

ORDINANCE NO. **159750** :

An Ordinance declaring Dutch Elm Infected Trees with Dutch Elm Disease a Nuisance and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, may serve as a breeding place for the European Elm Bark Beetle (*Scolytus Multistriatus*) and the native Elm Bark beetle (*Hylurgopinus rufipes*).
2. These beetles carry the spores of the fungus commonly known as Dutch Elm Disease.
3. The City Forester has determined that there is evidence that there may be an imminent outbreak of Dutch Elm Disease in the City of Portland.

NOW, THEREFORE, the Council directs:

- a. All species and varieties of elm trees (trees of genus *Ulmus*) infected with the fungus known as Dutch Elm Disease (*ceratocystis ulmi*) as determined by laboratory analysis are hereby declared to be public nuisance.
- b. It shall be unlawful for any owner or lot or parcel of land in the City to permit or maintain on any such lot or parcel of land, any elm tree or dead elmwood which is a public nuisance, and it shall be the duty of any such owner to promptly remove any such elm tree or dead elmwood under the supervision and direction of the Superintendent of Parks or his duly authorized representative.
- c. The Superintendent of Parks and Recreation may enter premises for inspection in order to carry out this purpose and to implement the enforcement thereof, the Superintendent or his duly authorized representative is hereby authorized and empowered to enter upon any lot or parcel of land in the City between the hours of seven o'clock (7:00 a.m.) and five o'clock (5:00 p.m.) for the purpose of inspecting any elm tree or dead elmwood situated thereon, and the Superintendent or his duly authorized representative may remove such specimens from any such trees as are required for the purposes of the laboratory analysis referred to, or to determine whether such tree because it is dead or substantially dead, may serve as a breeding place for the European Elm Bark Beetle or the native Elm Bark Beetle.

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- d. If, on laboratory analysis of specimens removed from any elm tree by the Superintendent or his duly authorized representative, it is determined that such tree is a public nuisance, or the Superintendent determines that any dead or substantially dead elm trees or dead elmwood is a public nuisance, as provided herein, the Superintendent shall serve or cause to be served upon the person that is the owner of the lot or parcel of land on which such trees or dead elmwood is located, a written notice requiring such owner to comply. If the person upon whom such notice is served fails, neglects or refuses to remove and destroy, and properly dispose of, such elm tree or dead elmwood within fifteen (15) days after service of such notice, the Superintendent or his duly authorized representative may proceed to remove and dispose of such tree or dead elmwood and assess the cost thereof against the owner of such lot or parcel of land, and the amount of such cost shall be paid by such owner.
- e. If the City removes from any lot in the City, any infected elm tree which is a public nuisance or any dead or substantially dead elm tree or dead elmwood which is a public nuisance, the assessment of the cost of the work done by the City against the owner of the lot or parcel of land involved shall be in addition to the penalties imposed for any violation or noncompliance.
- f. Service of notice provided for herein shall be first by certified mail, addressed to said owner at his last known address. Upon proof of unsuccessful mail delivery, notice shall be served personally by duly authorized representatives of the Superintendent of Parks. Upon unsuccessful personal service, there shall be one publication in a newspaper or general circulation in the City.

Section 2, the Council declares an emergency exists because the City Forester has determined danger of an immediate outbreak of Dutch Elm Disease in the City of Portland; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 10 1987

Commissioner Mike Lindberg
Alex Wynstra:ak
June 10, 1987

BARBARA CLARK

Auditor of the City of Portland

By

Edna Cerera Deputy

Calendar No. **S-868**

ORDINANCE No. 159750

Title

An Ordinance declaring Dutch Elm Infected Trees with Dutch Elm Disease a Nuisance and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BLUMENAUER	✓	
BOGLE	✓	
KOCH	✓	
LINDBERG	✓	
CLARK		

FOUR-FIFTHS CALENDAR	
BLUMENAUER	
BOGLE	
KOCH	
LINDBERG	
CLARK	

Filed **JUN 10 1987**

BARBARA CLARK
Auditor of the CITY OF PORTLAND

By *Nancy Dunford*
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER

Affairs *MDL*
Finance and Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau: Parks and Recreation

Prepared By: A. Wynstra Date: June 10, 1987

Budget Impact Review: Not required

Bureau Head: Cleve Williams

CALENDAR	
Consent	Regular XX

NOTED BY

City Attorney

City Auditor

City Engineer