

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 DUTCH ELM DISEASE

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6-10-1 PURPOSE. The purpose of this Ordinance is to specify the procedures to be followed in the eradication and control of Dutch Elm Disease.

6-10-2 DEFINITIONS. For use within this Ordinance, the following terms are defined:

1. Dutch Elm Disease is defined as the disease which infects elm trees and other kindred substances.

2. Enforcement officers shall mean the clerk-treasurer, unless the Council shall, by resolution, designate another person.

3. Infected tree as hereinafter used in this Ordinance shall include not only trees, but also brush, wood, stump, other debris infected with Dutch Elm Disease.

4. Owner shall mean the occupant or person in charge of said property and shall include lessee and record title owner.

5. Destruction or removal of any infected tree shall mean total destruction by burning. It shall include removal of the stump; or if the stump is not removed, all bark shall be fully removed, or the bark shall be sprayed with DOT or an equally effective chemical in the concentration designated by the Enforcement officer.

6-10-3 DUTY TO REMOVE INFECTED TREE. It shall be the duty of the owner to promptly remove any infected tree as soon as the infection with Dutch Elm Disease is detected.

6-10-4 DETERMINATION OF INFECTION. The Enforcement officer is directed to cause a diagnosis of any tree suspect of being affected with Dutch Elm Disease to be made promptly to determine whether or not such tree is in fact infected. Such inspection shall be made by one competent to make the inspection and shall be sustained by such laboratory tests as are available to demonstrate the correctness of the diagnosis. Report of the diagnosis and laboratory tests shall be filed of record in the clerk-treasurer's office and shall be open for public inspection.

6-10-5 NOTICE TO REMOVE. If any infected tree is found within the Town of Scranton, the clerk-treasurer shall cause a notice to be served upon the owner to remove such infected tree and destroy the same by burning within ten (10) days from the date said notice is served. The date set

for removal shall be at a date subsequent to a regular or special Council meeting and the notice shall inform the owner of the date, place and time that the Town Council meets. The owner may appear before the Town Council at the time stated and show cause, if any, why such order of removal should not be carried out. The Town Council shall receive such competent evidence as is offered on behalf of both the enforcement officer and the owner. If the Council determines the tree is infected with Dutch Elm Disease, it shall make a final Order requiring compliance with the Order of removal previously issued by the Enforcement officer. If it finds the tree is not infected, it shall void the Order of the Enforcement officer. If it finds the tree is not infected, it shall void the Order of the Enforcement officer or shall make such Order with reference to treatment or trimming as may be proper in the circumstances.

In determining the number of days allowed for removal, the Enforcement officer shall take into consideration the time of year, and if discovery or determination of infection is made during the period when the beetles which carry the disease are active, removal shall be required promptly and forthwith.

6-10-6 ASSESSMENT FOR REMOVAL BY TOWN. If the owner fails to comply with the notice provided for in this Ordinance, the Town shall, at any time after the notice to remove has expired, cause said infected tree to be removed in accordance with this Ordinance and the cost thereof shall be assessed against the property. The clerk-treasurer shall certify the cost to the County Treasurer for collection as a special assessment.

6-10-7 SERVICE OF NOTICE. Notice provided for in this Ordinance shall be served personally upon the owner and upon any tenant in possession. If no person can be found upon whom to serve the notice personally, the Enforcement officer shall cause notice to be mailed to the owner at his last known address by certified mail.

6-10-8 INTERFERENCE WITH REMOVAL BY TOWN. It shall be unlawful for any person to hinder, obstruct or otherwise interfere with the agent or employees of the Town of Scranton while engaged in carrying out the provisions of this Ordinance or any Order made hereunder.

6-10-9 CITIES RIGHT TO SPRAY TREES. For the purpose of preventing the spread of Dutch Elm Disease and the infection of other trees, the Town of Scranton shall have the right to spray all trees located within the Corporate limits or within 500 feet thereof, including trees on private property.