

## **ARTICLE III. OAKWILT PREVENTION**

### **Sec. 26-44. Purpose.**

The city council finds that oak wilt has spread southward into the county and has already affected oak trees within the immediate vicinity of the corporate limits of this city, and further finding that it is necessary to promulgate and adopt an ordinance which addresses this rapidly spreading tree disease, to protect the aesthetic beauty of the numerous oak trees within the community and further finds a necessity to educate the community in controlling the spread of the infection of oak wilt.

(Ord. No. 729, § 1, 11-20-1997)

### **Sec. 26-45. Controls.**

- (a) This article applies to all resident landowners, persons in possession and occupying any structure within the city's corporate limits, landscape contractors, building contractors and public utilities.
  - (1) No person, firm, corporation, public utility or any type of business entity, its agents, servants or employees, shall trim oak trees within the corporate limits of the city, without first obtaining a permit from the city.
  - (2) Resident owners and those persons occupying any residence whose responsibility is to maintain the premises may trim oak trees on his property without a permit issued by the city.
  - (3) The permit shall be in an amount as determined from time to time by ordinance for each tract of land. Permits shall be required of all persons, business entities and public utilities trimming trees except for resident homeowners or persons occupying the premises and responsible for the maintenance of the premises. Before obtaining such permits the applicants shall present satisfactory evidence that the equipment to be used for this purpose has been properly sanitized.
  - (4) All wounds that enter or expose sapwood will be painted with asphaltic or exterior oil or latex based paint and applied within one hour of the cut.
  - (5) Any tree that is infected or suspected of being infected with oak wilt will be reported to the person contracting for the work, the city administrator or the administrative assistant without delay.

- (6) Any tree that is to be planted in the city must be warranted by the contractor to be free of oak wilt infection and not from an area where oak wilt is epidemic.
  - (7) Cuttings from trimming will be removed from the city by the contractor upon completion of a job.
  - (8) A resident is excluded from purchasing a tree trim permit if the resident is cleaning up their lot due to an act of God.
- (b) Residents and businesses of the city.
- (1) The wounds resulting from ground maintenance equipment and trimming and breakage of green wood shall be painted within one hour of the wounding with an asphaltic or exterior oil or latex based paint.
  - (2) Cuttings from trimmings and breakage may be disposed of with the regular garbage pickup.
- (c) Any corporation, business entity, firm, public utility, or person shall, upon a second conviction for violation of any provision of this article be ineligible to obtain a license to cut or trim oak trees within the corporate limits of the city.
- (d) When oak wilt infection is suspected or found, the city administrator or the administrative assistant must be contacted promptly to obtain aid of the state forestry service to confirm the diagnosis of oak wilt. When oak wilt is confirmed the measures for control recommended by the service will be undertaken to control spread of the infection.
- (e) It is further recommended that any firewood cut from any trees and firewood purchased, not be stacked under or close to oak trees and be burned within one year. Any firewood of anonymous origin should be completely covered by a tarpaulin and burned within the calendar year of purchase.
- (f) The city shall create a fund from license permits and other funds however received, to aid citizens in the treatment and prevention of oak wilt.

(Ord. No. 729, § 1(A), 11-20-1997)

Secs. 26-46--26-63. Reserved.