

Chapter 8.16

DUTCH ELM DISEASE⁴

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8.16.010 Diseased trees - Declared nuisance - Owner's responsibility to remove.

- A. All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, which, because of their condition, may serve as a breeding place for the european elm bark beetle (*Scolytus multisriatus*), and the native elm bark beetle (*Hylurgopinus rufipes*), or any other carrier of said disease, are declared to be a nuisance.
- B. It is unlawful for any owner of any lot or parcel of land in the city to permit or maintain on any such lot or parcel of land, any such elm tree or dead elmwood, and it shall be the duty of any such owner promptly to remove and burn any such elm tree or dead elmwood under the supervision and direction of the director of special services.

(Prior code § 27.201.)

8.16.020 Inspections authorized.

The City Engineer is authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any elm trees or dead elmwood situated thereon, and the director of special services may remove such specimens from any such tree, because it is dead or substantially dead, may serve as a breeding place for any carrier of dutch elm disease. It is unlawful for any person, firm, or corporation, to take any action to prevent the director of special services from entering on any lot or parcel of land in the city for the purpose of such inspection, or to interfere with him in the performance of any of his duties provided for under the provisions of this chapter. (Ord. 1986-M-63 § 4: prior code § 27.202.)

8.16.030 Abatement notice - Service.

- A. If the City Engineer determines that any dead or substantially dead elm tree, or dead elmwood, is a public nuisance, then he shall serve or cause to be served upon the owner of record of the lot or parcel of land on which such tree or dead elmwood is located, a written notice requiring such owner to comply with the provisions of this chapter.
- B. Service of such notice shall be by personal service, if the owner of the lot or parcel of land on which a dead or dying elm tree is located is a resident of the city. If such owner cannot be found in the city, or is a nonresident of said city, written notice shall be served by registered mail, addressed to said owner at his last known address, and by publication at least once in a newspaper of general circulation in the city, a copy of the provisions of this chapter shall be enclosed with notice. (Ord. 1986-M-63 § 4: prior code § 27.203.)

8.16.040 Abatement by city - Cost assessment.

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- A. If any person, firm or corporation, upon whom such notice is served, fails, neglects or refuses to remove and destroy, by burning, such elm tree or dead elmwood within ten days after service of such notice, the director of special services may proceed to remove and burn such tree, or dead elmwood, and assess the cost thereof against the owner of such lot or parcel of land, and the amount of such cost shall be paid by such owner to the city.
- B. If the city removes any such dead or substantially dead elm tree, or dead elmwood, the assessment of the cost of the work done by the city against the owner of the lot or parcel of land involved shall be in addition to the penalties imposed in Section 8.16.060 for any violation or noncompliance with any provision of this chapter.

(Prior code § 27.204.)

8.16.050 Abatement on city owned property.

Any such elm tree, or dead elmwood, on property owned by the city shall promptly be removed and burned under the supervision of the director of special services, at the expense of the city. (Prior code § 27.205.)

8.16.060 Violation - Penalty.

Any person, firm or corporation, violating any of the provisions of this chapter by failing, neglecting or refusing to comply with the provisions of any notice herein provided for, within ten days after the service thereof, or who shall resist or obstruct the director of special services in carrying out the provisions of this chapter, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and a separate offense, shall be deemed committed on each day during or on which such violation occurs or continues. (Prior code § 27.206.)