

TOWN OF BELLE PLAINE  
ORDINANCE NO. 33-94  
RELATING TO CONTROL OF OAK WILT FUNGUS

WHEREAS, it is the public interest for protection of public and private property to control the spread of oak wilt a/k/a Ceratocystis Fagacearum.

WHEREAS, the spread of oak wilt fungus is believed to be increased by cutting and pruning oak trees between April 1 to October 1 of each year.

NOW THEREFORE, the Town Board of Supervisors of the Town of Belle Plaine, Shawano County, does ordain as follows:

SECTION 1 - TITLE.

This ordinance shall be named the Oak Wilt Fungus Control Ordinance.

SECTION 2 - DEFINITIONS.

"Oak wilt fungus" a/k/a Ceratocystis Fagacearum is a disease of oak trees carried by way of grafted root systems between infected and healthy trees or by insects carrying spores.

SECTION 3 - PROHIBITIONS OF TRIMMING, CUTTING OR PRUNING OAK TREES FROM APRIL 1 TO OCTOBER 1 OF EACH YEAR.

No person shall trim, cut or prune any oak trees in the Town of Belle Plaine between April 1 to October 1 of each year without obtaining a written permit from the Town Clerk, except a person may girdle and/or trench an infected tree to prevent the spread of the disease.

SECTION 4 - PROHIBITION OF TRANSPORTING ANY INFECTED OAK WOOD OR BARK INTO OR THROUGH THE TOWN OF BELLE PLAINE.

No person shall transport any oak wood or bark infected with oak wilt fungus into or through the Town of Belle Plaine for one year following cutting of said wood, except a person may transport infected wood to the burnsite designated by the Town Board upon a permit issued under this Ordinance for transportation of such wood during scheduled hours of the burnsite.

SECTION 5 - HANDLING OF INFECTED OAK WOOD OR BARK.

Any infected tree that has been cut or damaged must be cut for firewood length and piled. Further, the infected wood shall be completely enclosed with a plastic tarp or stored indoors in a closed building, either method being for at least a year following cutting.

SECTION 6 - PERMIT PROCEDURE.

Any person seeking a permit from the Town Clerk to trim, cut or prune any oak trees in the Town of Belle Plaine or transport infected wood or bark to the Town of Belle Plaine burnsite between April 1 to October 1 shall submit a written statement of certified forester stating that the oak trees proposed to be trimmed, cut or pruned are not infected with oak wilt fungus or in the proximity of any oak trees which are infected with oak wilt fungus which would promote the spread of the disease. The written statement must be dated within 15 days of application to the Town Clerk.

SECTION 7 - PERMIT ISSUANCE.

Upon application for a permit with proper written statement of a certified forester, the Clerk may issue a permit to trim, cut or prune and/or transport to the Town of Belle Plaine burnsite the specific oak trees named in the application. The permit shall allow trimming, cutting or pruning within 20 days of issuance of the permit. Any person cutting, trimming or pruning oak tree(s) as authorized by permit under this ordinance shall promptly seal the wound with tree wound dressing including the stump.

SECTION 8 - PENALTY.

Any person who shall trim, cut or prune any oak tree in the Town of Belle Plaine between April 1 to October 1 without a permit or shall transport into or through the Town any oak wood or bark infected with oak wilt fungus shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 together with costs of prosecution as allowed and in default of payment shall be imprisoned in County Jail until both costs and forfeitures are paid, but not exceeding 60 days. Each tree or portion thereof cut in violation of this ordinance constitutes a separate offense. Whenever a complaint is filed on behalf of the Town of Belle Plaine and the Court deems it appropriate, an injunction may be authorized to prohibit future conduct in violation of this Ordinance.

SECTION 9 - ENFORCEMENT BY CITATION PROCEDURE.

This Ordinance may be enforced by means of the citation procedure set forth in Town of Belle Plaine Ordinance No. 26, or its successor. Any designated town enforcement officer may issue citations. The schedule of deposits for violation of this Ordinance is as follows:

- First Violation \$75.00 plus court costs plus \$25.00 per tree.
- Second Violation (within three years): \$125.00 plus court costs plus \$25.00 per tree.

SECTION 10 - SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 11 - EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and publication as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town of Belle Plaine Board on the 7th day of March, 1994.

Harold L. Polzin  
Harold L. Polzin, Clerk

Alvin Bartz  
Alvin Bartz, Chairperson

J. C. Eckers  
J. C. Eckers, Supervisor

Floyd Luedtke  
Floyd Luedtke, Supervisor