

## **ORDINANCE 2244**

### **AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO VEGETATION HEIGHT RESTRICTIONS**

**BE IT ENACTED** by the City Council of the City of Ankeny, Iowa:

**SECTION 1. SECTION MODIFIED:** That Section 167.02 Vegetation Height Restrictions of the Code of Ordinances of the City of Ankeny, Iowa, is repealed and the following adopted in lieu thereof:

#### **167.02 VEGETATION HEIGHT RESTRICTIONS.**

It shall be the duty of each owner or each person in the possession or control of any lands lying within the City to keep such land free from weeds, vines, brush or other vegetation when such growth constitutes a health, safety or fire hazard, even though such weeds, vines, brush or other vegetation do not fall within the definition of noxious weeds under the provisions of Chapter 317 of the Code of Iowa. No person shall allow or permit grass, weeds, volunteer/weed trees, or other vegetation to grow upon their property to a height in excess of twelve (12) inches. All grass or weeds or other vegetation exceeding such height restrictions may be cut or eliminated by the City after giving five days' written notice to the owner or occupant of such property. Such notice may be mailed, by ordinary mail, to the owner's last address, no less than five (5) days prior to the required action. A failure to receive such notice shall not be deemed to be a defense to any assessment certified under this section.

**SECTION 2. SECTION MODIFIED:** That Section 167.04 Exceptions to Height Restrictions of the Code of Ordinances of the City of Ankeny, Iowa, is repealed and the following adopted in lieu thereof:

#### **167.04 EXCEPTIONS TO HEIGHT RESTRICTION.**

The following shall be exceptions to the requirements of Section 167.02

1. Trees And Shrubs: The use of trees and shrubs for landscaping purposes.
2. Erosion Control: Areas planted to offset and control any soil loss problems, both occurring or predicted, including areas along waterways and edges of lakes, ponds, and stormwater retention/detention facilities.
3. Wooded Areas: All areas that are predominately wooded and over one acre in size.
4. Educational Programs: Any areas designated for educational studies.
5. Gardens: Areas dedicated to growing fruits or vegetables for personal consumption or to growing flowers, native plants, ornamental grasses, ground covers, shrubs, and similar plants which are cultivated and/or mulched to remain free of weeds, grassy weeds, or volunteer plants. Vegetation in gardens shall not be allowed to grow onto adjacent property. Fruit and vegetable gardens are prohibited within the public right of way. Landscaping such as flowers, plants, and grasses shall not be allowed within the public right of way. There shall be no compensation by the city to the property owner for any damage to or removal of such items placed within the public right of way.
6. Streetscapes: Plantings within the public right of way that are part of a planned city streetscape or a landscape plan submitted and approved as part of a development permit.

7. Land owned or managed under the jurisdiction of federal, state, county, city, or local agencies provided they do not constitute a nuisance under this Code.
8. Legally recorded and recognized conservation easements provided they do not constitute a nuisance under this Code.
9. Native Planting Areas: Areas of native plant species on any parcel, provided they do not constitute a nuisance under this Code. Native plants/vegetation means any indigenous plant species found in the state's prairies, excluding any noxious weeds.

As a best management practice, all vegetation, other than trees and shrubs, should be cut at least once annually to a height no greater than ten inches (10"). Vegetation means any plant life upon private property that is not a part of a conservation easement or that was planted for erosion control purposes and is not an agricultural crop such as gardens and typical cropland production. As an alternative to cutting, native planting areas (see exceptions at subsections 7, 8, and 9 of this section) on both private and public property may be maintained by controlled burning with an approved permit from the city's fire department.

This section shall not be construed so as to permit the growing of noxious weeds as defined in Iowa Code Chapter 317.

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

**PASSED** at Ankeny, Iowa, this 1<sup>st</sup> day of December, 2025.

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Bobbi B. Bentz, Mayor

ATTEST:

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Michelle Yuska, City Clerk

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