

APPENDIX 1 – Guidelines for Community EAB Preparedness & Response Plans ORDINANCE / POLICY TEMPLATES

The community response plan should include an assessment of current policies and ordinances.

- Assess & update current policies and ordinances
 - Ensure that ordinance addresses any new invasive tree pest, including EAB
 - Policies regarding the planting of ash
 - Public property
 - Private property
 - Policies regarding nuisance and / or infested ash trees
 - Policies regarding the use of chemicals on public trees

Local ordinances and policies should be based on local circumstances, management needs, goals and capacity. Ordinance provisions and policies that work well in one municipality might be poorly suited for another.

Action: Work with City Attorney to review and update (Chapters or ordinance #s) to include EAB. Any revisions will need legislative approval by the city council.

The following ordinances are samples that may work as templates for your community in developing an EAB Management Plan.

- **Update ordinances related to diseased trees to include EAB**, such as the ability to enter private property for inspection, the ability to order removal of diseased trees, and the ability to abate the nuisance upon non-compliance of property owner.
 - **Authority of the municipality:**
 - *The City shall have the authority and jurisdiction to plant, prune, maintain, and remove trees within the rights-of-way of all streets, alleys, avenues, lanes and public properties and parks and tree-planting easements as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public property.*
 - *The City shall have the right to treat or cause the treatment of any diseased or infested trees on private property when such trees constitute a potential hazard to the urban forest.*
 - *The City shall have the right to remove or cause the removal of any dead, diseased, infested, or structurally damaged tree, or portion of tree, on private property when such tree constitutes a potential hazard to life and property within the right-of-way or on public property or constitutes a threat to the urban forest...*

- **Authority of the Forester:**
 - *The City Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on public property and, subject to private property tree and vegetation regulations, to insure safety or preserve the aesthetics of such public sites.*
 - *The City Forester may inspect any trees, shrubs, vines, hedges, plants, logs or branches existing or growing upon any property within the City. The City Forester may conduct surveys to determine if any destructive or communicable disease or other pest exists which may be detrimental to or endanger the good health and well-being of trees or other plant life in the City.*
 - *The City Forester shall have the authority and jurisdiction to restrict tree maintenance activities within the City limits to reduce the spread of infectious diseases and/or pests. Restrictions are to be listed in the Forestry Program Manual and presented annually in the local media.*
 - *The City Forester shall enforce such rules, regulations, permit, and penalty procedures as deemed necessary and may do so by the issuance of municipal citations to effectuate the intent of this chapter. No person shall unreasonably hinder, prevent, delay, or interfere with the City Forester or his/her agents while engaged in the execution of this ordinance...*
- **Update / develop a city operating policy on removing ash** prior to an EAB infestation. Any such policy adoption is dependent on approved budget authority.

Options:

 - *The city will adopt a proactive “Structured Removal Plan” of ash trees, including those in decline and otherwise, that meets a set percentage of ash in anticipation of the larger loss of the entire ash population (minus any ash chosen for possible chemical treatment). The intent is to slow the spread of EAB by reducing host trees, thus spreading out management costs over several years by avoiding a “spike” in diseased and dangerous trees. (this plan is used in Ohio)*
 - *The city will remove all ash with greater than 30% decline in areas scheduled for upcoming tree planting; and remove all ash with greater than 30% decline in other areas when requested by citizens; and remove selected ash with less than 30% decline as part of structured removal goals to manage EAB. This policy is designed to slow the spread of EAB by reducing host trees, and by accelerating the inevitable removal of ash, will help spread out the program schedule and associated costs.*
 - *The city will adopt a “Wait and See Program” that removes only dead or dangerous ash or ash with greater than 30% decline at the request of a*

citizen. (Note: Leaving declining ash provides more hosts for EAB, enabling it to possibly spread more quickly. It also only delays the inevitable to an even larger program and financial liability of removing increasingly dying and dangerous trees in future years.)

- **Policies regarding nuisance / infested ash trees:**
 - **Declaration of Nuisance:**
 - *The (city forester/public works director) or his/her designee shall have the right to declare as a public nuisance any tree or shrub or part thereof, including firewood, existing anywhere in the city which is*
 - *Interfering with the use of any public area*
 - *Infected with a plant disease*
 - *Infested with insects or other vermin, or*
 - *Endangering the life, health or safety of other trees/shrubs, persons or property*
 - **Abatement of Nuisance:**
 - *No person shall permit any public nuisance as defined in subsection (__) of this section to remain on any premises owned or controlled by him within the City. Upon determination by the (city forester/public works director) or his/her designee that any nuisance tree or shrub, as herein defined, exists in or upon any private premises, he/she shall give written notice to the owner or tenant having charge of such premises to treat, remove or otherwise control such tree in such manner as will abate such nuisance. Within (fifteen/thirty) days after receiving it, the (city forester/public works director) or his/her designee shall cause the treatment, removal or other control of the nuisance tree. The expense thereof shall be assessed as a lien against the property for collection as other taxes...*
 - **Treatment of Public Trees:**
 - *(This ordinance authorizes treatment or removal)*
All trees, shrubs or parts thereof on public property shall be subject to treatment and/or removal when it is determined by the (city forester/public works director) or his/her designee that the trees or shrubs constitute an immediate or future health or safety hazard or when they have become unsightly, infested, diseased or dead. The (city forester/public works director) or his/her designee shall have the discretion to determine the most appropriate course of action to prevent or treat such conditions...
- **Policy regarding firewood movement:**

- *No person may possess firewood that originated from outside the borders of (define boundaries) in any (define area) campgrounds, park property, or private property. Firewood includes all wood, processed or unprocessed, intended for use in a campfire or for heating fuel use. Department staff may seize and dispose of firewood possessed in violation of this ordinance.*

PLANTING

- (Refer to Street Tree Master Plan)
- Revise Street Tree Master Plan to adopt / alter the policy of **(options:)**
 - Limit planting of monocultures of a tree species to a continuous stretch of no more than 3 blocks before changing.
 - Limit planting of monocultures of a tree species to a single block before changing.
 - Adopt a policy of complete diversity for any new planting on public boulevards – parks and parkways may be exempted for design aesthetic reasons. New Boulevard planting areas will be made up of multiple tree species, as determined by site conditions, to limit the risk of losing complete blocks of single specie trees in times of an invasive pest affecting a particular species.
- Compile a suggested tree species planting list

PESTICIDE CONTROL

- **Develop a policy for residents who wish to save a tree through chemical treatment with EAB pesticides:**
******(NOTE: SEE North Dakota’s current collaborative position statement regarding insecticide treatment for EAB)******
Pesticides known to control EAB, at least in the short term, are available. They may be a good alternative for individual trees such as in the case of a homeowner with one special tree. However, using pesticide treatments on a large-scale basis is evaluated as cost prohibitive (See EAB Cost Calculator, Purdue University) and scientific research is inconclusive as to the long-term survivability from using pesticides. In addition, negative environmental impacts of introducing EAB pesticides on a large scale are unknown.
 - *Authorization of treatment or removal of infested public trees: All trees, shrubs, or parts thereof on public property shall be subject to treatment and/or removal when it is determined by the (city forester/public works director) or his/her designee that the trees or shrubs constitute an immediate or future health or safety hazard or when they have become unsightly, infested, diseased or dead. The (city forester/public works director) or his/her designee shall have the discretion to determine the most appropriate course of action to prevent or treat such conditions.*

- **Application of pesticides by residents on their own private property trees:** *City Forestry staff will provide residents available information on EAB pesticides when requested, but will remain neutral on whether or not to use.*

- **Regarding residents who request a permit to chemically treat the public boulevard tree near their residence:** *City staff will inform residents of the city policy requiring an annual permit to chemically treat any public ash tree. Staff will then check the tree to see if it is worth pursuing. There is no cost to the citizen for the permit but it will require the hire of a licensed tree service that is bonded and insured, is a ND licensed commercial pesticide applicator using state approved pesticides only. Chemical treatment does not preclude future removal of said ash tree if deemed necessary by the City.*

- **Regarding the chemical treatment of public trees by the City:** *City forestry department will use EAB pesticides on a limited basis for targeted trees only. A contract will be established with a qualified vendor for the annual application of suitable EAB pesticides to public ash trees only when it is determined to be appropriate. Treatment will be limited to identified specimens or other ash deemed significant. These trees are anticipated to be very few in number and not found on boulevards.*

Sources/References:

2010 MN EAB Community Preparedness Manual
City of St. Paul EAB Management Program
Wisconsin DNR EAB Toolkit
Guidelines for Developing & Evaluating Tree Ordinances, ISA

Compiled by: NDUCEFA / EAB Response Plan Committee
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