

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 141
TREES – DUTCH ELM DISEASE CONTROL**141.01 Trees Subject to Removal****141.02 Duty to Remove****141.03 Inspection****141.04 Removal from City Property****141.05 Removal from Private Property**

141.01 TREES SUBJECT TO REMOVAL. The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch Elm Disease, hereby declares the following shall be removed:

(Code of Iowa, Sec. 364.12[3b])

1. Living or Standing Trees. 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, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
2. Dead Trees. 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.

141.02 DUTY TO REMOVE. No person of entity shall permit any tree or material as defined in Section 141.01 to remain on the premises owned, controlled or occupied by such person or entity within the City.

(Code of Iowa, Sec. 364.12[3b])

141.03 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 141.01 exists thereon, and also shall inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

141.04 REMOVAL FROM CITY PROPERTY. If the superintendent, upon inspection or examination, determined that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that danger to other elm trees within the City is imminent, the superintendent shall immediately cause such condition to be corrected so as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors know to carry such disease fungus.

141.05 REMOVAL FROM PRIVATE PROPERTY. If the superintendent, upon inspection or examination, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, the superintendent shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition within fourteen (14) days of said notification. If

such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property as provided in Chapter 56.

(Code of Iowa, Sec. 364.12[3b&h])

If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, the superintendent is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.