

Sec. 2-5. Prevention and control of the spread of oak wilt.

- (1) *Definitions.* Words used in this section and not defined in the section shall have their ordinarily accepted meaning. For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Oak wilt: A vascular disease. The fungus responsible, *Ceratocystis fagacearum*, invades the water conducting tissues of oak roots, trunks, and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

Wounds: Damage to the exterior of trunks, limbs and root systems of oak trees that expose sapwood.

- (2) *Oak wilt prevention.*

(a) *Controls.*

1. Oak trees of any type that are growing within the corporate limits of the City of Boerne, Texas, may be cut or trimmed at any time of the year provided that all wounds to the oak tree shall be painted within one (1) hour of the cutting, trimming, or other wounding of the oak tree to prevent contact with contaminated nitidulid beetles.

2. Anyone identifying an oak tree within the corporate limits of the municipality to infected or suspected of being infected with oak wilt should report the tree location to the city manager or his designated representative without delay. The city manager or his designated representative will promptly contact the Texas Forest Service and request confirmation of the diagnosis of oak wilt.

- (b) *Penalty.* Any person, firm, corporation, utility or business entity that violates any provision of this section shall, upon conviction, be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 2004-35, §§ 2--4, 8-24-04)