

AN ORDINANCE ESTABLISHING A DUTCH  
ELM DISEASE PROGRAM

The City Council of the City of Green Isle, Minnesota, ordains as follows:

Section 1. Declaration of Policy. The City Council of Green Isle has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch elm disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of this disease and this Ordinance is enacted for that purpose.

Section 2. Forester. The position of forester is hereby created in the City of Green Isle.

Section 3. Duties of Forester. It is the duty of the Forester to coordinate under the direction and control of the City Council, all activities of the municipality relating to the control and prevention of Dutch elm disease. He shall recommend to the Council the details of a program for the control of Dutch elm disease, and perform the duties incident to such a program adopted by the Council.

Section 4. Dutch Elm Disease Program. Subd. 1. It is the intention of the Council of Green Isle to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes 1961, Section 18.022, as amended.

This program is directed specifically at the control and elimination of Dutch elm disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The city forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

Section 5. Nuisances Declared. Subd. 1. The following things are public nuisances whenever they may be found within the City of Green Isle.

A. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Geratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylurgopinus Rufipes* (Marsh).

B. 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 insecticide.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on any premises owned or controlled by him within the City of Green Isle. Such nuisances may be abated in the manner prescribed by this Ordinance.

Section 6. Inspection and Investigation. Subd. 1. Annual Inspection. The forester shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Section 5 of this Ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetles.

Subd. 2. Entry on Private Premises. The forester or his duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this Ordinance.

Subd. 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 8 no action to remove infested trees or wood shall be taken until positive diagnosis of the disease has been made.

Section 7. Abatement of Dutch Elm Disease Nuisances. Subd. 1. In abating the nuisances defined in Section 5, the forester shall cause the infested trees or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

Section 8. Procedure for Removal of Infected Trees and Wood. Subd. 1. Whenever the forester finds with reasonable certainty that the infestation defined in Section 5 exists in any tree or wood in any public or private place in the City, he shall proceed as follows:

A. If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his finding to the Council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 or (2) abating the nuisance as provided in Subd. 2 of this Section.

B. If the forester finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 5 days from the date of mailing of such notice. The forester shall immediately report such action to the Council, and after the expiration of the time limited by the notice he may abate the nuisance.

Subd. 2. Upon receipt of the forester's report required by Subd. 1, part A, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. The forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes. Whenever an elm tree infected by Dutch elm disease is to be removed by the City of Green Isle or under its supervision, \$50.00 of the cost of removal of such elm tree is to be paid for or assessed against the property owner and in the case of street or boulevard trees against abutting property owners. The balance of the cost of such removal shall be paid by the City of Green Isle.

Section 9. Spraying Elm Trees. Subd. 1. Whenever the forester determines that any elm tree or elm wood within the City is infected with Dutch elm fungus, he may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate or fungicide or both. Activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible.

Subd. 2. The notice provisions of Section 8 apply to spraying and treatment operations conducted under this Section.

Section 10. Transporting Elm Wood Prohibited. Subd. 1. It is unlawful for any person to transport within the City any bark-bearing elm wood without having obtained a permit from the forester. The forester shall grant such permits only when the purposes of this Ordinance will be served thereby.

Section 11. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the forester or his agents while they are engaged in the performance of duties imposed by this Ordinance.

Section 12. Penalty. Any person, firm or corporation who violates Sections 10 or 11 of this Ordinance is guilty of a misdemeanor and may be punished by a fine of not to exceed \$300 or imprisonment for 90 days or both.

Section 13. This Ordinance is effective after its passage and publication.

Adopted by the Council this 11 day of August, 1975.

  
MAYOR

ATTEST:

  
CITY CLERK

AFFIDAVIT OF PUBLICATION

State of Minnesota }  
County of Sibley } ss

being duly sworn, on oath says he is and during all the times herein stated has been

the publisher and printer of the newspaper known as Arlington Enterprise and has full knowledge of the facts herein stated as follows:  
(1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches.  
(2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50 percent of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements.  
(4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75 percent of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Arlington in the County of Sibley and it has its known office of issue in the City of Arlington in said county, established and open during regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the publisher of said newspaper or persons in his employ and subject to his direction and control during all such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966, and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week,

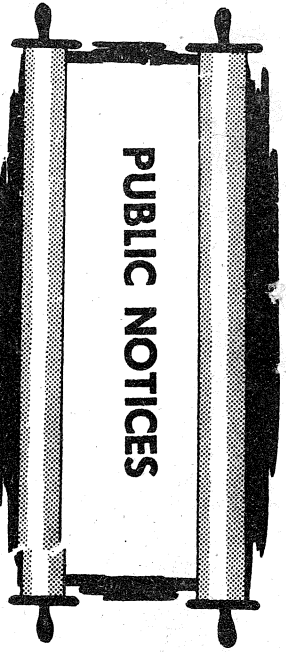
for successive weeks; that it was first so published on Thursday  
the day of 19 and was  
thereafter printed and published on every Thursday to and including Thursday

the day of 19;  
and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice to wit:  
abcdefghijklmnopqrstuvwxyz

subscribed and sworn to before me this day of 19

(Notarial Seal) Notary Public, WILLIAM COUNTY, Minnesota  
My commission Expires 19

free or part thereof, and any degree with the Du ch elm disease fungus Ceratocystis U-



State of Minnesota }  
County of Stibley } ss

being duly sworn, on oath says he is and during

the \_\_\_\_\_ publisher an

Arlington Enterprise and has full knowledge  
(1) Said newspaper is printed in the English  
column and sheet form equivalent in printed  
(2) Said newspaper is a weekly and is distributed  
newspaper has 50 percent of its news columns  
the community which it purports to serve and  
publication and is not made up entirely of paid  
(4) Said newspaper is circulated in and near  
serve, has at least 500 copies regularly delivered  
of at least 75 percent of its total circulation  
months in arrears and has entry as second-class  
newspaper purports to serve the City of Arlington  
its known office of issue in the City of Arlington  
during regular business hours for the gathering  
sale of subscriptions and maintained by the pub  
in his employ and subject to his direction and c  
hours and at which said newspaper is printed.  
issue immediately with the State Historical Socie  
with all the foregoing conditions for at least tw  
publication mentioned below. (8) Said newspape  
of Minnesota prior to January 1, 1966, and each  
the form prescribed by the Secretary of State  
newspaper and sworn to before a notary public  
newspaper.

He further states on oath that the printed

hereto attached as a part hereof was cut from  
was printed and published therein in the Engl

for \_\_\_\_\_ successive weeks; that  
the \_\_\_\_\_ day of \_\_\_\_\_  
thereafter printed and published on every  
the \_\_\_\_\_ day of \_\_\_\_\_

and that the following is a printed copy of the 1  
inclusive, and is hereby acknowledged as being  
composition and publication of said notice to v

*Carol Schwich*

Subscribed and sworn to before me this \_\_\_\_\_

(Notarial Seal)

Notary public, \_\_\_\_\_  
My commission expires \_\_\_\_\_

may spray or treat all nearby  
high value elm trees with an  
effective elm bark beetle des-  
troying concentrate or fungicide  
or both. Activities authorized  
by this Section shall be conduct-  
ed in accordance with technical  
and expert opinions and plans  
of the Commissioner of Agri-  
culture and under the supervi-  
sion of the Commissioner and  
his agents whenever possible.

gnosis of the disease has been  
made.

Section 7. Abatement of Dutch  
Elm Disease Nuisances. Subd. 1.  
In abating the nuisances defin-  
ed in Section 5, the forester  
shall cause the infected trees  
or wood to be sprayed, remov-  
ed, burned, or otherwise effect-  
ively treated so as to destroy  
and prevent as fully as possible  
the spread of Dutch elm disease  
fungus and elm bark beetles.

Such abatement procedures  
shall be carried out in accord-  
ance with current technical and  
expert opinions and plans as  
may be designated by the Com-  
missioner of Agriculture.

Section 8. Procedure for Re-  
moval of Infected Trees and  
Wood. Subd. 1. Whenever the  
forester finds with reasonable  
certainty that the infestation  
defined in Section 5 exists in  
any tree or wood in any public  
or private place in the City,  
he shall proceed as follows:

A. If the forester finds that  
the danger of infestation of other  
elm trees is not imminent, he shall  
cause a written report of his find-  
ing to the council which shall  
proceed by (1) abating the nu-  
isance as a public improvement  
under Minnesota Statutes Ch.  
429 or (2) abating the nuisance  
as provided in Subd. 2 of this  
section.

B. If the forester finds that  
danger of infestation of other  
trees is imminent he shall  
notify the abutting property own-  
er by certified mail that the  
nuisance will be abated within  
a specified time, not less than  
5 days from the date of mailing  
of such notice. The forester  
shall immediately report such  
action to the Council, and after  
the expiration of the time lim-  
ited by the notice he may abate  
the nuisance.

Subd. 2. Upon receipt of the  
forester's report required by  
Subd. 1, part A, the Council  
shall by resolution order the  
nuisance abated. Before action  
is taken on such resolution, the  
Council shall publish notice of  
its intention to meet to consid-  
er taking action to abate the  
nuisance. This notice shall be  
mailed to affected property ow-  
ners and published once no less  
than one week prior to such  
meeting. The notice shall state  
the time and place of the meet-  
ing, the streets affected, action  
proposed, the estimated cost of  
the abatement, and the propos-  
ed bases of assessment.

Section 9. At such hearing or  
meeting, the Council shall hear  
and receive evidence and shall  
make a determination as to the  
existence of the nuisance and  
whether the same is a public im-  
provement under Minnesota  
Statutes Chapter 429 or whether  
it is a nuisance as provided in  
this section.

Section 10. The notice provided  
in this section shall be in writ-  
ing and shall be served on the  
property owner and on the  
City Clerk. If the property owner  
is a corporation, the notice shall  
also be served on the president  
or a duly authorized officer of  
the corporation.

Section 11. Interference Pro-  
hibited. It is unlawful for any  
person to prevent, delay or in-  
terfere with the forester or his  
agents while they are engaged  
in the performance of duties im-  
posed by this Ordinance.

Section 12. Penalty. Any per-  
son, firm or corporation who  
violates Sections 10 or 11 of  
this Ordinance is guilty of a  
misdemeanor and may be pun-  
ished by a fine of not to exceed  
\$300 or imprisonment for 90  
days or both.

Section 13. This Ordinance  
is effective after its passage  
and publication. Adopted by the  
Council this 11 day of August,  
1975.

Roland F. Krueger  
Mayor

Attest:  
Carol Schwich  
City Clerk

9-1c

ORDINANCE NO. 61  
AN ORDINANCE ESTABLISH-  
ING A DUTCH ELM DISEASE  
PROGRAM.

The City Council of the City of  
Green Isle, Minnesota, ordains  
as follows:

Section 1. Declaration of Pol-  
icy. The City Council of Green  
Isle has determined that the  
health of the elm trees within  
the municipal limits is threat-  
ened by a fatal disease known  
as Dutch elm disease. It has  
further determined that the loss  
of elm trees growing upon pub-  
lic and private property would  
substantially depreciate the va-  
lue of property within the city  
and impair the safety, good or-  
der, general welfare and con-  
venience of the public. It is de-  
clared to be the intention of the  
Council to control and prevent  
the spread of this disease and this  
Ordinance is enacted for that  
purpose.

Section 2. Forester. The pos-  
sion of forester is hereby crea-  
ted in the City of Green Isle.

Section 3. Duties of Forester.  
It is the duty of the Forester  
to coordinate under the direct-  
ion and control of the City Coun-  
cil, all activities of the munici-  
pality relating to the control  
and prevention of Dutch elm  
disease. He shall recommend  
to the Council the details of a  
program for the control of Dutch  
elm disease, and perform the  
duties incident to such a pro-  
gram adopted by \_\_\_\_\_.

Section 4. Dutch Elm Dis-  
ease program. Subd. 1. It is the  
intention of the Council of Green  
Isle to conduct a program of  
plant pest control pursuant to  
all the powers of this munici-  
pal corporation including the  
authority granted by Minnesota  
Statutes 1961, Section 18.022,  
as amended.

This program is directed  
specifically at the control and  
elimination of Dutch elm dis-  
ease fungus and elm bark beet-  
les and is undertaken at the re-  
commendation of the Commis-  
sioner of Agriculture. The city  
forester shall act as coordina-  
tor between the Commissioner  
of Agriculture and the Council  
in the conduct of this program.

Section 5. Nuisances Decla-  
red. Subd. 1. The following things  
are public nuisances whenever  
they may be found within the  
City of Green Isle.

A. Any living or standing elm  
tree or part thereof infested to  
any degree with the Dutch elm  
disease fungus Ceratocystis Ul-  
mi (Buisman) Moreau or which

is infested with the Dutch elm  
disease fungus Ceratocystis Ul-  
mi (Buisman) Moreau or which

any degre... Ceratocystis Ulmi (Buisman) Moreau or which harbors any of the elm bark beetles Scolytus Multistriatus (Eichh.) or Hylungopinus Rufiped (Marsh).

B. 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 insecticide.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on any premises owned or controlled by him within the City of Green Isle. Such nuisances may be abated in the manner prescribed by this Ordinance.

Section 6. Inspection and Investigation. Subd. 1. Annual Inspection. The forester shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Section 5 of this Ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetles.

Subd. 2. Entry on Private Premises. The forester on his duly authorized agent may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under the Ordinance.

Subd. 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 8 no action to remove infested trees or wood shall be taken until positive diagnosis.

And the proposed bases of assessment, and the adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

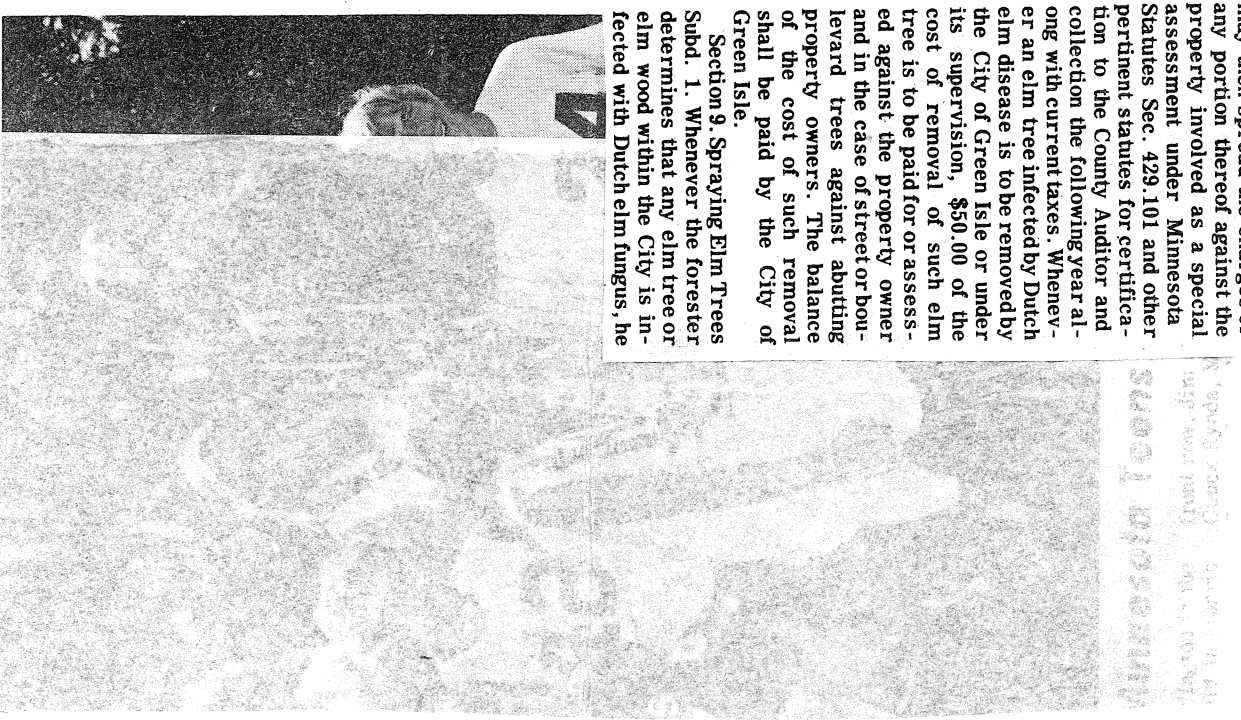
Subd. 3. The forester shall keep a record of the costs of abatement done under this Section and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes. Whenever an elm tree infested by Dutch elm disease is to be removed by the City of Green Isle or under its supervision, \$50.00 of the cost of removal of such elm tree is to be paid for or assessed against the property owner and in the case of street or boulevard trees against abutting property owners. The balance of the cost of such removal shall be paid by the City of Green Isle.

Section 9. Spraying Elm Trees Subd. 1. Whenever the forester determines that any elm tree or elm wood within the City is infested with Dutch elm fungus, he

any person who...  
 shall be taken until positive diagnosis.  
 Subd. 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 8 no action to remove infested trees or wood shall be taken until positive diagnosis.

**WATER**



CONTRACT OR SPECIFICATION OF WORK

...and the proposed bases of assessment, and the adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. The forester shall keep a record of the costs of abatement done under this Section and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Ordinance. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes. Whenever an elm tree infested by Dutch elm disease is to be removed by the City of Green Isle or under its supervision, \$50.00 of the cost of removal of such elm tree is to be paid for or assessed against the property owner and in the case of street or boulevard trees against abutting property owners. The balance of the cost of such removal shall be paid by the City of Green Isle.

Verfory All of 1922