

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 REMOVAL OF TREES

6-9-1 Trees Subject to Removal

6-9-2 Duty to Remove

6-9-3 Inspection

6-9-4 Removal

6-9-5 Interference with Removal by City

6-9-1 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch Elm disease hereby declares the following shall be removed.

1. Any living or standing tree of the elm type or part thereof infected with the Dutch Elm disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichn.) or hylurgoppinus rufipes (marsh).
2. Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

6-9-2 DUTY TO REMOVE. No person, firm, or corporation shall permit any tree or material as defined in Section 1 of this ordinance to remain on the premises owned, controlled, or occupied by him within the city.

6-9-3 INSPECTION. The Superintendent of Public Works shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 1 of this ordinance exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm disease of any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-9-4 REMOVAL.

1. If the Superintendent of Public Works upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park, or any public space, including the strip between the curb and the lot line of private property, within the city and that the danger to other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease or the insect pests or vectors known to carry such disease fungus.
2. If the Superintendent of Public Works upon inspection or examination in person or by some qualified person acting for him shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent he shall immediately notify by certified mail the owner, occupant, or person in charge of such property, to correct such condition within thirty (30) days of said notifications. If such owner, occupant, or person in charge of said property fails to comply within thirty (30) days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property.

3. If the Superintendent of Public Works is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

6-9-5 INTERFERENCE WITH REMOVAL BY CITY. It shall be unlawful for any person, firm, or corporation to hinder, obstruct, or otherwise interfere with the agents or employees of the city while engaged in carrying out the provisions of this ordinance upon order of the council made thereunder.