayor

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Ron Dunt, City Manager

I hereby certify that the foregoing Ordinance was published as Ordinance No. 336 in the Hampton Chronicle on the ______ day of ________________ , 20____.

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Ron Dunt, City Manager

CITY OF HAMPTON - ORDINANCE NO. 336