

# **Request for City Council Committee Action**

Date: October 5, 2009

To: The Honorable Scott Benson, Chairperson

**Health, Education and Environment Committee** 

Referral to: Public Safety and Regulatory Services Committee

Subject: Proposed ordinance changes to mitigate Emerald Ash Borer

#### Recommendation:

 Amend Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to License and Business Regulations: Tree Servicing - to include the application of pesticides to trees in the definition and list of services requiring a tree-servicing license.

- Amend Title 15, Chapter 399 of the Minneapolis Code of Ordinances relating to Offenses: Dutch Elm Disease - to include any invasive tree pest.
- Amend Title 8, chapter 160 of the Minneapolis Code of Ordinances relating to Consumer Protection: Weights and Measures regulating the sale, transportation, or storage of elm wood - to include ash wood and other wood infected or infested with an invasive tree pest.

### **Previous Directives:**

August 28, 2009: City Council approved the following staff direction:

To prepare recommendations for the adoption or amendment of city ordinances to allow for mitigation of emerald ash borer and to amend Chapter 347 of Minneapolis Code of Ordinances to require a tree-servicing license for individuals or companies that inject pesticides in trees. Report back to the Health, Energy & Environment Committee on or before November 2, 2009.

- September 18, 2009: ordinance introduction and referral to Health, Education and Environment Committee
- September 21, 2009: The HEE Committee voted to set the public hearing on the proposed ordinance changes for October 5, 2009.

### **Department Information**

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Approved by: Paul Ostrow, 1st Ward City Council Member, 612-673-2201

Presenter in Committee: Ricardo Cervantes, Regulatory Services, 612-673-5857

Financial Impact: No financial impact

## **Supporting Information:**

Since the discovery of Dutch Elm Disease in Minneapolis in the 1960's and 1970's, several other non-native tree pests have been introduced to the United States and threaten the existence of public and private trees. The Emerald Ash Borer (EAB) was discovered in St. Paul in May 2009. EAB attacks and kills ash trees. The 200,000 ash trees in Minneapolis and the 900 million ash trees throughout the state are at risk. In an effort to control the spread of EAB, the State of Minnesota imposed a quarantine in Hennepin and Ramsey Counties, restricting the removal of ash wood from those counties.

Current Minneapolis ordinances pertain only to Dutch Elm disease and do not allow the city to abate or mitigate EAB or other destructive tree pests. The proposed ordinance amendments would enable the City and the Park Board to respond when EAB is inevitably discovered in Minneapolis. The Minneapolis City Attorney's office worked with an attorney for the Minneapolis Park and Recreation Board on the proposed changes.

- Chapter 399: The proposed changes broaden the ordinance to include tree pests in general diseases, insects, and other living agents that can overtake trees. The current ordinance applies only to Dutch Elm Disease.
- Chapter 347: The proposed ordinance change adds pesticide application to the list of services requiring a tree-servicing license. Currently, "tree-servicing" includes felling, grinding, chipping, cutting, trimming, removal or hauling from the city of trees, limbs, branches, stumps or roots which are two (2) inches or more in diameter at the point of cutting or contact.
- Chapter 160: Dutch Elm Disease and Emerald Ash Borer hitchhike under the bark
  of firewood. When firewood is moved, so are the pests. The current ordinance
  regulates the storage, sale, and transportation of only Elm wood. The proposed
  amendment would expand the definition to include ash wood and the wood of other
  infested or infected trees.