

**THIS ORDINANCE NEEDS TO BE REPEALED**

ORDINANCE #

TOWN OF HANOVER

ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

**CONTROL OF DUTCH ELM DISEASE**

1. Declaration of Purpose: The Board of Selectmen recognize the aesthetic value of elm trees to the Town of Hanover. Such trees make a substantial contribution to the attractive appearance of our community. In order to preserve and protect these valuable trees, it is determined to be necessary to provide for the spraying, feeding or the removal or pruning and limbing of diseased elm trees located on both public and private property as part of the Dutch Elm Disease Program. Unless the Town requires sanitation which involves the elimination of diseased elm wood, all other supplemental control measures will be ineffective.

2. Title: This Ordinance shall be known and may be cited as the "Control of Dutch Elm Disease Ordinance of the Town of Hanover."

3. Authority:

4. Control Area. This Ordinance shall apply to elm trees located on public and private property within the area of the Town as shown on the attached map marked Appendix A and made a part of this Ordinance. (Hereinafter referred to as the "control area".)

5. Administrator. The Manager shall appoint a person to administer the sanitation program required under this Ordinance. The Administrator shall have the right to enter on private property for the purpose of performing the duties hereinafter set forth. In the event that the Administrator is refused an entry, then the Administrator shall have the right to apply for a search warrant as provided under law so as to carry out such duties.

6. Diseased Elm Trees on Town Property and/or Rights-of-Way. The Administrator shall prepare an inventory of all elm trees located on Town property and/or rights-of-way and shall schedule the spraying, feeding or removal or pruning and limbing of any such elm trees as may be required under the appropriate sanitation procedure. Such control measures shall be coordinated with all other appropriate Town Departments and Agencies through the Manager. Continual inspection of elm trees listed on the inventory will be as required under the control program.

7. Diseased Elm Trees on Private Property. It is necessary to apply sanitation procedures to diseased elms on private property otherwise all other control procedures will be useless because the Dutch Elm Disease will continue to spread to trees on Town and other private property.

- A. Inventory. The Administrator shall prepare an inventory of all elm trees on private property in the control area.
- B. Determination. The Administrator shall determine which elm trees on this private inventory require sanitation measures, removal or maintenance.
- C. Notices. The private landowner shall be given a written notice of such measures that the Town intends to take as may be required in the opinion of the Administrator. The notice will be delivered or mailed by first class mail to the landowner. Notices to non-resident landowners will be by certified mail, return receipt requested. In any such notice the Administrator shall indicate the action described therein to be carried out by a specific date but not before the expiration of 30 days from the date of the notice. The notice will include a statement that all costs will be paid by the Town.
- D. Expense. The expense of the control measures as set forth in this Ordinance shall be borne by the Town to the extent that funds are made available as appropriated by the Town at the Annual Town Meeting.
- E. Enforcement and Penalty. The Manager, with the advice of the Administrator, shall initiate action against any person who does not comply with any notice or order given hereunder by filing a complaint in the Hanover District Court or taking such other action as may be available either at law or in equity in any court. The penalty for the violation of this ordinance shall be a fine not to exceed \$100 and each day that a person is found to be in violation may be considered a separate offense.

7. Diseased Elm Trees on Private Property (continued)

F. Emergency Procedures. If the Administrator determines that emergency sanitation procedures must be taken immediately as to elm trees located on private property then the Administrator shall have the authority to cause such sanitation measures to be taken without complying with the procedures set forth in Paragraph 7 A-C above, with the approval of the Manager.

8. Records. In addition to maintaining an Elm Tree Inventory of all public and private elms in the control area as defined by Appendix A, the Town Manager will maintain records of the control measures taken on each tree and their results and he will annually prepare an analysis of the effectiveness of the program to be presented to the Selectmen and the public.

9. Effective Date. This Ordinance shall become effective after approval by the Board of Selectmen and on the next day following the publication of this Ordinance in the newspaper "Valley News".

10. Expiration Date. This Ordinance shall expire three years from the effective date unless readopted prior thereto.  
Adopted May 7, 1979.

**Attached is a copy of a map.**

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