

**CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 5, CHAPTERS 8  
AND 9 RELATED TO ABATEMENT OF DISEASED AND HAZARDOUS TREES**

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THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS  
FOLLOWS:

**Section One. Amendment.** Title 5, Chapter 9, Section 2 of the Inver Grove Heights City Code is hereby amended to include the following language:

T. Diseased trees, hazardous trees, or hazardous wood which constitute a public nuisance under Section 5-8-4 of this code.

**Section Two. Amendment.** Title 5, Chapter 8, Section 4 of the Inver Grove Heights City Code is hereby amended as follows. The new language is shown underlined:

**5-8-4: NUISANCES DECLARED AND PROHIBITED**

A. Nuisances Declared: The following items are hereby declared to be public nuisances: when found within the control zones between April 1 and September 15:

1. Any hazardous tree. A hazardous tree is defined as a tree which has structural defects in the roots, stem, and/or branches that are likely to cause the tree or tree part to fall, and such fall could cause property damage or personal injury.
2. Any diseased tree. A diseased tree shall mean any of the following when found within the control zones between April 1 and September 15:
  - a. Any living or standing elm tree, or part thereof, infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau.
  - b. Any elm tree or part thereof suffering from dieback or any other disease or harmful condition which, in the opinion of the city forester or his agents, renders that tree or any parts thereof possible breeding or harboring sites of the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh).
  - c. Any red oak tree or part thereof exhibiting wilting to any degree in July or August, this wilt caused by the oak wilt fungus *Ceratocystis fagacearum*. Red oak trees affected at other times and white oaks with

root systems in contact with other trees of the same species are also hereby declared nuisances.

- d. Any ash tree that is diseased with the emerald ash borer that poses or threatens to pose a danger to person or property by reason of potentially falling or loss of tree limbs in the opinion of the city forester or the city forester's designee or is otherwise subject to a directive for removal from the Minnesota department of agriculture or other state agency.
- e. ~~Elm trees, oak trees or ash trees or parts thereof as described in subsections A1 through A4 of this section, hereby shall be termed hazardous trees and portions.~~

3. Any hazardous wood. Hazardous wood shall mean any of the following when found within the control zones between April 1 and September 15:

- a. Any dead elm tree, standing or fallen, or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been completely removed. Red oak wood not covered by a plastic tarpaulin during May and June, ~~is also hereby declared a public nuisance.~~ Any dead ash tree, standing or fallen, or part thereof, including logs, branches, stumps, firewood or other ash material that is not handled consistent with guidelines issued by the Minnesota department of agriculture or other state agency, as amended from time to time. ~~Such nuisances are hereby termed hazardous wood.~~

**Section Two. Amendment.** Title 5, Chapter 8, Section 6 of the Inver Grove Heights City Code is hereby amended as follows. The new language is shown underlined and the deleted language is shown with ~~strikethrough~~:

**5-8-6: ABATEMENT PROCEDURE:**

A. Methods Of Abatement: In abating the nuisances of diseased or hazardous trees and portions and hazardous wood, the landowner shall, and upon his failure to do so, the forester may, abate the public nuisance and cause the infected tree or wood or hazardous tree or portion thereof to be sprayed, removed, burned, disposed of or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the Dutch elm disease fungus, the oak wilt fungus, the elm bark beetles and/or emerald ash borers, or, in the case of a hazardous tree, to remove the hazardous tree. 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 and shall be termed proper disposal.

B. Abatement In Control Zones: When the forester finds with reasonable certainty that the Dutch elm disease fungus, the oak wilt fungus, elm bark beetles, or emerald ash borers exist in any tree or wood in the control zones, that hazardous wood exists within the control zones, or that a hazardous tree exists on any property at any time, the abatement procedures detailed in Section 5-9-6 shall be followed. If the City abates a

diseased tree, hazardous wood, or a hazardous tree, the City may assess the costs of the abatement pursuant to Minnesota Statutes Sections 429.101 and 18G.13 following the procedures in Section 5-9-6. procedure shall be as follows:

— 1. ~~Notice To Abate: For hazardous wood or hazardous trees and portions found on private property, the property owner shall be given no more than fourteen (14) days for proper disposal from the date of notification. Within said fourteen (14) days, the property owner shall complete proper disposal of the nuisance. Notification shall be given in writing and shall be made either by personal service on the landowners and occupants or by mailing the written notice to them. If service is by mail, the owners shall be those shown on the records of the county treasurer. Notice shall be complete upon mailing.~~

— 2. ~~Failure To Abate; Abatement By City; Costs: Failure to abate the nuisance (or properly dispose of the hazardous wood or hazardous trees and portions) by the property owner within the time limit stated shall authorize the city forester to have the nuisance abated. The city may then charge all costs of abatement to the property owner and bill him directly. If the landowner does not pay the bill, the monies due may be assessed. Failure by the property owner to abate the nuisance within the time specified above is a violation of this chapter and shall be punishable as a misdemeanor. Further, the city may enforce this chapter by injunction or by any other legal remedy.~~

— 3. ~~Record Of Costs: The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the finance department and clerk all work done for which billings and assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.~~

— 4. ~~Assessment Of Costs: On or before September 1 of each year, the clerk and finance department shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this chapter. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota statutes section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.~~

— C. ~~Payment Of Abatement Costs: The payment of monies owed to the city for the abatement of nuisances (as described in subsection 5-8-4A of this chapter) from private property shall be handled in the following manner:~~

— 1. ~~All expenses shall be kept by the city forester and submitted to the finance department and clerk. Individual bills shall be sent to the property owner stating the work done and the amount owed.~~

— 2. ~~Payment shall be due on the entire amount owed within thirty (30) calendar days from the date of the bill.~~

— 3. ~~After the passage of the original thirty (30) days, the city may assess the remaining amount due pursuant to Minnesota statutes sections 429.101 and 18G.13.~~

**Section Three. Effective Date.** This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
Brenda Dietrich, Mayor

ATTEST:

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Rebecca Kiernan, City Clerk