

IMPORTANT OAK WILT INFORMATION

In an effort to maintain the beauty Garden Ridge enjoys from its numerous oak trees and to prevent and combat the spreading of destructive oak wilt, the City Council approved Ordinance 71-032014 on March 5, 2014. The complete ordinance can be viewed on the Garden Ridge website at www.ci.garden-ridge.tx.us. Important excerpts from Ordinance 71-032014 follow for citizen convenience.

1.02 - PROHIBITIONS

Any person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any type of business entity which causes a wound to an oak tree, whether from ground- maintenance equipment, trimming, cutting or pruning shall paint the wound immediately after the cutting, trimming, pruning or wounding of the tree with opaque paint to prevent contact with contaminated nitidulid beetles. Painting of oak roots is required by contractors making underground utility cuts and excavations where there are live oak roots larger than the size of a dime.

1.03 - PERMITTING

No person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any type of business entity shall trim, prune or remove any oak tree within the City between **February 1 and July 1** of each year without having first obtained a permit from the City Administrator. Permits shall be issued without charge. Permits shall be effective for thirty (30) days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

1.04 - EXCEPTIONS

A permit is not required and it is not a violation of section 1.02 to completely remove damaged or dead oak trees from a property.

A permit is not required to immediately trim an oak tree because of an act of God or an accident which has caused damage to the tree and immediate trimming is necessary to protect an individual's safety or property.

2.01 - NUISANCE DEFINED

Any oak tree or part thereof which is infected by a lethal communicable disease that is likely to spread to other trees, including but not limited to oak wilt, dead oak trees, oak firewood and other wood from oak trees that are infected with oak wilt are hereby declared a public nuisance, pursuant to Chapter 342 of the Texas Health and Safety Code.

3.01 - ABATEMENT OF NUISANCE BY OWNER OR OCCUPANT

It shall be unlawful for any person, owner or occupant having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limit of the city to permit or maintain on any such lot, tract or parcel, any oak tree or part thereof which is a nuisance and it shall be the duty of such person, owner or occupant to promptly remove, eradicate or otherwise control such condition and dispose of it as recommended by the Texas Forest Service.

Upon discovery of an infected oak tree the owner or occupant having supervision or control of the property shall:

- a. Flag trees affected to facilitate relocating
- b. Report finding to City Administrator
- c. Act immediately to treat or remove affected oak tree(s).

3.02- ABATEMENT OF NUISANCE BY CITY

d. City to Cause Removal and Disposal of Nuisance

Should the property owner fail to abate the public nuisance or appeal the notice of nuisance within ten (10) days following the receipt of notification, the City shall have the right to cause the removal and disposal of the diseased trees or parts thereof. The full cost of such removal and disposal shall be assessed to the property owner. Should the property owner fail to pay the City within thirty (30) days from the date of invoicing the City may, at its discretion, file a lien against the property in the amount of all costs incurred by the City, plus interest. The assessment of expenses and lien shall follow the procedures established in Chapter 342, Tex. Health & Safety Code.

SECTION 4 - PENALTY FOR VIOLATIONS

It shall be unlawful for any person, company, corporation or conglomerate to do any act forbidden by this Ordinance or fail to perform any act or operation required by this Ordinance. Violations of this Ordinance are punishable with a fine of up to, but not to exceed one thousand (1,000) dollars, with each day after notification of violation persists being considered a new and separate offense.

To learn more about Oak Wilt and the prevention of Oak Wilt please visit the Texas Forest Service's website at <http://texasforests-service.tamu.edu/main/popup.aspx?id=1648>