



## Legislation Text

**File #:** Ord 21-48, **Version:** 1

Amending Chapter 175A of the Legislative Code, Emerald Ash Borer Pest Insect, by deleting it in its entirety and combining its provisions into Chapter 175 of the Legislative Code.

WHEREAS, the city finds that Emerald Ash Borer Pest Insect falls within the more general category of Dangerous Trees; and

WHEREAS, similar procedures apply to the abatement of costs for removal of Emerald Ash Borer and other dangerous trees, including procedures for assessment of costs, and that the two categories can be combined into one ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of St. Paul does ordain:

### SECTION 1

Chapter 175A of the Legislative Code, is hereby amended to delete it in its entirety.

#### Sec. 175A.01. Policy.

~~The city council has determined that there are many ash trees (Fraxinus spp.) growing on public and private premises within the city, the loss of which would substantially depreciate the value of public and private premises, and impair the safety, good order, general welfare and convenience of the public. The council has determined that the health and life of such trees is threatened by the exotic, invasive pest Agrilus planipennis Fairmaire, commonly known as emerald ash borer. The council hereby declares its intention to control and prevent the spread of the insect pests and declares the emerald ash borer to be a public nuisance.~~

~~(C.F. No. 09-1348, § 1, 1-13-10)~~

#### Sec. 175A.02. Nuisances.

~~The following is declared to be a public nuisance whenever they may be found within the city:~~

- ~~(1) Any ash tree or stump found to harbor Agrilus planipennis Fairmaire.~~
- ~~(2) Any ash firewood or cut logs found to harbor Agrilus planipennis Fairmaire.~~

~~(C.F. No. 09-1348, § 1, 1-13-10)~~

#### Sec. 175A.03. Plant pest control program.

~~It is the intention of the council of the city to conduct a program of plant pest control pursuant to the authority granted by Minn. Stats. section 18G.13. This program is directed specifically at the control and elimination of diseases and pests that threaten shade trees and is undertaken at the recommendation and under the direction of the commissioner of agriculture. The city forester shall act as coordinator between the commissioner of agriculture and the council in the conduct of this program. The city forester, under the~~

direction of the director of the department of parks and recreation, is authorized to perform the duties and exercise the powers as set out in this chapter.

(C.F. No. 09-1348, § 1, 1-13-10)

Sec. 175A.04. Inspection.

- (a) *City forester to inspect.* The city forester shall inspect all premises and places within the city as often as practical to determine whether any condition described in section 175A.02 exists thereon. He/she shall investigate all reported incidents of infestation by emerald ash borer beetles. The city forester or his/her duly authorized officers, employees or agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them under this chapter.
- (b) *Analysis of specimens.* Whenever necessary to determine the existence of emerald ash borer or emerald ash borer beetles in any tree, stump or firewood the person inspecting such ash material may remove or cut specimens from the wood in such manner as to avoid permanent injury thereto and may forward such specimens to the state department of agriculture for analysis to determine the presence of such nuisances. No action to remove living trees or wood shall be taken until positive diagnosis of the nuisance has been made.

(C.F. No. 09-1348, § 1, 1-13-10)

Sec. 175A.05. Abatement, procedures.

- (a) *Notification to owner, etc.* Whenever the city forester has reason to believe that a nuisance as defined in section 175A.02 exists on any private property in the city, he/she shall mail a written order to the last known address of the owner of the real property involved. For the purpose of this chapter, "owners" and their addresses shall be those shown to be such on the records of the county department of property taxation, but other appropriate records may be used. The written order shall notify the owner of the existence of the nuisance and direct that it be removed and properly disposed of within twenty (20) days after receipt of such notice. The notice shall also state that if such nuisance has not been abated within the time provided, the city, by and through its department of parks and recreation, may abate the nuisance at the expense of the owner and that, if the costs of the abatement have not been prepaid by the owner at the time the abatement takes place, the charge for such work and any administrative costs incurred by the real estate division of the department of public works for processing the collection thereof shall be made a special assessment against the property concerned.
- (b) *Emergency abatement.* Whenever the city forester or the commissioner of agriculture, in the exercise of his/her professional judgment, has reason to believe that the presence of the emerald ash borer has created an emergency which demands more immediate abatement, the notice set forth above may reduce the time within which the property owner must act, but in no event to a time less than seven (7) calendar days for the homeowner to remove the nuisance.
- (c) *Failure to act; city may abate.* If the owner or person in control of any private premises fails to have such nuisance so removed and properly disposed of after receipt of notification by mail, or when the owner or person in control cannot be located, the department of parks and recreation may proceed to have the nuisance removed and disposed of, and any expense incurred by the city in so doing may be a charge and lien upon the property and shall be collected as a special assessment against the property concerned. Included, as part of the assessment, shall be those administrative costs incurred by the real estate division of the department of public works in processing the collection of the abatement.
- (d) *Costs to be assessed.* The city forester shall keep a record of the cost of abatements done under this section and, on or before September 1 of each year, shall report to the real estate division of the office of

~~financial services all work done for which assessments are to be made, stating and certifying the description of the lots and parcels involved and the amount chargeable to each lot and parcel. The total costs of this abatement including the administrative costs incurred by the real estate division of the department of public works in processing the abatement shall then be assessed against the affected real property in the manner provided for in chapter 14 of the City Charter and shall be collected in accordance with those applicable provisions contained in chapter 64 of the St. Paul Administrative Code; provided, however, that these assessments shall be payable in not to exceed ten (10) annual installments.~~

- (e) ~~Subsidies. Notwithstanding any other provision of this section to the contrary, the city may provide total or partial subsidies to owners of private residential property for the cost of removing infested trees; provided, however, that the private residential property is used exclusively for residential purposes only; and provided further, that the property has located thereon a dwelling or dwellings which are exclusively designed for and used as single or multi-dwelling buildings with families living independent of each other.~~

~~(C.F. No. 09-1348, § 1, 1-13-10)~~

## SECTION 2

This Ordinance will take effect and be in force thirty (30) days following its passage, approval and publication.