

## Chapter 102 VEGETATION\*

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\***Cross references:** Buildings and building regulations, ch. 14; mobile homes, ch. 54; parks and recreation, ch. 62; planning, ch. 66; nuisance trees, § 70-41 et seq.; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; zoning, ch. 106.

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### ARTICLE I. IN GENERAL

#### **Sec. 102-1. Damage to vegetation.**

No person shall injure, break, remove or mutilate any tree, shrub, plant or flower in or on a pleasure drive or boulevard in the city.

(Code 1983, § 8.11(2))

#### **Sec. 102-2. Weed commissioner.**

- (a) *Appointment.* The mayor shall appoint, annually, a weed commissioner, and shall report the name of such appointee to the state department of agriculture on or before May 15 in each year.
- (b) *Duties.* The weed commissioner shall have such duties as provided in Wis. Stats. § 66.98.

(Code 1983, § 1.17)

Secs. 102-3--102-30. Reserved.

## **ARTICLE II. NOXIOUS WEEDS\***

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\***Cross references:** Weed commissioner, § 2-251 et seq.; health and welfare, ch. 42.

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### **Sec. 102-31. Declared health nuisance.**

All noxious weeds and other rank growth of vegetation are declared public health nuisances. All weeds and grass shall be kept cut to a height of not to exceed one foot. The city may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Wis. Stats. § 66.60(16).

(Code 1983, § 10.03(6))

Secs. 102-32--102-60. Reserved.

## **ARTICLE III. TREES**

### **DIVISION 1. GENERALLY**

#### **Sec. 102-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Park trees* means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

*Street trees* means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

*Topping* means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and

disfigure the tree.

(Ord. No. OR93-108, § I(8:10(1), (15)), 11-22-1993)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 102-62. Penalty for violation of article.**

Any person violating any provision of this article shall, upon conviction or a plea of guilty, be subject to section 1-17.

(Ord. No. OR93-108, § I(8:10(21)), 11-22-1993)

### **Sec. 102-63. Exemptions.**

Those trees that exist as street and park trees, on the date that the ordinance from which this article is derived goes into effect, are exempt from the following requirements:

- (1) Spacing requirements in this article and the tree care handbook.
- (2) Distance from curb and sidewalk requirements as required in section 102-67.

(Ord. No. OR93-108, § I(8:10(22)), 11-22-1993)

### **Sec. 102-64. Street/park tree species to be planted.**

No species other than those included in the tree care handbook may be planted as street/park trees without written permission of the city tree board.

(Ord. No. OR93-108, § I(8:10(8)), 11-22-1993)

### **Sec. 102-65. Planting in terraces.**

No person shall plant any tree, shrub or bush on the terrace between the sidewalk and the city street.

(Ord. No. OR93-108, § I(8:10(9)), 11-22-1993)

### **Sec. 102-66. Spacing.**

The spacing of street trees will be in accordance with the three size classes listed in section 102-67, and no trees may be planted closer than the following:

- (1) Small trees, 30 feet;
- (2) Medium trees, 40 feet;
- (3) Large trees, 50 feet;

Except in special plantings designed and recommended by a landscape architect and approved by the city forester.

(Ord. No. OR93-108, § I(8:10(10)), 11-22-1993)

### **Sec. 102-67. Distance from curb and sidewalk.**

The distance trees may be planted from curbs and sidewalks will be in accordance with this section, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees, three feet.
- (2) Medium trees, four feet.
- (3) Large trees, six feet.

(Ord. No. OR93-108, § I(8:10(11)), 11-22-1993)

### **Sec. 102-68. Distance from street corners and fire hydrants.**

No tree shall be planted closer than 35 feet to any corner, measured from the point of nearest intersecting curbs or curblines. No tree shall be planted closer than ten feet of any fire hydrants.

(Ord. No. OR93-108, § I(8:10(12)), 11-22-1993)

**Cross references:** Fire prevention and protection, ch. 34.

### **Sec. 102-69. Utilities.**

No trees, other than those listed as small trees in the tree care handbook, may be planted under or within ten lateral feet of any overhead utility wire. No tree may be planted over or within eight lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. OR93-108, § I(8:10(13)), 11-22-1993)

**Cross references:** Utilities, ch. 98.

### **Sec. 102-70. Tree topping.**

It shall be unlawful as a normal practice for any person or city department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision at the determination of the city tree board.

(Ord. No. OR93-108, § I(8:10(15)), 11-22-1993)

### **Sec. 102-71. Pruning corner clearance.**

Every owner of any property upon which a tree overhanging any street or right-of-way within the city is located shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection so that there shall be a minimum clear space of eight feet above the surface of the street or sidewalk. Each owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs that constitute

a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign. The city shall charge the adjacent property owner (time/expense) for pruning and limb removal.

(Ord. No. OR93-108, § I(8:10(16)), 11-22-1993)

### **Sec. 102-72. Removal of stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. OR93-108, § I(8:10(17)), 11-22-1993)

### **Sec. 102-73. Review by the city council.**

The city council may review the conduct, acts and decisions of the department of public works and make the final decision.

(Ord. No. OR93-108, § I(8:10(20)), 11-22-1993)

Secs. 102-74--102-90. Reserved.

## **DIVISION 2. TREE BOARD\***

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\*Cross references: Administration, ch. 2.

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### **Sec. 102-91. Membership.**

The city tree board shall consist of the park and recreation commissioners as created by chapter 62, article 2.

(Ord. No. OR93-108, § I(8:10(2)), 11-22-1993)

### **Sec. 102-92. Term of office.**

The members of the city tree board shall have the same term of office as the park and recreation commissioners in section 62-36.

(Ord. No. OR93-108, § I(8:10(3)), 11-22-1993)

### **Sec. 102-93. Compensation.**

Members of the city tree board shall serve without compensation.

(Ord. No. OR93-108, § I(8:10(4)), 11-22-1993)

**Sec. 102-94. Duties and responsibilities.**

- (a) It shall be the responsibility of the city tree board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree management plan. The city tree board, when requested by the city council, shall consider, investigate, make findings, reports and make recommendations upon any special matter or question coming within the scope of its work.
- (b) The city tree board may remove or cause or order to be removed any tree or part of a tree that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This subsection does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with this article. The tree care handbook is the governing rule for proper planting and care.

(Ord. No. OR93-108, § I(8:10(5), (14)(b)), 11-22-1993)

**Sec. 102-95. Operation.**

The city tree board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. The city tree board reports directly to the city affairs committee of the council.

(Ord. No. OR93-108, § I(8:10(6)), 11-22-1993)

**Sec. 102-96. Interference with city tree board.**

It shall be unlawful for any person to prevent, delay or interfere with the city tree board while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this article.

(Ord. No. OR93-108, § I(8:10(18)), 11-22-1993)

Secs. 102-97--102-120. Reserved.

**DIVISION 3. CITY FORESTER\***

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\*Cross references: Officers and employees, § 2-146 et seq.

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**Sec. 102-121. Appointment; duties.**

The park and recreation commissioners may appoint a city forester. In the absence of an appointed city forester, the director of public works shall assume the duties of that position. These duties and powers shall be in accordance with Wis. Stats. § 27.09. Included in these duties are the implementation of a city tree management plan, ensuring ordinance compliance, tracking the licensing of arborists, and the issuance of tree planting permits.

(Ord. No. OR93-108, § I(8:10(7)), 11-22-1993)