

ORDINANCE NO. 24-02

An Ordinance amending ARTICLE 11-1400, SHADE TREE DAMAGE, subject to certain conditions.

Be it ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota, as follows:

**ARTICLE 11-1400 SHADE TREE DAMAGE**

It is the intention of the City of Ham Lake to make reasonable efforts to preserve and protect certain species of shade trees that are threatened by various pests or diseases. These species include the Ash Group (*Fraxinus* species – White, Black and Green - Ash trees that are affected by the Emerald Ash Borer); the Elm Group (American Elm, Red Elm, Rock Elm, Siberian Elm and Chinese Elm); and the Red Oak Group (Red Oak, Pin Oak, Northern Pin Oak, Scarlet Oak and Black Oak). These three groups may be collectively referred to herein as the “Target Trees”. The specific tree damages that are addressed are damage caused by the Emerald Ash Borer; Dutch Elm Disease, and Oak Wilt, sometimes collectively referred to herein as “Target Damage”.

**11-1400.1 Annual Tree Inspections Period** The City’s Tree Inspector shall inspect trees from the Ash Group, the Elm Group and the Oak Group if requested by a property owner who suspects a tree to be diseased on their property. shall conduct an annual inspection in the month of July of each year of the City’s trees from the Ash Group, the Elm Group and the Oak Group, by drive by inspections from public roads. The inspection shall be carried out by a tree inspector or inspectors certified by the State of Minnesota (the “Inspector”).

**11-1400.2 Inventory of Damaged Trees** As inspections are made, the Inspector shall take note of all Target Trees that show visible evidence of any Target Damage, recording the street address of such conditions and taking photographs where feasible.

**11-1400.3 Notification to Property Owners**

**A. Ash Damage or Dutch Elm Disease.** Where these types of damages are observed, the Inspector shall notify the owner of the property on which the trees are located of the conditions that were observed. Notification shall be by US Mail, and shall include the following information:

- 1) A description of the conditions observed;
- 2) A suggested method of action that may be taken by the owner to treat the damage or to prevent the spread of the damage, if any such treatment or protocol is in fact available.

**B. Oak Wilt.** Where Oak Wilt is observed, the Inspector shall notify the owner of the property on which the trees are located of the conditions that were observed. Notification shall be by US Mail, and shall include the following information:

- 1) A description of the conditions observed;

~~2) An offer to make a further inspection of the property, with the owner's permission, for the purpose of identifying and marking all trees on the property that may be infected with Oak Wilt.~~

~~3) Educational information about remedial measures, if any, that may be taken by the owner to treat the disease or to prevent the spread of the disease, if any such treatment or protocol is in fact available.~~

~~4) Educational information about any City programs that are available to financially assist property owners in treating or removing diseased trees;~~

~~5) Educational information about the availability of the use of a City owned vibratory plow to prevent the future spread of Oak Wilt;~~

~~6) Educational information about the City's "no-cut" policy as described in Article 11-1400.4 hereof.~~

**11.1400.4-11.1400.2 "No-Cut" Period** No person shall cut, trim or otherwise wound any Red Oak Group tree between April 1 and July 15 of any given year, unless the person has obtained a Permit from the City.

**A. Permit** Permits may be issued to any person with approval of a certified tree inspector engaged or employed by the City where the Inspector, in his or her sole discretion, deems that the cutting, trimming or wounding of the tree does not present a significant danger of the spread of Oak Wilt. Permits so issued may contain specific requirements or conditions to observe in the activity. The City may impose a fee for such permits, and if so, the permit fees so collected shall be placed in a dedicated fund to re-forest areas on public or private property that have been affected by Target Damage.

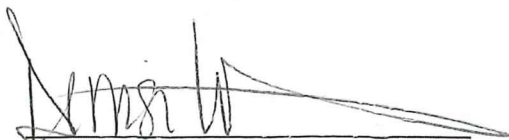
**B. Violation** Any person who violates the provisions of the "No-Cut" period or who violates the conditions a permit issued in connection therewith shall be guilty of a petty misdemeanor, punishable in the manner prescribed by Minnesota Statutes for that offense level.


**11-1400.5 Other Assistance or Educational Programs**

**A. Dissemination of Information** ~~City staff shall use the City's website, any periodical published with civic news or any other media to provide educational or informative information about Target Damages to the general public.~~

**B. Financial Assistance Program** ~~The City Council may, by resolution, establish and amend from time to time a financial assistance program to help property owners in need to deal with Target Damages. Funds for such a program may come from any lawful source.~~

**Presented the Ham Lake City Council on May 20, 2024 and adopted by a unanimous vote this 3rd of June, 2024.**

  
Denise Webster, City Clerk

  
Brian Kirkham, Mayor