

- (4) A statement as to the charges to be made by the city, on an hourly basis or otherwise, with reference to the correction of the nuisance shall be presented by the city manager at the hearing. Other information deemed appropriate relative to the method of computing the charges shall be set forth.

(Ord. No. 344, § 2, 9-12-94)

Sec. 70-28. Payment of bills.

If the property owner fails to abate the conditions as set forth in the notice of violation under this article and within the prescribed time limit, or fails to appeal the notice of violation to the city council, or the appeal is denied by the city council, the city shall forthwith proceed to have the condition removed. The property owner shall be billed for having the condition removed at a rate to be established by resolution of the city council. If payment is not tendered, the charge plus any late payment penalties established by council resolution shall be placed upon the tax roll of the city and collected in the same manner as property taxes duly assessed.

(Ord. No. 344, § 3, 9-12-94)

Sec. 70-29. Violation of article constitutes civil infraction.

Violation of the foregoing sections of the City Code, to wit: sections 70-27 and 70-28 by failure to abate the conditions set forth in the notice of violation, within the prescribed time limit resulting in removal of the condition by city forces shall constitute a civil infraction subject to sections 1-14 and 1-15; provided, however, that such responsibility for a civil infraction shall exist upon the third and all subsequent incidents of violation. The property owner as disclosed by the tax rolls shall be the party responsible for the civil infraction.

The progressions of fines as set forth in section 1-15 shall apply, but the third violation, as aforesaid, shall constitute the first offense for the purposes of section 1-15.

(Ord. No. 06-03, § 1, 11-13-06)

Secs. 70-30—70-50. Reserved.

ARTICLE III. TREES

Sec. 70-51. Dutch Elm Disease declared public nuisance.

Trees of all species and varieties of elm, zelkova and planera affected with the fungus *Ceratostomella ulmi*, as determined by laboratory analysis, are hereby declared to be a public nuisance, and shall be removed within ten days following notification of the discovery of such infection. It shall be unlawful for any person being the owner of property whereon such a tree is situated, to possess or keep such a tree after the expiration of ten days following notification of the discovery of the infection.

(Ord. No. 118, § 1, 8-14-67)

Sec. 70-52. Infected trees prohibited.

Trees or parts thereof of elm, zelkova or planera in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle, Scolytus Multistriatus, are hereby declared to be public nuisances, and it shall be unlawful for the person owning property whereon they are situated to possess or keep them.

(Ord. No. 118, § 2, 8-14-67)

Sec. 70-53. Inspection of premises.

The city director of public works is charged with enforcement of this article and to that end may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not they are infected. It shall be unlawful for any person to prevent the director entering on private property for purposes of carrying out his duties under this article, or to interfere with the director in the lawful performance of his duties under the provisions of this article.

(Ord. No. 118, § 3, 8-14-67)

Sec. 70-54. Notice of disease.

If trees on private property are found to be infected, the city manager shall give to the owner of the premises where such trees are situated written notice of the existence of such disease, and requiring the removal of the trees within a period of ten days following the notice, such removal to be under the direction and supervision of the city manager. Such notice shall also notify the owner of the premises that unless the tree is removed in compliance with the terms of this article within such ten-day period, the city will proceed with the removal of the tree, and assess the cost thereof against the property in accordance with the provisions of chapter 54 of this Code. Removal of such trees is hereby deemed necessary for the benefit and protection of the public health, welfare and safety, and the assessment shall be and shall remain a lien upon such lot, block or premises until it is paid, the same as all assessments.

(Ord. No. 118, § 4, 8-14-67)

Sec. 70-55. Service of notice.

Service of the notice prescribed in section 70-54 shall be by personal service where the owner of the premises is a resident of the city, if such service can be conveniently and expeditiously made. In all other cases, the notice shall be given by mailing by certified mail, return receipt requested, addressed to the owner at the address shown on the tax records of the city and by posting a copy of the notice on the premises. The tax records of the city shall mean the last assessment roll for ad valorem tax purposes which has been reviewed by the board of review, as supplemented by any subsequent changes in the names and addresses of such owner listed thereon.

(Ord. No. 118, § 5, 8-14-67)

Sec. 70-56. Duty of owner to remove diseased trees.

It shall become the duty of the owner of the premises after receiving notice pursuant to this article to cause such tree to be removed, under the direction and supervision of the city manager, or his authorized designee. If the city shall remove any tree, all expenses incurred in connection therewith shall be reported to the city council, for assessment against the lands whereon the tree was situated, in accordance with the provisions of chapter 54 of this Code. (Ord. No. 118, § 6, 8-14-67)

Sec. 70-57. Public trees.

Diseased trees on public lands within the city shall be removed at the expense of the city. (Ord. No. 118, § 7, 8-14-67)