

CHAPTER 93: TREES

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GENERAL PROVISIONS

93.01 CITY FORESTER-PARKS AND RECREATION SUPERVISOR; AUTHORITY OVER PUBLIC AREAS.

The City Forester-Parks and Recreation Supervisor shall have the exclusive jurisdiction and supervision over all trees, other plants and grassy areas planted or growing in public places. (Prior Code, 22-1) (Ord. 453, passed - -)

93.02 CERTAIN TREES DECLARED NUISANCES.

The following things are hereby declared to be public nuisances wherever they may be found within the city:

Subdivision 1. The prevention, control and abatement of Dutch Elm disease and Oak Wilt disease and Emerald Ash Borer insect is necessary for the protection, preservation and conservation of public and private lands and the investment and benefit therein, and to protect and promote the general welfare of the public and this community. Therefore, the following conditions are hereby found and declared to be a public nuisance wherever they exist in the city.

Subd. 2. Any living or dead elm tree or part thereof infected to any degree with Dutch Elm disease fungus, or which harbors any of the elm bark beetles.

Subd. 3. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed or burned.

Subd. 4. Any living or dead oak tree or part thereof infected to any degree with the oak wilt fungus.

Subd. 5. Any living or dead Fraxinus ash tree or part thereof infected to any degree with the insect Emerald Ash Borer.

(Prior Code, 22-2) (Ord. 453, passed - -)

93.03 PERMITTING NUISANCE TO REMAIN

No person shall permit any public nuisances, as defined in 93.02, to remain on any premises owned or controlled by such person within the city. Such nuisance may be abated in the manner prescribed by this chapter.

(Prior Code, 22-3) (Ord. 453, passed - -) Penalty, see 93.99

93.04 INSPECTION OF PREMISES BY CITY FORESTER-PARKS AND RECREATION SUPERVISOR

All premises and places within the city shall be inspected as often as practicable to determine whether any condition declared in 93.02 to be a public nuisance, exists thereon. All reported incidents of infection by Dutch Elm fungus, the presence of elm bark beetles, of infection by the oak wilt fungus or the presence of Emerald Ash Borer shall be promptly investigated by the City Forester-Parks and Recreation Supervisor.

(Prior Code, 22-4) (Ord. 453, passed - -)

93.05 ENTRY ON PREMISES BY CITY FORESTER-PARKS AND RECREATION SUPERVISOR.

The City Forester-Parks and Recreation Supervisor shall have the authority to enter upon private premises at all reasonable times for carrying out the provisions of this chapter.
(Prior Code, 22-5) (Ord. 453, passed - -)

93.06 ABATEMENT OF NUISANCE; PROCEDURE; COST

Subdivision 1. Whenever the City Council or the City Forester-Parks and Recreation Supervisor finds with reasonable certainty that a public nuisance, as defined in 93.02, exists, he or she shall cause it to be removed, destroyed and disposed of in a manner which will effectively destroy and prevent as fully as possible the spread of the Dutch elm or oak wilt disease fungus, or the spread of the Emerald Ash Borer populations. A notice shall be given the owner that the nuisance shall be abated within a specified time, which shall be not less than ten days from the date of the notice, unless the City Forester-Parks and Recreation Supervisor shall find that immediate action is necessary to prevent the spread of a disease, fungus or beetle infestation. If the owner fails to comply, the City Forester-Parks and Recreation Supervisor shall cause the abatement thereof.

Subd. 2. Presence of Elm Bark Beetles or Emerald Ash Borer. When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent as full as possible the spread of the elm bark beetle. When the presence of Emerald Ash Borer has been discovered in or upon a living Fraxinus (ash) tree, the tree shall be treated in a manner which will effectively destroy and prevent as full as possible the spread of the Emerald Ash Borer. If such treatment is not or, because of the extent of infestation, cannot be effective, the tree shall be removed, destroyed and disposed of.

Subd. 3. Dead Elm or Fraxinus (ash) Trees, Logs, Stumps, etc. Standing dead elm trees, elm logs, branches, stumps, firewood or other raw material from which the bark has not been removed and which are not infected with Dutch elm disease fungus, shall have the bark removed, destroyed and disposed of or shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle or the Emerald Ash Borer. If such treatment is not effective, or, because of the extent of infestation, cannot be effective, the trees, logs, branches, stumps, firewood or other raw material shall be removed, destroyed and disposed of.

Subd. 4. Specifications and Procedures. The City Council and the Public Works Department shall establish specifications and procedures for the removal, destruction and disposal of trees and wood infected with Dutch elm disease fungus, Oak Wilt fungus or Emerald Ash Borer, and for removing, destroying and disposing of elm or Fraxinus (ash) bark and treating dead elm or Fraxinus (ash) trees, logs, branches, stumps, firewood and other raw elm material. Such specifications and procedures shall be consistent with current specifications and procedures designated or approved by the commissioner of agriculture.

Subd. 5. The entire cost of abating any public nuisance, as defined in 93.02, or any possible diseased tree in accordance with subdivision 1 may be charged to or assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which the tree is located or the parcel or lot on which the tree stands. The cost of abating the nuisance which is located in or upon any park or public grounds shall be borne by the city.

Subd. 6. If the cost of remedying a condition is not paid within 30 days after receipt of a statement from the office of the City Clerk, the cost shall be levied against the property as a special assessment and shall be collected in the same manner as other taxes against the property.
(Prior Code, 22-7) (Ord. 453, passed - -)

93.07 ELM WOOD OR FRAXINUS (ASH) WOOD; PERMIT REQUIRED FOR TRANSPORTATION.

No person shall transport within the city any bark bearing elm wood or any Fraxinus (ash) wood without first securing the written permission of the City Forester-Parks and Recreation Supervisor.
(Prior Code, 22-8) (Ord. 453, passed - -) Penalty, see 93.99

93.08 CERTAIN SPECIES PROHIBITED

It shall be the duty of any person growing a tree on property abutting public places and boulevards to refrain from planting any of the following species: Chinese Elm, Poplar, Box Elder, Cottonwood, Ash, Walnut, White Birch, Russian Olive, Siberian Elm, Purple Leaf Plum, Silver maple and all Fruit Trees. Property owners must contact the City Forester-Parks and Recreation Supervisor for approval of a tree variety on city boulevards.
(Prior Code, 22-10) (Ord. 453, passed - -)

93.09 TRANSMISSION LINES PROHIBITED

All persons shall refrain from planting trees of any species that would interfere with overhead, electric or transmission lines. Property owners must contact the City Forester-Parks and Recreation Supervisor for approval on what tree species are acceptable to plant and grow under overhead transmission lines.
(Prior Code, 22-11) (Ord. 453, passed - -) Penalty, see 93.99

93.10 INTERFERENCE PROHIBITED

No person shall prevent, delay or interfere with the City Council, Park Board members or Public Works Department of the city while they are engaged in the performance of duties imposed by this chapter.
(Prior Code 22-11) (Ord. 453, passed - -)