

Ordinance 04-14

To recreate and amend Chapter 102 - Vegetation, Article II.-Trees, Division 4. Nuisances in the Municipal Code of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin do ordain as follows:

Part 1: To repeal and recreate Sec. 102.76. Dutch elm disease as follows:

**“Sec. 102.76. Elm trees infected with dutch elm disease or oak trees infected with oak wilt disease or ash trees infested with emerald ash borer a nuisance.**

(1) Public Nuisances Declared.

- a. The Common Council of the City of Racine having determined that the health of the elm trees within the City of Racine is threatened by a fatal disease known as Dutch elm disease *Ceratocystis Ulmi* (Buisman) hereby declares the following to be a public nuisance.
  - i. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles *Scolytus mulistriatus* (Marsh.) or *Hylargophinus rufipes* (Eichh.).
  - ii. Any dead 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 sprayed with an effective elm bark beetle destroying insecticide.
- b. The Common Council of the City of Racine having determined that the health of oak trees within the City of Racine is threatened by a fatal disease known as oak wilt disease (*Ceratocystis fagacearum*) hereby declares the following to be a public nuisance:
  - i. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus.
  - ii. Any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.
- c. The Common Council of the City of Racine having determined that the health of the ash trees within the City of Racine is threatened by Emerald Ash Borer (*Agrilus planipennis*), an exotic wood boring beetle that only feeds on ash trees, hereby declares the following to be a public nuisance:
  - i. Any living or standing ash tree or part thereof infected with or which harbors any of the beetles Emerald Ash Borer (*Agrilus planipennis*).
  - ii. Any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned.

Part 2: To amend Sec. 102-77. Abatement by adding the following sentence in section (a) *Notice* after the words “or his agent,”:

“or if neither is known and there is a tenant or operator occupying said property then to such tenant or operator”

Part 3: To amend Sec. 102-77. Abatement by adding the following sentence at the end of the last sentence of section (a) *Notice*:

“The notice shall be mailed via first class mail address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the premises.”

Part 4: In Sec. 107-79. Dangerous trees, repeal all instances of the phrase “the board of parks, recreation and cultural services commissioners” and replace with “the City Forester.”

Part 5: To create the following section:

**“Sec. 102-80. Interference with City Forester Prohibited.**

No person, firm or corporation shall prevent, delay or interfere with the City Forester, or designee, or any of his/her agents or employees while they are engaged in the performance of duties imposed by this ordinance.”

Part 6: To create the following section:

**“Sec. 102-81. Penalty.**

Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof be subject to a forfeiture of not more than five hundred dollars (\$500.00). Each day such violation continues shall be considered a separate offense.

Part 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

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Approved:

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Mayor

Attest:

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City Clerk

Fiscal Note: N/A