

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 4/25/2011
Item No.: 13 . C

Department Approval



City Manager Approval



Item Description: Consider Amending Forestation Control Ordinance Chapter 706

BACKGROUND

Part of the requirement of the Emerald Ash Borer Preparedness Grant that was received in 2010 is to update the City Forestation Control Ordinance to include Emerald Ash Borer (EAB) and other forest pests. In addition, the ordinance is in need of other language updates.

Attached is a proposed update to the current Forestation Control Ordinance Chapter 706. The proposed version is constructed with existing Chapter 706 language in black, new language in red and existing language that is suggested to be removed is struck.

Input has been received from the Minnesota Department of Agriculture and the Department of Natural Resources in the development of this proposal.

The proposed ordinance has been reviewed by the Parks and Recreation Commission (the City Tree Board), Public Works, Environment and Transportation Commission and all relevant City Departments.

Staff has worked with the City Attorney to develop and finalize appropriate language. The attached ordinance has been reviewed by the City Attorney and is recommended by staff.

It is anticipated that a brief overview will be provided at your April 25th, 2011 in preparation for a public hearing and final adoption at an upcoming meeting in May, 2011.

POLICY OBJECTIVE

The proposed ordinance is consistent with related city ordinances and applicable state statutes.

FINANCIAL IMPACTS

The proposed ordinance does not have a direct financial impact.

STAFF RECOMMENDATION

Based on the review and input from the Department of Agriculture, Department of Natural Resources, Public Works, Environment and Transportation Commission, relevant City

32 Departments, City Attorney and a review and recommendation of the Parks and Recreation
33 Commission (tree board), staff recommends the adoption of the attached Urban Forest Control
34 Ordinance as outlined.

35

36 **REQUESTED COUNCIL ACTION**

37 Discuss and comment.

Prepared by: Lonnie Brokke, Parks and Recreation Director

Attachment: Chapter 706 of the City Code with recommended amendments

Chapter 706 Urban Forest Management ~~Forestation Control~~

(Proposed ordinance-April 19, 2011)

SECTION:

706.01: **DECLARATION OF POLICY**

706.02~~1~~: **PURPOSE**

706.03~~2~~: **DEFINITIONS**

706.04~~3~~: **TREE BOARD**

706.05~~4~~: **JURISDICTION** ~~APPLICABILITY~~

706.06~~5~~: **DESIGNATION AND DUTIES OF CITY FORESTER** ~~FORESTATION-MANAGEMENT~~

706.07~~6~~: **PUBLIC TREE MASTER PLAN** ~~OTHER REGULATIONS FOR PLANTING TREES OR REMOVING HERBACEOUS PLANTS OR SHRUBS~~

706.08~~7~~: ~~OTHER REGULATIONS FOR PLANTING OR REMOVING TREES, SHRUBS OR HERBACEOUS PLANTS ON PUBLIC PROPERTY~~ ~~DUTIES OF PRIVATE OWNERS~~

706.09~~8~~: **DUTIES OF PRIVATE LANDOWNERS** ~~ORDER PROCEDURE~~

706.10~~9~~: **REPORTING DISCOVERY OF SHADE TREE PEST** ~~DEVELOPMENT OR REDEVELOPMENT TREE PLANTING~~

706.11~~10~~: **REGISTRATION OF TREE CARE FIRMS** ~~TREE ORDINANCE FEES~~

706.12~~11~~: **STANDARD ABATEMENT ORDER PROCEDURE** ~~INTERFERENCE~~

706.13~~12~~: **DEVELOPMENT OR REDEVELOPMENT TREE PLANTING** ~~EMERGENCIES~~

706.14: DECLARATION OF A SHADE TREE PEST

706.15: SHADE TREE PEST NUISANCES ARE UNLAWFUL

706.16: DECLARED SHADE TREE PESTS, CONTROL MEASURES, AND CONTROL AREAS

706.17: URBAN FOREST MANAGEMENT ~~TREE ORDINANCE FEES~~

706.18: EMERGENCIES

706.19: INTERFERENCE

706.01: DECLARATION OF POLICY: The health of trees in the City of Roseville (City) is threatened by shade tree pests. The loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the city and impairs the safety, environmental benefits, general welfare and convenience of the public. The provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests and to maintain a healthy urban forest, in addition to and in accordance with Minn. Stat. §§ 89.001, 89.01, and 89.51-.64.

706.02: PURPOSE: It is the purpose of this Chapter to protect and promote the public health, safety and general welfare of the people of the City by:

A. Regulating the planting, maintenance and removal of trees, shrubs and herbaceous plants on all public spaces and rights of way.

B. ~~Allowing The licensing of the~~ planting, maintenance, removal and trimming of trees, shrubs and herbaceous plants on public lands by written permission of the city.

C. The inspecting of trees on public and private lands.

D. The controlling of shade tree pests diseases to protect the trees and to prevent and abate hazardous tree conditions and nuisances within the City on public and private lands.

E. Protecting and preserving existing healthy trees.

F. Encouraging the planting of trees for the protection and enhancement of the environment. ~~(Ord. 1107, 12-9-91)~~

706.03: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

BOULEVARD: That property between the edge of the street and the property line (right-of-way line).

~~**DISEASED TREES:** Trees afflicted with Dutch elm, oak wilt or other arboraceous diseases identified in the City tree plan.~~

~~**EASEMENT/RIGHT OF WAY:** The right to use a defined part of real property held by others for a specific purpose. City-owned, non-boulevard property.~~

HAZARDOUS TREE: Any tree, as determined by the City Forester, to cause or have the potential to cause harm to city or private property, following the guidelines set forth by the Minnesota Department of Natural Resources (MNDNR).

HERBACEOUS PLANTS: Non-woody plants. ~~Ordinary trees and shrubs.~~

PROPERTY LINE: The legal boundary of a parcel of land.

PUBLIC TREE MASTER PLANTING PLAN: Official comprehensive tree management plan, including, but not limited to, a planting guide with and regulations outlining

1 ~~acceptable~~ allowed and disallowed tree species, planting locations, planting
2 techniques and treatments to limit the spread of shade tree pests and maintain
3 healthy trees.

4
5 PUBLIC TREE PERMIT: Written permission given by the City allowing a person(s) to
6 plant, trim, treat or remove a tree, shrub or herbaceous plant on city public land.
7

8 RIGHT OF WAY: The surface and space above and below a public roadway, highway,
9 street, cartway, bicycle and public sidewalk in which the City has an interest,
10 including other dedicated rights of way for travel purposes, utility easements and any
11 other real property owned by or under the control of the City.
12

13 SHADE TREE PEST: Any vertebrate or invertebrate animal, plant pathogen, or plant
14 in the community threatening to cause significant damage to a shade tree or
15 community forest, as defined by Minn. Stat. § 89.001.
16

17 SHRUB: A woody plant at maturity is less than 20 feet tall with multiple stems at
18 the ground or branching within a few feet above ground.
19

20 TREE: A woody plant at maturity is 20+ feet tall with a single stem, and unbranched
21 for several feet above the ground. ~~Any self-supporting, woody perennial plant.~~
22

23 TREE TOPPING: Topping and tipping are pruning cuts made indiscriminately on limbs
24 with no regard for placing the cuts near protection zones.
25

26 TREE TRIMMING: Recommended trimming and pruning techniques are outlined in
27 the ~~Public City Tree Master Plan~~. Tree topping is ~~not considered an appropriate tree~~
28 ~~trimming technique and is~~ specifically prohibited on all public lands. ~~(Ord. 1107, 12-~~
29 ~~9-91)~~
30

31 32 **706.043: TREE BOARD:**

33 The Parks and Recreation Commission shall act in all matters relating to the
34 advisement of issues contained in this Chapter and all others relating to ~~urban forest~~
35 ~~management~~ ~~forestation~~ within the City, ~~pursuant to City Code Chapter 203. The~~
36 ~~process, conditions for appointment and terms shall be the same as those for the~~
37 ~~Parks and Recreation Commission. (Ord. 1107, 12-9-91)~~
38
39

40 **706.054: JURISDICTION: APPLICABILITY:**

41 A. The city shall have the power to plant, care for, maintain, remove, and replace all
42 trees, shrubs, and herbaceous plantings ~~This Chapter applies to all trees, plants and~~
43 ~~shrubs~~ located within any street right of ways, parks and public places ~~within the~~ of
44 the City limits.
45

46 B. The city shall have control over the planting, care, maintenance, removal and
47 replacement of all ~~and to~~ trees, ~~shrubs and herbaceous~~ plants ~~and shrubs~~ located on
48 private property that constitute a hazard or threat to the public as set forth in this
49 Chapter. ~~(Ord. 1107, 12-9-91)~~
50
51

52 **706.065: DESIGNATION AND DUTIES OF CITY FORESTER:**

53 ~~FORESTATION MANAGEMENT:~~ A. Appointment of City Forester ~~Horticulturist:~~
54 The Director of Parks and Recreation, or duly authorized employee, shall act as the
55 City Forester ~~Horticulturist~~ to coordinate the activities within the city relating to

1 urban forest management. (~~Ord. 1107, 12-9-91~~)

2
3 B. Authority of ~~City Forester~~ Horticulturist: The City ~~Forester~~ Horticulturist shall have
4 jurisdiction and supervision over all trees, shrubs and ~~herbaceous~~ plants located
5 within street rights of ways, parks and public places of the City, and ~~to~~ trees, ~~shrubs~~
6 ~~and herbaceous~~ plants ~~and shrubs~~ located on private property that constitute a
7 hazard or threat to the public. (~~Ord. 1107, 12-9-91; amd. 1995 Code~~)

8
9 C. Duties of City ~~Forester~~ Horticulturist: The City ~~Forester~~ Horticulturist may ~~direct~~
10 ~~cause the planting, trimming, removal, treatment or other care of any tree, shrub or~~
11 ~~herbaceous plant~~ of trees on public grounds and ~~may direct the trimming, removal,~~
12 ~~treatment or other care of any tree, shrub or plant on private property in order~~
13 ~~where necessary~~ to preserve or restore its condition or to protect the public from
14 damage or injury. The cost of any such work may be assessed against the property
15 on which the tree, ~~shrub or herbaceous plant~~ is located, pursuant to Section 706.12.

16
17 D. ~~Public Tree Master Planting Plan~~: In addition to the other responsibilities under
18 this Chapter, the City ~~Forester~~ Horticulturist shall ~~review~~ ~~prepare a the Public Tree~~
19 ~~Master Plan Comprehensive Tree Plan~~ regarding all aspects of trees, shrubs and
20 ~~herbaceous plants~~ the planting of trees on public property within the City and the
21 ~~planting of trees on private property where it that may present a health or safety~~
22 ~~hazard. When approved by resolution of the City Council following a review by the~~
23 ~~City Tree Board, the Public Works Director and Community Development Director,~~
24 ~~the Comprehensive Tree Plan and any modifications will be the Official Plan of the~~
25 ~~City. After the adoption of the Official Plan, no tree planting permit will be issued~~
26 ~~which does not conform to the Tree Planting Plan. (Note: This stricken language was~~
27 ~~moved to 706.07.)~~

28
29 ~~E. Tree Planting Plan Contents: The Tree Planting and Maintenance Plan shall address~~
30 ~~the following matters together with any other matters deemed appropriate by the~~
31 ~~City Horticulturist:~~

32
33 ~~1. List of Acceptable Varieties: The list may provide for the planting of certain~~
34 ~~varieties or mixes of varieties in certain locations.~~

35
36 ~~2. Specifically prohibited plantings.~~

37
38 ~~3. Minimum size.~~

39
40 ~~4. Grade.~~

41
42 ~~5. Method of planting and support.~~

43
44 ~~6. Maintenance.~~

45
46 ~~7. Recommended trimming and pruning techniques. (Ord. 1107, 12-9-91) (Note:~~
47 ~~This stricken language was moved to 706.07.)~~

48
49
50 **706.076 PUBLIC TREE MASTER PLAN: OTHER REGULATIONS FOR**
51 **PLANTING TREES OR REMOVING HERBACEOUS PLANTS OR SHRUBS:**

52 **E. TREE PLANTING PLAN CONTENTS:** The ~~Public~~ Tree ~~Master~~ Planting and
53 Maintenance Plan shall address the following matters together with any other
54 matters deemed appropriate by the City Horticulturist:

1. List of ~~a~~Acceptable ~~v~~Varieties: The list may provide for the planting of certain varieties or mixes of varieties in certain locations
2. Specifically ~~P~~rohibited plantings of specific trees, shrubs and herbaceous plants
3. Minimum size of plant material
4. Grade and quality of plant material
5. Method/~~technique~~ of planting and support
6. Maintenance
7. Recommended trimming and pruning techniques (~~Ord. 1107, 12-9-91~~)
8. Recommended acceptable treatment

When approved by resolution of the City Council following a review by the City Tree Board, the Public Works Director and Community Development Director, the ~~Public Comprehensive Tree~~ **Master** Plan and any modifications will be the Official Plan of the City. After the adoption of the Official Plan, no tree planting permit will be issued which does not conform to the **Public Tree Master Planting** Plan.

706.087: ~~OTHER~~ REGULATIONS FOR PLANTING OR REMOVING TREES, SHRUBS OR HERBACEOUS PLANTS ON PUBLIC PROPERTY: DUTIES OF PRIVATE OWNERS:

A. Hazard Placement ~~Prohibited~~: No tree, shrub or herbaceous plant shall be planted, placed or allowed to remain in a place which the City Engineer determines could cause a traffic hazard. **Enforcement shall be conducted by the City Forester and the City Engineer.**

B. Boulevard Planting: Trees, **shrubs or** herbaceous plants ~~or shrubs~~ must be located within the first three **(3)** feet ~~(3')~~ of the boulevard, measured from the property line. ~~and Plant material~~ shall be consistent with the **Public City Tree Master Planting** Plan and not in conflict with public plantings based on the judgment of the City **Forester Horticulturist**. Planting will be by permit only.

C. Spacing/Placement: Placement of trees, **shrubs or** herbaceous plants ~~or shrubs~~ must be consistent with Sections 706.076 through 706.089 and the **guidelines regulations** listed in the **Public City Tree Master Planting** Plan.

D. Abuse or Mutilation: No person shall on public **property spaces** and right of way:

1. Damage, cut, remove, carve, kill or injure trees, **shrubs or herbaceous plants** ~~without authorization.~~
2. Trim, prune, remove, spray or otherwise treat trees, **shrubs or herbaceous plants** ~~without authorization~~ **first obtaining a public tree permit.**
3. Attach any rope, wire or other contrivance **to any tree, shrub or herbaceous plant.**
4. Cause or permit any wire charged with electricity or any gaseous liquid or solid substance to come in contact with trees, **shrubs or herbaceous plants** which are located on, or extend over, any public street, boulevard, park or other public place without a permit.

E. **Public Tree** Permits:

1. No person shall plant or remove trees, ~~or~~ shrubs, or herbaceous plants on a public boulevard without first obtaining a Public Tree permit from the City Forester Community Development Department.

2. The following provisions apply to the issuance of public tree permits for planting trees, shrubs and/or herbaceous plants and shrubs on public property, especially the boulevard:

a. Application Data: The application required under this Section shall state the number of trees, shrubs and/or herbaceous plants to be planted, the location, size and specific species of each tree or plant.

b. Standards for Issuance: A permit shall be issued after the application has been determined to be in compliance with the Public City Tree Master Planting Plan and the requirements of this Section and related sections by the City Forester Development Review Community.

c. Replacement: As a condition to the granting of a tree removal permit, the City Forester Development Review Community may require the applicant to relocate or replace trees, shrubs and/or herbaceous plants to be consistent with the Public City Tree Master Planting Plan.

d. Bond Requirements: A posted bond or cash escrow may be required in an amount to be determined by the City Forester Horticulturist conditioned upon satisfactory compliance with the terms of the permit.

e. Permit Denial: If a tree planting or removal permit is denied, the reason(s) for denial shall be set forth in writing and given to the applicant, within twenty (20) days of receipt of application.

f. Denial Appeal: Any applicant adversely affected by the decision may appeal to the City Tree Board and, finally, to the City Council.

F. Areas Not Applicable: The provisions of subsection D above shall not apply to:

1. The removal of trees on public easements/rights of way, conducted by, or on behalf of, a Federal, State, County, Municipal or other governmental agency in pursuance of its lawful activities or functions in construction or improvements.

2. The removal of any tree by a public utility when such tree has the reasonable potential of endangering the facility's operation by the utility. (~~Ord. 1107, 12-9-91~~)

706.098: DUTIES OF PRIVATE LANDOWNERS ORDER PROCEDURE:

(Note: The Order Procedure section was moved to 706.12.) It shall be the duty of any person owning private property to comply with the following:

A. Planting on Private Property: No person shall plant or allow to be planted on any privately owned property any tree, shrub or herbaceous plant listed in ~~on~~ the Public City Tree Master Plan as prohibited.

B. Acceptable Plant Materials: Acceptable ~~At~~ plant materials shall not have characteristics detrimental to the public welfare such as:

1
2 1. susceptibility to pests (as determined by the MnDNR, Minnesota
3 Department of Agriculture (MnAg) and the City Forester) disease

4
5 2. susceptibility to and wind damage

6
7 3. or a tendency to interfere with utilities

8
9 4. or a tendency to interfere with public easements or rights of way.

10
11 C. Prohibited Obstructions:

12
13 1. Obstructing View: No trees, shrubs or herbaceous plants or shrub shall be
14 planted or allowed to grow so as to obstruct the view of any vehicular traffic
15 on public streets or pathways or pedestrians on public pathways.

16
17 2. Utilities: No trees may be planted under or within ten (10) level feet of any
18 overhead utility wire or over or within ten (10) lateral feet of any
19 underground water line.

20
21 D. Trimming of Trees:

22
23 1. Private property trees and shrubs must be trimmed so as not to cause a
24 hazard to persons or property on abutting property.

25
26 2. All trees and shrubs shall be pruned to sufficient height to allow free
27 passage of pedestrians and vehicular traffic: nine (9) feet (9') over sidewalks
28 and sixteen (16) feet (16') over streets and two (2) feet horizontal distance.

29
30 ~~E. Tree Inspection: The City Horticulturist, or any employee designated by the City~~
31 ~~Manager, may enter on any private lands which may harbor disease or dangerous~~
32 ~~trees as listed in the official City Tree Plan to inspect trees located on such premises.~~

33
34 ~~EF. Removal of Pest Infested Diseased or Hazardous Dangerous Trees: Pest infested,~~
35 ~~or hazardous Diseased and/or insect-ridden trees, dead or injured trees and plants~~
36 ~~deemed to be a health or safety hazard by the City Forester Horticulturist, or~~
37 ~~employee designated by the City Manager, must be treated or removed so as not to~~
38 ~~constitute a health or safety hazard to the public, or to other trees or plants in the~~
39 ~~City.~~

40
41 ~~FG. Stockpiling and Storage of Firewood Elm Logs: No person shall stockpile or store~~
42 ~~wood from a pest-infested tree elm logs with the bark intact without first having~~
43 ~~obtained a permit to do so. The City Forester Horticulturist, or employee designated~~
44 ~~by the City Manager, may issue permits, upon proper application, for the stockpiling~~
45 ~~or storage of such wood logs only between September 15 and April 1 of the following~~
46 ~~year and only at locations which are specified in the permit.~~

47
48 ~~H. Abatement of Dutch Elm Disease: The City Horticulturist shall cause the infected~~
49 ~~tree or wood to be removed or otherwise effectively treated so as to destroy and~~
50 ~~prevent, as fully as possible, the spread of Dutch elm disease fungus and elm bark~~
51 ~~beetles. Such abatement procedures shall be carried out in accordance with current~~
52 ~~technical and expert opinions and plans as may be designed by the City~~
53 ~~Horticulturist. (Ord. 1107, 12-9-91)~~

1 **706.109: REPORTING DISCOVERY OF SHADE TREE PESTS:**

2 ~~DEVELOPMENT OR REDEVELOPMENT TREE PLANTING~~ (Note: The
3 **DEVELOPMENT OR REDEVELOPMENT TREE PLANTING** section has moved to
4 706.13.) Any owner or occupier of land or any person engaged in tree trimming or
5 removal who becomes aware of the existence of a public nuisance caused by a shade
6 tree pest as defined under Section 706.14 shall report the same to the city.
7
8

9 **706.110: REGISTRATION OF TREE CARE FIRMS: ~~TREE ORDINANCE~~**
10 **~~FEES~~** (Note: The **TREE ORDINANCE FEES** section has moved to 706.17.)

11 Any person, firm, or corporation that provides tree care, tree trimming, or removal
12 of trees, limbs, branches, brush, or shrubs for hire must be licensed to work in the
13 City by the Community Development Department.
14
15

16 **706.124: STANDARD ABATEMENT ORDER PROCEDURE:**

17 ~~INTERFERENCE~~ (Note: The **INTERFERENCE** section has moved to 706.19.)

18 When the City Forester Horticulturist determines with reasonable certainty that it is
19 necessary to order the trimming, treatment or removal of trees or plants as
20 authorized in Section 706.097, a written order to correct the condition shall be
21 served.
22

23 A. The City Forester will notify in writing the owner of record or occupant of the
24 premises that a public nuisance exists and order that the nuisance be terminated or
25 abated. The notice may be given in person or by mail. Failure of any party to receive
26 the mail does not invalidate the service of the notice. A copy of the notice shall be
27 filed with the City Forester. ~~Notice Format: Dutch elm disease/oak wilt disease (or~~
28 ~~other prohibited or dangerous trees as listed in the City tree plan) exist on these~~
29 ~~premises: (legal address) and all trees marked with a designated symbol must be~~
30 ~~removed by (date). BY ORDER OF THE CITY MANAGER~~
31

32 B. Removal Date: The date inserted in the notice in subsection 706.1208A shall be
33 twenty two (202) days after the notice is mailed.
34

35 C. Appeal: A person receiving said notice may, within five (5) working days of the
36 postmark date of said notice, file an appeal with the City. The appeal will be heard by
37 the City Tree Board and forwarded to the City Council for action within twenty one
38 (21) calendar days following the appeal of said notice.
39

40 D. Summary Removal of **Pest-infested** ~~Diseased~~ Trees: In the event the trees
41 covered in said notice are not removed, destroyed and/or treated, as provided in
42 subsections 706.1208A through C, within ten (10) calendar days following the denial
43 on an appeal as set forth in subsection 706.1208C, the City Forester Manager, or an
44 authorized City employee, shall cause said trees to be summarily removed,
45 destroyed and/or treated and shall take any other action necessary to prevent the
46 spread of the **pest** ~~disease~~ or danger to the public.
47

48 E. Cost Responsibility: Any costs of inspecting, removing or treating trees, including
49 any legal expense, shall be itemized and mailed to the owner at the address shown
50 in the records of the County Auditor. In the event said itemized bill is not paid within
51 thirty (30) days, the amount of said costs, plus interest, shall be certified to the
52 proper County officials and collected with the next succeeding five (5) years real
53 estate taxes as provided for in Minnesota Statute sections ~~18.023 and 429.101.~~
54 (Ord. 1107, 12-9-91; amd. 1995 Code)
55

1
2 **706.132: DEVELOPMENT OR REDEVELOPMENT TREE PLANTING:**
3 ~~**EMERGENCIES-**~~ (Note: The **EMERGENCIES** section has moved to 706.18.)

4 All development and redevelopment activities within the City of Roseville shall be
5 subject to City Code Chapter 1011.03 regarding minimum landscaping standards.

6 A. Landscaping Plans: Prior to approval of a building permit, all new residential
7 subdivisions, semi-public, public, commercial/industrial and income-producing
8 residential property (over 2 units) shall be subject to mandatory landscape plan and
9 specification requirements.

10
11 B. Design Standards: The landscape plan and specification requirements referenced
12 in subsection 706.9A are those set forth in the adopted City of Roseville Design
13 Standard Regulations [1].

14
15 C. Forestation Benefits Education: All persons applying for a building permit,
16 including residential structures containing less than four (4) dwelling units, shall be
17 given printed information supplied by the City Horticulturist outlining the benefits of
18 planting trees and shall be encouraged to plant trees beyond the Code requirements.
19 (Ord. 1107, 12-9-91; amd. 1995 Code)

20
21
22 **706.14: DECLARATION OF A SHADE TREE PEST:** The City Forester may
23 declare any vertebrate or invertebrate animal, plant pathogen, or plant in the
24 community threatening to cause significant damage to a shade tree or community
25 forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest.

26
27
28 **706.15: SHADE TREE PEST NUISANCES ARE UNLAWFUL:** It is unlawful for
29 any person to permit any public nuisance as defined in this section to remain on any
30 premises the person owns or controls within the city. The nuisance may be abated as
31 provided in this ordinance.

32
33
34 **706.16: DECLARED SHADE TREE PESTS, CONTROL MEASURES, AND**
35 **CONTROL AREAS:** The City Forester may prescribe control measures to
36 effectively eradicate, control, or manage the shade tree pest, including necessary
37 timelines for action. Shade Tree Pests are to be eradicated, controlled or managed
38 according to best management practices prescribed by the MnAg and the MnDNR.
39 The control area of a shade tree pest is defined as all lands within the boundaries of
40 the city.

41
42
43 **706.17: URBAN FOREST MANAGEMENT ~~TREE~~ ORDINANCE FEES:**
44 Fees for all permits and other applicable required City services shall be as
45 established by the City Fee Schedule in Section 314.05. (~~Ord. 1107, 12-9-91~~)

46
47
48 **706.18: EMERGENCIES:**
49 In case of emergencies involving, but not limited to, tornadoes, windstorms, floods,
50 freezes or other natural disasters, the requirements of this Chapter may be waived
51 by the Mayor or, in the absence of the Mayor, the Acting Mayor. (~~Ord. 1107, 12-9-~~
52 ~~91~~)

1 **706.19: INTERFERENCE:**

2 It is unlawful for any person to prevent, delay or interfere with the enforcement of
3 this Chapter by any City official. (~~Ord. 1107, 12-9-91~~)

4
5