

WHEREAS, the Amur Cork Trees (Phellodendron amurense, Phellodendron lavalleyi, and Phellodendron sachalinense) are known to be invasive trees that can seriously overrun forests; and

WHEREAS, because of its invasive nature governmental units, as the problem has been moving westward, including the state of Wisconsin, have prohibited sale of these trees; and

WHEREAS, the limited number of these identified in Northfield makes this the time to act and stop their spread here before the state requires it and the task becomes an expensive one; and

WHEREAS, at least three of these trees have been identified on public property within the City of Northfield.

Therefore, the Environmental Quality Commission urges the Northfield City Council to:

1. Amend the City ordinance Chapter 86 Article 1, Section 86.1 Noxious Weed and Invasive Species as specified below.
2. Direct the city staff to identify and remove these trees from public locations in as timely a manner as feasible to prevent the propagation of more trees.
3. Requests staff to notify the Park and Recreation Advisory Board, educate the public, inform area nurseries, and develop public relations means to help those affected by loss of the trees understand why they need to be removed.

## Chapter 86 - VEGETATION

### ARTICLE I. - IN GENERAL

#### **Sec. 86-1. – Weeds and Invasive Species.**

(a) The term "weeds," as used in this section means not only such noxious weeds as are enumerated in Minn. Stat. § 18.77 and acts amendatory thereto, but also such useless and troublesome plants as are commonly known as weeds to the general public. Weeds shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

(b) The term "invasive species" as used in this section are invasive species that are not native Minnesota and cause economic or environmental harm or harm to human health as defined by the MN Executive Order 13112. The city will maintain a list of invasive species. City staff and the Environmental Quality Commission can recommend species, but they can only be added to the invasive species list by a majority vote of City Council.

~~(b)~~(c) Any invasive species, weeds or grass growing upon any lot or parcel of land, excluding grass or forage crops used for agricultural purposes, planned landscaping purposes, and/or areas officially designated as wildlife areas, but including the lands between the curblineline of the street or alley and the property line of private properties, to greater height than one foot or are about to go to seed and are declared to be a nuisance and dangerous to the health, safety and good order of the city.

~~(e)~~(d) When any conditions exist on any lot or parcel of land within the city limits violative of subsection ~~(b)~~(c) of this section, it shall be the duty of the public works director/city engineer to serve a notice on the owner or occupant of the lot or parcel of land, ordering such owner or agent to have such invasive species, weeds or grass cut and ~~removed~~eradicated or the weeds sprayed within ten days after the service thereof. The notice shall also state that for noncompliance, the work will be done by the public works director/city engineer at the owner's expense. When such premises shall appear to be vacant and unoccupied or when the owner or occupant cannot be found, notice may be served by posting it upon the premises in a conspicuous place.

~~(d)~~(e) Upon the failure of the owner, occupant or agent to comply with the provisions of the notice and after the expiration of ten days, the public works director/city engineer shall cut and ~~remove~~ eradicate the invasive species, weeds or grass or spray the weeds and shall determine the cost thereof and charge the owner of the premises therewith and shall report the costs thereof to the council at the next regular meeting thereof, at which time any person objecting shall be heard.

~~(e)~~(f) If no objection is made or if the council shall find that the work was properly done, the amount of such cost shall be reported to the county auditor as for other special assessments, and the auditor shall cause the cost to be assessed, levied and collected in one payment, provided that within 30 days after the report of the public works director/city engineer is made to the council, the amount of such cost may be paid to the treasurer.

(Code 1986, §§ 1005:50—1005:70)

**State Law reference**— ~~Nuisance liability of agricultural operations, Minn. Stat. § 561.19.~~ Control or Eradication of Noxious Weeds, Minn. Stat. § 18.78(or 18.75-18.91)

**Rationale:**

The City has not had a means of controlling invasive species. This came to our attention the threat of Amur Cork Trees. Amur cork Trees have been found to be an invasive species capable of taking over forest lands. Nancy Braker, Director of the Carleton Arboretum, Carleton, has begun to witness this invasion, alerted the Environmental Quality Commission to it being a serious danger, and has seen to Carleton removing its original older, ornamental, fruit bearing examples from the campus proper along with hundreds of young trees the older ones propagated in the Arboretum. Wisconsin

(<https://dnr.wi.gov/topic/Invasives/fact/AmurCorkTree.html>) and some eastern states have designated it as a prohibited tree.

Over a century ago, many of the tree's features made it a welcomed ornamental tree in the U.S. Its popularity on boulevards spread from eastern states to midwestern ones before scientists recently became aware of how easily its seeds propagate resulting in it taking over forests. A male-only tree without seeds may not be a menace, so are allowed in some states. That complexity regarding the danger of seed-bearing trees has limited the prohibition of the tree in more states. At the recommendation of Nancy Braker, we urge the simple prohibition of the tree because its sex is hard to determine in young trees and the tree appears to be able to alter its sex. Prohibiting the tree in Northfield and working to eradicate it would be the best practice given that a single tree normally produces thousands of seeds each year.

Braker knows of 2 Amur Cork Trees in the boulevards along 4th and Oak (one of which may be an older male tree), and 1 in Central Park (likely an older male). There are likely more throughout the city. Tree surveys should be checked, and staff should be on the lookout for this tree. Older, male trees are a lower priority; the other examples should be removed as soon as feasible.

City staff should work closely with people impacted by this. Staff should: 1) provide sound, sympathetic information well in advance of removal about why a tree will be taken down; 2) make suggestions for replacing the tree; 3) let them know what trees would be better ones (based on the city's urban forest goals and options serving residents' likely interests); 4) inform them how the size and good planting practices of a replacement tree matters; 5) inform them what initial care is good for a replacement tree; 6) etc. Good communication might also include putting a notice about the removal of a tree in a park. This could include the reasons for it being cut down, information on how people can donate for a replacement, or at least information that the tree will be replaced.