

ARTICLE 8.900 SOUTHERN PINE BEETLE INFESTATION

(a) Any pine tree within the city limits of the City of Hunters Creek Village, Texas, which is infested with the insect known as the Southern Pine Beetle, as determined by a representative of the city, a representative of the Texas Forest Service or an entomologist is declared to be a public nuisance. (Ordinance 298, adopted 5/17/77, Section 1)

(b) It shall be unlawful for the owner of any lot or parcel of land within the city to permit or maintain on any such lot or parcel of land any pine tree infested with Southern Pine Beetles; and it shall be the duty of the owner of any such lot or parcel of land upon which is situated a pine tree infested with Southern Pine Beetles to abate such infestation and public nuisance either by chemical treatment of the bark of such tree or by the felling of such tree and subsequent chemical treatment of its bark, whichever shall be required. (Ordinance 298, adopted 5/17/77, Section 2)

(c) The city building inspector and such other officers, employees and agents of the city as may be designated by the city council are authorized and empowered to enter upon any lot or parcel of land within the city at any reasonable time for the purpose of inspecting any pine tree situated thereon and may remove or cause to be removed a portion of the bark to determine if such tree is infested with Southern Pine Beetles. Before entering upon any lot or parcel of land for such purpose, the city building inspector or other representative of the city shall make reasonable effort to contact the owner of such lot or parcel of land and advise such owner of the purpose and approximate time of such proposed entry and inspection. (Ordinance 298, adopted 5/17/77, Section 3)

(d) It shall be unlawful for any person to prevent or attempt to prevent the city building inspector or other person designated by the city council from entering upon any lot or parcel of land in the city for the purpose of making the inspection described in subsection (c) hereof or from performing any other duties prescribed by this article. (Ordinance 298, adopted 5/17/77, Section 4)

(e) If, from an examination of a pine tree or a bark sample removed therefrom by the city building inspector or other person with entomological competence designated by the city council, it is determined that the tree is infested with Southern Pine Beetles, the city building inspector shall serve or cause to be served upon the owner of record of the lot or parcel of land upon which such tree is situated a written notice requiring such owner to comply with the provisions of this article. Such notice may be served in person or by registered or certified mail, return receipt requested. Such owner must comply with the provisions of this article, including but not limited to subsection (b) hereof, within ten days after receipt of such notice. (Ordinance 298, adopted 5/17/77, Section 5)

(f) Any person who violates any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.109 of this code. (Ordinance 298, adopted 5/17/77, Section 6)