

**12.20.070 – Public nuisance – Trimming or removal required**

**A. Definition**

The following are hereby declared public nuisances under this Chapter:

1. Any dead or dying tree or shrub, whether located on city-owned property or right-of-way or which affects or may affect city owned property or right-of-way;
2. Any otherwise healthy tree or shrub, whether located on city-owned property or right-of-way, which harbors insects or diseases which reasonably may be expected to injure or harm any tree or shrub;
3. Any tree or shrub, or portion thereof, whether located on city-owned property or right-of-way, or on private property, which affects or may affect city-owned property or right-of-way, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
4. Any tree or shrub or portion thereof whether located on city-owned property, or right-of-way, private property which affects or may affect city-owned property or right-of-way, which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a traffic control device on city property; (Ord. 2012-M-47 § 5.)

**B. Right to Inspect**

The officers, agents, servants and employees, of the city have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part which is reasonably suspected to be a public nuisance, but only to the extent necessary to confirm whether a public nuisance exists.

**C. Abatement**

The following are the prescribed means of abating public nuisances under this chapter;

1. Any public nuisance under this chapter which is located on city-owned property or right-of-way shall be pruned, removed or otherwise treated by the Public Works Department in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
2. Any public nuisance such as: Dutch elm disease, Emerald ash borer, and Oak wilt but not restricted to only these nuisances under this chapter which is located on privately-owned property shall be pruned, removed, or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
  - a. The Public Works Department shall cause a written notice to be personally served or sent by Certified Mail to the person to whom was sent the tax bill for the general taxes for the last preceding year, or an adult resident or operator of the premises;
  - b. Such notice shall describe by legal description or by common description the premises;
  - c. Such notice shall state the actions that the property owner or occupant may undertake to abate the nuisance;
  - d. Such notice shall require the elimination of the nuisance within thirty days of the date of service of the notice, or such shorter period of time as is deemed necessary for public safety and welfare by the Public Works Department.
  - e. In the event that the nuisance is the Emerald Ash Borer (EAB) the resident shall have until the end of the current or next flight season, as the case may be, to remove infested trees. Flight season runs from May 1 through July 31. (Ord. 2008-M-75 § 1.)
3. The Public Works Department is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Public Works Department to be an immediate threat to any person or property.

(2007-M-56 : § 1; 1998-M-28 : § 1; Prior code : § 12.509)