

CHAPTER 4
PLANT PEST CONTROL

SECTION:

- 4-4- 1: Intent
- 4-4- 2: Forester
- 4-4- 3: Nuisances Declared
- 4-4- 4: Inspection
- 4-4- 5: Spraying Of High Value Trees
- 4-4- 6: Responsibility For Trees On Boulevards
- 4-4- 7: Removal Of Infected And Dead Trees And Wood
- 4-4- 8: Designated Burn Area
- 4-4- 9: Interference Prohibited
- 4-4-10: Penalty

4-4-1: **INTENT:** It is the intention of the City Council to conduct a program of plant pest control pursuant to the authority granted by Minnesota Statutes section 18.022. This program is directed specifically at the control of Dutch elm disease, oak wilt and other typical diseases of trees that are contagious in nature. (Ord. 16, 4-1-1974; 1997 Code)

4-4-2: **FORESTER:**

- A. Position Created: The position of Forester is hereby created with the Park Department of the City.
- B. Duties: It shall be the duty of the Forester, as designated by the Council, to coordinate all activities of the City in the control and prevention of the abovementioned diseases and perform the duties incident to such programs adopted by the Council. (Ord. 16, 4-1-1974)

4-4-3: **NUISANCES DECLARED:** The following things are public nuisances whenever they may be found within the City limits:

- A. Diseased Trees: Any living or standing elm tree, oak tree found to be with Dutch elm disease, oak wilt, etc., and which harbors beetles, Dutch elm disease fungus and other various diseases which, in the estimation of the Forester, are contagious.
- B. Dead Trees: Any dead elm tree, oak tree, etc., or part thereof, including branches, stumps, firewood, etc., from which the bark has not been removed and burned or sprayed with an effective insecticide. (Ord. 16, 4-1-1974)

4-4-4: **INSPECTION:** The Forester shall inspect all premises and places within the City as often as practicable to determine if any condition in Section 4-4-3 exists thereon. He shall be able to enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned him under this Chapter. (Ord. 16, 4-1-1974)

4-4-5: **SPRAYING OF HIGH VALUE TREES:** If after determining that trees shall have a contagious disease, the Forester may also cause high value trees abutting the diseased trees to be sprayed with the appropriate materials to contain the disease if, in his judgment, it is economically feasible. Determination shall be in conjunction with Minnesota Department of Agriculture, and County agents' suggestions where practicable. (Ord. 16, 4-1-1974)

4-4-6: **RESPONSIBILITY FOR TREES ON BOULEVARDS:** It is the intent of the City Council to cause all diseased trees and parts thereof, all dead trees or parts thereof to be eliminated from all property in the City, both private and public, so as not to constitute a hazard. Pursuant to previous City ordinances, trees on the boulevards are deemed to be under control of the abutting owners and responsibility for conforming to these laws shall rest with the owner of the property. (Ord. 16, 4-1-1974; 1997 Code)

4-4-7: **REMOVAL OF INFECTED AND DEAD TREES AND WOOD:**

- A. Notice To Abate: If the Forester finds that the danger of infestation of other trees is imminent, he shall notify the abutting property owner

by certified mail that the nuisance must be abated within a specified time, not less than five (5) days from the date of mailing of such notice. (Ord. 16, 4-1-1974; 1997 Code)

- B. Failure To Comply: Failure to comply shall result in the City taking action for the removal of the trees in question and the Clerk of the City so notified so that costs may be placed on the current year's assessment role.
- C. Stored Wood: Wood stored for private use shall also come under this jurisdiction and the owner shall, at the discretion of the Forester, comply with his suggestions as to prevention or removal of stored wood. (Ord. 16, 4-1-1974)

4-4-8: **DESIGNATED BURN AREA:** The City will provide a designated area and permits for burning diseased wood under the auspices of the City Fire Chief. Notification of intent to cut, burn, haul or store infected trees shall be made to the Forester or Fire Chief before cutting, hauling, burning or storing infected trees. (Ord. 16, 4-1-1974)

4-4-9: **INTERFERENCE PROHIBITED:** It is unlawful for any person to prevent, delay or interfere with the Forester or his agents while they are engaged in the performance of duties imposed by this Chapter. (Ord. 16, 4-1-1974)

4-4-10: **PENALTY:** Any person who violates a sections of this Chapter is guilty of a misdemeanor and may be punished by a fine as provided in Section 1-4-1 of this Code. (Ord. 16, 4-1-1974; 1997 Code)