

ORDINANCE 945

CITY OF MOUNDS VIEW
COUNTY OF RAMSEY
STATE OF MINNESOTA

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE
TITLE 600, CHAPTER 605, SHADE TREE DISEASE AND PEST CONTROL

THE CITY OF MOUNDS VIEW ORDAINS:

SECTION 1. The City Council of the City of Mounds View hereby amends Title 600 of the Mounds View City Code, Chapter 605, Shade Tree Disease and Pest Control.

SECTION 2. The City Council of the City of Mounds View hereby amends Title 600, Chapter 605, inserting the double-underlined language and removing the ~~stricken~~ language, and updating numbering as follows:

605.01 : NUISANCES DECLARED; ABATEMENT:

Subd. 1. Nuisances Declared: The following are hereby declared public nuisances whenever they may be found within the City:

- a. Any living or standing elm tree, or part thereof, infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (buisman) *moreau* or which harbors any of the elm bark beetles *Scolytus multistriatus* (eichh.) or *Hylurgo-pinus rufipes* (marsh).
- b. Any dead or dying 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 buried.
- c. Any living or standing red oak tree, or part thereof, infected to any degree with the oak wilt fungus *Ceratocystis fagacearum*.
- d. Any diseased wood from the red oak group which, by April 1 in any given year, has not been either debarked, burned, buried or split into quarter sections and completely enclosed with a covering (at least 4-mil, if plastic) adequately thick and whole so as to isolate the wood until July 15 or later, of the year immediately following the wilting of the tree from which said wood originated.
- e. Any living or standing ash tree, or part thereof, infested to any degree with the emerald ash borer *Agrilus planipennis* by presence of: 1) larval galleries and emerald ash borer larva or larvae; or 2) emerald ash borer adult beetles and "D"-shaped exit holes. (Added, Ord. 871, 5-3-12) Woodpecker holes and/or woodpecker activity.

e. Any dead or dying ash tree, or part thereof, including logs, branches, stumps, firewood, or other ash material, to which the bark is still attached that may serve as a breeding place for emerald ash borer. (Added, Ord. 871, 5-3-12)

f. Other trees with non-native invasive pests, epidemic disease, or other factors which are potentially contributory to the spread of such pests and disease. (Amended, Ord. 871, 5-3-12)

Subd. 2. Nuisance Declared Unlawful: It is unlawful for any person to permit public nuisances, as herein defined, to remain on any premises owned or controlled by that person within the City. (1988 Code §92.03)

605.02 : ABATEMENT PROCEDURES; ASSESSMENT OF COSTS:

Subd. 1. Notice to Abate: Whenever the tree inspector finds that nuisances, as defined in Section 605.03 of this Chapter, exist on any public or private property in the City, they shall notify the property owner on which such nuisances are located, by personal service or by mail, that the nuisances must be abated within the specified time below.

If mailed notice or personal service cannot be achieved, then notice may be obtained by publishing same in the legal newspaper not less than five (5) days prior to the date that the nuisance must be abated pursuant to the notice. (Amended, Ord. 844, 5-20-10, 871, 5-3-12)

a. Not less than ten (10) days from the date of service or from the date of mailing of such notice for dead or diseased elms. (Added, Ord. 871, 5-3-12)

b. Before the date indicated in the notice for red oaks infected with oak wilt disease. (Added, Ord. 871, 5-3-12)

c. Before the date indicated in the notice, but no later than April 15 of the following year, for dead or infested ash trees. The tree inspector may order the immediate removal of dead or infested ash trees if said removal will eliminate the likelihood of an imminent threat of spread to other ash trees from late May to early August. (Added, Ord. 871, 5-3-12)

d. Ash Tree removal to occur between October 31 and April 30, unless the tree inspector finds the ash tree hazardous and recommends the tree be removed immediately.

e. For any tree removal by the City, the City shall not be responsible for restoration of the removal site including but not limited to, seeding or replacement of sod, trees, shrubs, flowers, underground irrigation, or any other improvements not specifically mentioned herein which may be damaged, destroyed or removed during the tree removal process.

Subd. 2. Failure to Abate; Cost Billed to Owner: If the owner shall fail to remove the nuisance(s) from the property described in the notice, the tree inspector may order the work to be done, and the cost of said work shall be billed against the owner. (1988 Code §92.05; 1993 Code) (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

Subd. 3. Responsibility for Costs:

a. Trees which are diseased pursuant to this Chapter located on City boulevards in public rights-of-way will be removed at a cost of fifty percent (50%) to the owner of the abutting property with the City assuming the remaining costs. (Amended, Ord. 871, 5-3-12)

b. All other materials pursuant to this Chapter are the responsibility of the owner of the abutting property. (1988 Code §92.10)

Subd. 4. Special Assessment: If the owner shall fail to pay the bill, as provided for in subdivisions 1 and 2b hereof, within ninety (90) days, the Council may then assess the amount due, plus interest, plus costs against the property as a special assessment pursuant to Minnesota Statutes¹. (1988 Code §92.06)

605.03: **DISRUPTION OF ROOT GRAFTS:** Whenever a tree is found, which is actually or potentially diseased with any disease covered in this Chapter, the tree inspector may take whatever steps are necessary as recommended by the Commissioner of Agriculture to disrupt all potential root grafts. This disruption shall be performed as soon as possible. The property owner or the person in possession, if different from the owner, on which the trees stand and adjacent property owners or the persons in possession, if different from the owner, if the disruption procedure extends onto that property, shall be notified by personal service or first class mail that said disruption will be done. (1988 Code §92.05) (Amended, Ord. 844, 5-20-10; Ord. 871, 5-3-12)

605.03 : **TREATING OF TREES:**

Subd. 1. Whenever the tree inspector determines that any tree or wood within the City is infected with shade tree pests or disease-causing organisms pursuant to this Chapter, they may treat all nearby high value trees with the appropriate chemical treatment. Treating activities authorized by this Chapter shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture or other State officials. The provisions of subdivision 605.04(1) of this Chapter apply to treating operations conducted under this provision. Treatment authorized pursuant to this provision shall be considered an emergency activity by the City and an attempt to abate a public nuisance, and the City, the City Administrator and tree inspector, shall not be liable for any damages resulting hereunder. Permit must be obtained from the City for any tree treatment(s). (1988 Code §92.07) (Amended, Ord. 844, 5-20-10, 871, 5-3-12)

Subd. 2. Adjacent property owners may treat non-diseased and non-infested boulevard trees

located in public rights-of-way only after obtaining a permit from the City. All treatment of boulevard trees by adjacent property owner must be performed by a licensed tree contractor with possession of a current pesticide applicator license issued by the State of Minnesota and performed in accordance with methods approved by the Department of Agriculture. (Added, Ord. 871, 5-3-12)

605.04 : **PERMIT REQUIREMENTS FOR TRANSPORTING WOOD:** It is unlawful for any person to transport within the City any bark-bearing wood, pursuant to this Chapter, which is known by the tree inspector, without first having obtained a permit from the City. The tree inspector may grant such permit only when the purposes of this Chapter will be served thereby. (1988 Code §92.08) (Amended, Ord. 844, 5-20-10, Ord. 871, 5-3-12)

605.05 : **STORAGE OF ELM WOOD:** The storage or keeping of any elm wood with intact bark is only permitted during the season of dormancy from October 1 to March 15. (1988 Code §92.09)

605.09: **LICENSING REQUIREMENTS FOR TREE CONTRACTORS:** Tree services by private tree contractors shall be performed under the direction of an arborist certified by the International Society of Arboriculture (ISA) or forester certified by the Society of American Foresters (SAF) and employed by the contractor. The contractor shall also be registered with the Commissioner's Office and the Minnesota State Tree Care registration number shall be provided to the City. Licensing of tree contractors shall be required for any routine or non-routine tree services performed on public or private property, including but not limited to tree trimming, tree removal, tree treatment by injection or trench methods, and stump grinding. (Added, Ord. 871-5-3-12)

605.10: **VIOLATION OF PROVISIONS:** Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. (1988 Code §92.12) (Amended, Ord. 871, 5-3-12)

SECTION 3. In accordance with Section 3.07 of the City Charter, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On April 29, 2018, the City Council adopted Ordinance 945 by amending Title 600 of the Mounds View City Code, Chapter 605, "Shade Tree Disease and Pest Control".

A printed copy of the ordinance is available for inspection during regular business hours at Mounds View City Hall and is available on line at the City's web site.

SECTION 4. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

Introduction and First Reading by the Mounds View City Council on: May 14, 2018.

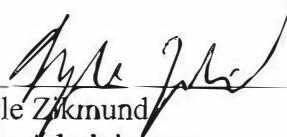
Second Reading and Adoption by the Mounds View City Council on: May 29, 2018.

Publication Date: June 15, 2018.



Carol A. Mueller
Mayor

Attest:



Nyle Zikmund
City Administrator

