

ORDINANCE NO. 1094

AN ORDINANCE AMENDING THE ALGONA MUNICIPAL CODE BY  
ADDING A NEW CHAPTER ESTABLISHING AN  
URBAN FOREST UTILITY

**WHEREAS**, the City Council for the City of Algona, Iowa has determined that it would be in the best interest of the City to create an urban forest utility and to create a monthly fee for matters relating to trees within the City to be paid by owners of premises located within the City of Algona, Iowa.

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Algona, Iowa, as follows:

**SECTION 1.** The Algona Municipal Code is hereby amended by adding Chapter 13.28 entitled Urban Forest Utility, which is hereby adopted to read as follows:

**Chapter 13.28**

**URBAN FOREST UTILITY**

Sections:

- 13.28.010 Purpose.
- 13.28.020 Fee.
- 13.28.030 Billing procedures - Payment of bills.
- 13.28.040 Lien for nonpayment.
- 13.28.050 Use of funds.

**13.28.010 Purpose.**

An urban forestry utility is hereby established for the entire City of Algona to provide for the collection and use of public tree management fees, tree permit fees, and other fees as applicable for use to maintain trees on City owned property, including but not limited to trees located in right-of-ways, parks, and greenspaces, to provide for the treatment, removal, disposal, and re-use of trees and tree-related materials including compost and mulch, and for the repopulation of the City tree canopy.

**13.28.020 Fee.**

Each residential, commercial and industrial premise shall pay a monthly Urban Forest Utility Fee in accordance with the following effective dates and corresponding amounts:

Effective Date	Monthly Fee
March 20, 2024	\$2.00
January 1, 2025	\$2.50
January 1, 2026	\$3.00

Beginning January 1, 2027 and then on each January 1 thereafter, the per month fee shall automatically increase by three percent (3%) each year, rounded up to the nearest penny.

**13.28.030 Billing procedures - Payment of bills.**

Urban forest utility charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services.

The Urban Forest Utility fee shall be made out by Algona municipal utilities, in accordance with its usual and customary practices, and shall be due and payable under the same terms and conditions provided for the payment of sanitary sewer bills.

**13.28.040 Lien for nonpayment.**

The owner of a premise and any lessee or tenant thereof shall be jointly and severally liable for charges for the urban forest utility. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the city clerk to the Kossuth County treasurer for collection in the same manner as property taxes.

**13.28.050 Use of funds.**

All revenues and moneys derived from the collection of the urban forestry utility fee shall be paid to and held by the City separate and apart from all other funds of the City and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the City, shall be deposited in a separate fund designated as the "Urban Forestry Utility" and the Council shall administer said fund in the manner provided herein, by the *Code of Iowa* and all other laws pertaining thereto.

**SECTION 2. REPEALER.** Any ordinances or 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.

**PASSED AND ADOPTED** by the City Council on the 19th day of February, 2024, and approved by the Mayor on the 19th day of February, 2024.

Richard Murphy, Mayor

Debra Bell, City Clerk

