
§ 91.09 OAK WILT.

- (E) City Sponsored Replacement Program and Oak Wilt Abatement and Prevention Efforts:
- (1) The City shall appropriate funds as deemed appropriate by the City Council for Oak Wilt suppression on private and public lands within the City limits. Funds for this effort will come from the Oak Wilt Containment budget.
 - (2) The City has no obligation to pay for preventive measures on any private property. However, to encourage participation by property owners, the City may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.
 - (3) The City may enter into an agreement with the property owner(s) for cost-sharing of trenching or removal of dead oaks.
 - (4) The City may enter into an agreement with the property owner(s) for cost-sharing of replacement trees for Protected and Heritage trees lost to Oak Wilt. Residents are encouraged, but not required, to replace trees lost by Oak Wilt.
 - (a) The City will offer to cover 50 percent of the cost of the replacement tree, or up to \$600.00 in matching funds, to replace any protected or heritage tree that has died or must be removed due to Oak Wilt as diagnosed by a certified arborist and confirmed by the City.
 - (b) Trees smaller in diameter and younger in age than a designated protected or heritage tree but afflicted by Oak Wilt as diagnosed by a certified arborist and confirmed by the City, will be grouped into sets of five to determine a funding match from the City; for every five smaller trees a resident may receive \$600.00 and for every three smaller trees a resident may receive half value at \$300.00 in matching funds.
 - (c) The resident will be reimbursed upon the confirmed planting of the replacement tree. Trees must be planted in the fall, not during a drought, and the resident must provide an exact match of funds from the City to purchase a tree of advanced age and suitable durability to survive transplantation.
 - (d) The City will not cover costs to plant the tree and no portion of the match funds may be used for planting services. The match funds shall be solely used for the purchase of the tree.
 - (e) Trees selected for planting may not be susceptible to Oak Wilt and residents should reference the Texas A&M Forrest Service guidelines for appropriate trees to plant to in this area that Oak Wilt cannot infect.
 - (f) Residents that show proof the replacement tree planted has survived after three years will receive an additional \$100.00 per tree. This must be documented via photos and the tree must still be alive and thriving at the time the City sends out a representative to confirm in person.
- (F) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.
- (G) If an owner of any private land, regardless of zoning or development status, fails to remove, trench, and treat confirmed Oak Wilt then the City may remove the trees at the owner or responsible person(s) expense and may impose additional fines as described in this chapter.

(Ord. No. 22-313, § 2, 8-10-2022)