

## **ARTICLE IV. OAK WILT PROTECTION**

### **Sec. 134-60. Intent and jurisdiction.**

It is the intent of this article to prevent and suppress oak wilt within the territorial city limits of New Braunfels.

(Ord. No. 99-13, 3-8-99)

### **Sec. 134-61. Definitions.**

*Oak wilt* means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

(Ord. No. 99-13, 3-8-99)

### **Sec. 134-62. Oak wilt suppression and pruning.**

All persons, corporations or governmental agencies engaged in the business of tree trimming shall attend a training class of approximately one hour on oak wilt and its control annually. This annual training class will be required in order to obtain an annual pruning license.

(Ord. No. 99-13, 3-8-99)

### **Sec. 134-63. License.**

- (a) The license required by this section shall be issued in the manner and form as specified by the tree and landscape board subject to the condition that the person or company has successfully answered 75 percent of the questions presented to him regarding knowledge of correct oak tree pruning procedures and methods of preventing oak wilt.
- (b) Training and testing shall be the responsibility of the tree and landscape board or its authorized agent with assistance from the Texas Forest Service and/or the Extension Service.
- (c) The applicant receiving a license shall pay an annual fee of \$25.00 beginning January 1 of each year to the City of New Braunfels subject to the approval of the tree and landscape board or its authorized agent. The applicant must meet the insurance coverage requirements set by the tree and landscape board. Each

license shall entitle the holder to conduct such business during the calendar year within which the license is issued.

- (d) Every license issued shall show on its face the types, classification, or kinds of services for which the license holder is authorized to perform. All motor vehicles and other special mobile equipment of any person or corporation issued a license used in conducting such a business shall be clearly identified with the name of the license holder and the license number.

(Ord. No. 99-13, 3-8-99)

**Sec. 134-64. Offenses.**

- (a) It shall be unlawful for any person, corporation or governmental agency to recklessly:
  - (1) Cut or wound any oak tree without administering a protective compound within one hour after the cut or wound is made.
  - (2) To possess oak wilt infected wood.
  - (3) To engage in trimming, repairing or treating oak trees for hire in the city without first obtaining an annual license from the city.
- (b) It shall be a defense to prosecution for possession of oak wilt infected wood that the wood was originally from an oak tree naturally growing within the city limits.

(Ord. No. 99-13, 3-8-99)

**Sec. 134-65. Recommendations.**

The city council recommends that all the citizens of New Braunfels wrap all oak firewood in clear plastic from February 1 till June 1 each year to further prevent the spread of oak wilt.

(Ord. No. 99-13, 3-8-99)

**Sec. 134-66. Penalties.**

The violation of any provision of this article shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not less than \$150.00 dollars nor more than \$500.00.