



ORDINANCE NO. 4, SERIES 2024

AN ORDINANCE TO RECREATE CHAPTER 4, TITLE 4 OF
THE VILLAGE CODE OF ORDINANCES – TREES AND SHRUBS

The Village Board for the Village of Prairie du Sac do ordain as follows:

SECTION I Chapter 4 “Trees and Shrubs” of Title 8 “Public Works” of the Code of Ordinances of the Village of Prairie du Sac be and hereby repealed in its entirety and recreated to read as provided for in Exhibit 1 attached hereto and incorporated herein.

SECTION II This Ordinance shall take effect upon its adoption and publication in the manner provided for by law.

Adopted this 22nd day of October, 2024.
Published this 31st day of October, 2024.

Village of Prairie du Sac, WI



Andrew Strathman
Village President

Niki Conway
Village Clerk

CHAPTER 4

Trees and Shrubs

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SEC. 4-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

- (a) INTENT AND PURPOSE. The purpose of this Chapter is to regulate and establish policy for the planting, removal, treatment, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village. By this Chapter, the Village intends to
- (1) prohibit the undesirable and unsafe planting, removal, treatment, and maintenance of trees and shrubs located in public and terrace areas;
 - (2) establish and maintain appropriate diversity in tree species and age classes and minimize invasive and other undesirable species;
 - (3) guard all trees and shrubs within the Village against the spread of disease, insects, or pests;
 - (4) minimize conflicts between trees/shrubs and public utility lines, regulatory/traffic signs, and other functions of public and terrace areas; and
 - (5) provide a stable and sustainable urban forest for the many public benefits it provides, including natural beauty, erosion control and stormwater management, pollution control, property value enhancement, and traffic management.
- (b) APPLICATION. The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas as defined in Sec. 4-4-3, and also to all trees and shrubs growing or to be planted in or upon any private premises that may threaten the life, health, safety or welfare of the public or of any public or terrace area or trees and shrubs therein.

SEC. 4-4-2 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

SEC. 4-4-3 DEFINITIONS.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

- (a) MAJOR ALTERATION. "Major Alteration" means to an action by cutting, or pruning any tree, or by filling, surfacing, grading, compacting, or changing the drainage pattern of the soil around any tree in a manner that threatens to diminish the vigor of the tree, in the determination of the Village Forester. For the purpose of this Chapter, a major alteration does not include normal seasonal trimming, shaping, thinning, or pruning of a tree necessary to meet Section 4-4-8 or to secure its health and proper growth in the determination of the Village Forester.
- (b) BOULEVARD. "Boulevard" means the non-paved areas between two portions of a street, the two portions being utilized for traffic in opposite directions, with said non-paved area typically containing vegetation including trees and/or shrubs.
- (c) EVERGREEN TREE. "Evergreen Tree" means any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout entire height.
- (d) PERSON. "Person" means any person, firm, association or corporation.
- (e) PUBLIC AREAS. "Public Areas" includes all public parks and other lands and rights-of-way owned, controlled or leased by the Village, including boulevards but not including terrace areas.
- (f) PUBLIC NUISANCE. "Public Nuisance" means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public or terrace area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements including utilities; or may endanger the life, health, safety or welfare of persons or property.
- (g) TERRACE AREAS. "Terrace areas" means the land between the normal location of the street curbing (or pavement edge where no curbing) and the sidewalk or path along the street. Where there is no sidewalk or path, the area from the curb line or pavement edge to the nearest edge of the right-of-way shall be deemed to be the terrace area for the purpose of this Chapter.
- (h) SHRUB. "Shrub" shall mean any woody plant typically having multiple stems, bearing foliage from the ground up, and having a mature height of less than sixteen feet.
- (i) TREE. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (j) VILLAGE. "Village" means the Village of Prairie du Sac, Wisconsin.
- (k) VISION CLEARANCE TRIANGLE. "Vision Clearance Triangle" means a triangle formed by the two lines formed by (1) the boundaries of any two intersecting street rights-of-way (or by the boundaries of a site access driveway and an intersecting street right-of-way) and (2) a third straight line connecting the first two lines per the standards in Figure 10-1-0808(b) of the Code.

SEC. 4-4-4 AUTHORITY OF VILLAGE FORESTER.

- (a) The Director of Public Works/Utilities shall serve as the Village Forester pursuant to Section 27.09, Wis. Stats., and shall carry out the provisions of this Chapter. The Director may designate another municipal employee to temporarily perform the duties and exercise the powers of the Forester by this Chapter.
- (b) The Village Forester or his/her authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises, potentially threatening the life, health, safety or welfare of the public or of any public or terrace area; and otherwise carrying out any of the provisions of this Chapter.

SEC. 4-4-5 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

- (a) PERMIT REQUIRED. No person, except upon order of the Village Forester, shall complete any of the following actions within the terrace or public area, or cause such action to be done by others, without first obtaining a written permit for such work from the Village Forester or designee as herein provided:
 - (1) Plant any tree or shrub.
 - (2) Remove any tree or shrub.
 - (3) Complete any alternation to a tree or shrub, except that within the terrace area only a major alternation as defined in Section 4-4-3 shall require a permit.
 - (4) Perform any action listed in Section 4-4-11(a).
 - (5) Complete an excavation requiring a permit in Section 4-4-11(b).
- (b) PERMIT EXEMPTIONS. No permit shall be required for an alteration of a tree or shrub in the terrace area that is not defined as a major alteration in Section 4-4-3; or to plant trees and shrubs on private property except as may be required under the Village's site plan approval process pursuant to Title 10, Chapter 1 or any other zoning or subdivision process.
- (c) PERMIT REQUIREMENTS AND CONDITIONS. If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street signs and lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, the Forester or designee shall issue a permit to the applicant.
- (d) PERMIT FORM; EXPIRATION, INSPECTION. Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this section shall expire six months after date of issuance. Any permit fee shall be in accordance with a fee schedule approved by the Village Board.
- (e) PERMITS TO PUBLIC UTILITIES
 - (1) Whenever a permit is issued under this Section to a public utility to complete a major alteration to any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
 - (2) A public utility may secure an annual or project-wide working agreement or permit with the Village Forester's office, and if so issued shall assure compliance with this Chapter, provide that the utility notify the Forester at least 24 hours before any tree or shrub is altered or removed, and give the Village Forester or designee the authorization to supervise and direct work done.

SEC. 4-4-6 PLANTING OF TREES AND SHRUBS.

- (a) PLANTING.
 - (1) The size and genus, species and variety of trees and shrubs to be planted in public and terrace areas and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work. The permit application process is per Section 4-4-5.
 - (2) Spacing of trees within the terrace area shall be pursuant to Section 10-1-0701(c)(1) of the Code, except where in conflict with Section 10-1-0808(m) or as otherwise required or approved by the Village Forester.

- (3) Terrace trees shall generally be planted equal distance between the sidewalk/path (or future sidewalk/path) and back of the curb (or future back of curb), except where otherwise directed by the Forester.
 - (4) No tree in the terrace area shall be planted in the vision clearance triangle as defined in Sec. 4-4-3.
 - (5) All trees and shrubs planted in public and terrace areas shall meet the following specifications:
 - (a) Minimum requirements of the American Standard for Nursery Stock (ANSI Z60.1).
 - (b) Under warranty for a full growing season and replaced if not surviving that full growing season, or as otherwise specified in a development agreement.
 - (c) Selected for salt tolerance if within the terrace area or a public area adjacent to a hard surface expected to receive winter salt application.
 - (d) All burlap and wire cages removed from roots prior to planting.
 - (e) Starter fertilizer applied at the rate recommended by the nursery.
 - (f) Soil saturated with water when pit is half full of topsoil and again when full.
 - (g) No pruning before planting trees, except for injured or dead branches according to standard horticultural practices.
 - (h) 4 inch thickness of organic mulch around trunk, with mulch not resting against the trunk.
 - (i) Planting depth such that root flare is visible just above grade.
 - (6) Except where otherwise permitted by the Village Forester, the minimum distance from a tree or shrub in the terrace area to the following facilities is as indicated:
 - (a) From a street light, stop light, front of a street sign, or gas main: 25 feet.
 - (b) From the back of the street sign, curb cut, mid-block walkway edge, driveway edge, fire hydrant, curb box/water shut-off, or sanitary sewer lateral: 10 feet.
 - (c) From a sanitary sewer or water main: 3 feet or more if directed by the Village Forester.
 - (7) Trees in terrace and public areas shall not be planted below overhead utility lines or within an associated easement, except where otherwise approved by the Forester and where the maximum mature height of the tree will be at least 5 feet below the height of the lowest current or reasonably expected line.
 - (8) In terrace areas less than four feet wide, tree and shrub planting will not be permitted, except within urban tree boxes where approved by the Forester.
 - (9) No shrub or evergreen tree shall be planted in a terrace area.
 - (10) Within new subdivisions and land divisions with dedicated public rights-of-way, no more than 20% of terrace trees shall be from any single species, including cultivars and varieties. Terrace tree planting requirements shall be per Section 10-3-0704(d)(14) of the Code pursuant to a plan prepared by the subdivider and approved by the Forester.
- (b) **UNLAWFULLY PLANTED TREES.** Trees, plants or shrubs planted within any public or terrace area without the authorization and approval of the Forester shall be removed if directed by the Village Forester. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.
 - (c) **FRAMES.** Any person, adjacent to whose land any tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

SEC. 4-4-7

PLANTING OF CERTAIN SPECIES RESTRICTED.

- (a) COTTONWOOD AND BOX ELDER TREES PROHIBITED THROUGHOUT VILLAGE. No person shall plant or maintain within the Village any female tree of the species Populus Deltoides, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his/her premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the full cost thereof to the Village Administrator who shall place such charge upon the next tax roll as a special charge against the premises.
- (b) OTHER TREES RESTRICTED IN PUBLIC AND TERRACE AREAS.
- (1) Except as provided in subsection (2), no person shall hereafter plant in or upon any public or terrace area any of the following:
- (j) Amur cork tree (*Phellodendron amurense*)
 - (k) Amur Honeysuckle (*Lonicera maaackii*)
 - (l) Amur Maple (*Acer tataricum* subsp. *ginnala*)
 - (m) Black Alder (*Alnus glutinosa*)
 - (n) Black Locust (*Robinia pseudoacacia*)
 - (o) Burning Bush (*Euonymus alatus*)
 - (p) Catalpa
 - (q) Chinese Elm (*Ulmus parvifolia*)
 - (r) Common Barberry (*Berberis vulgaris*)
 - (s) Common Buckthorn (*Rhamnus cathartica*)
 - (t) Himalayan Blackberry (*Rubus armeniacus*)
 - (u) Japanese Barberry (*Berberis thunbergii*)
 - (v) Lombardy Poplar (*Populus nigra*)
 - (w) Princess Tree (*Paulownia tomentosa*)
 - (x) Rose Acacia (*Robinia hispida*)
 - (y) Sawtooth Oak (*Quercus acutissima*)
 - (z) Siberian Elm (*Ulmus pumila*)
 - (aa) Siberian Peashrub (*Caragana arborescens*)
 - (bb) Tree-of-heaven (*Ailanthus altissima*)
 - (cc) White Mulberry (*Morus alba*)
 - (dd) White Poplar (*Populus alba*)
 - (ee) Any edible fruit or nut producing tree
- (2) The Village Forester may by permit approve one or more plantings listed in subsection (b), but only upon finding that said tree or shrub in the desired location will meet the purpose of this Chapter, not constitute a public nuisance, and not interfere with the safety of the public or the operation of any utility.
- (3) The Village Forester shall cause the removal of any tree planted in violation of this section pursuant to Section 4-4-10.

SEC. 4-4-8

TRIMMING/PRUNING.

- (a) Trees and shrubs standing in or upon any public areas, terrace areas, or upon any private premises shall be kept trimmed so that the lowest branches projecting over the vehicular travel way of any public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive or modify this provision for newly planted trees if the Village Forester determines that they do not interfere with public travel, obstruct the light of any street light, or endanger public safety.

- (b) Any pruning that meets the definition of a major alteration in Section 4-4-3 shall be permitted by the Village Forester before commencement of work per Section 4-4-5.
- (c) Clearance from sidewalk to lower branches shall not be less than ten (10) feet. All trees and shrubs standing upon private property in the Village, the branches of which extend over the line of the street right-of-way, shall be trimmed so that no branch shall grow or hang over the line of any public sidewalk or path lower than ten (10) feet above the level of the sidewalk or path.
- (d) No tree or shrub shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public street lamp.

SEC. 4-4-9 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

- (a) No person shall maintain, plant or permit to remain on any private or public premises situated in the defined vision clearance triangle any tree, shrub, or other obstruction in violation of Section 10-1-0808(m) of the Code..
- (b) It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or signal in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- © Any shrub, tree or other plant which fails to meet vision clearance triangle requirements in Section 10-1-0808(m) of the Code, or the view of a traffic sign or signal, regardless of when planted, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

SEC. 4-4-10 REMOVAL OF TREES AND STUMPS.

- (a) DANGEROUS, OBSTRUCTIVE AND INFECTED TREES. Any tree or shrub or part thereof, whether alive or dead, located on private property, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester subject to Section 4-4-6 shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the specific action requested, the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Administrator, who shall thereupon enter such cost as a special charge against the property.
- (b) It shall be the decision of the Village Forester to remove any tree or shrub located in public or terrace area, which is diseased, endangering private or public property, interfering with public utilities or improvements, or otherwise violating the provisions of this Chapter, to the extent that any alteration of the tree will not remedy the problem.
- (c) In cutting down trees and shrubs located in public and terrace areas, utilities shall first be identified and then the tree or shrub must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line; normal

grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

SEC. 4-4-11 PROHIBITED ACTS.

- (a) **DAMAGE TO PUBLIC TREES.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permit from the Village Forester in the case of a tree or shrub in the terrace or public area, perform or cause to be done by others any of the following acts:
 - (1) Secure, fasten or run any rope, nail, wire, screw, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection or watering of any tree or shrub, or close or obstruct any open space about the base of any tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
- (b) **EXCAVATIONS.** All trees on any public area or terrace area near any excavation or construction of or for any building, structure, utility, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any tree within the terrace or public area without a permit from the Village Forester.
- (c) **INTERFERENCE WITH FORESTER.** No person shall:
 - (1) Interfere with or prevent any acts of the Forester or his/her agents or employees while they are engaged in the performance of duties imposed by this Chapter.
 - (2) Refuse to permit the Forester or his/her duly authorized representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this Chapter.
- (d) **REMOVAL OR PRUNING OF OAK TREES.** No person shall remove, trim or prune any oak tree or portion thereof within the Village between April 1 and August 1 without first securing the written permission of the Forester.
- (e) **TRANSPORTING OF WOOD.** No person shall transport within the Village any bark bearing wood material infested with such diseases or insects without first securing the written permission of the Forester.
- (f) **REFUSAL TO ABATE NUISANCE.** No person shall permit any public nuisance to remain on any premises owned or controlled by the property owner when ordered by the Forester to abate such nuisance.

SEC. 4-4-12 PENALTIES.

Any single violation of the provisions of this Chapter shall result in a forfeiture of \$50.00 payable to the Village of Prairie du Sac. Repeated violations by the same person shall result in a forfeiture of \$100.00 for each additional offense. Each day of violation may constitute a separate offense.

SEC. 4-4-13 ABATEMENT OF TREE DISEASE NUISANCES.

- (a) DELETERIOUS TREE DISEASES/INFECTIONS A PUBLIC NUISANCE. Whereas the Village Board has determined that there are many trees growing on public and private property within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village. The health and life of such trees is threatened by fatal diseases such as Dutch Elm, therefore, the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease.

- (b) INSPECTION
 - (1) The Forester shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. The Forester shall also inspect or cause the inspection of any tree reported or suspected to be a public nuisance.
 - (2) The Forester and his/her agents or employees shall have authority to enter upon private premises at reasonable time for the purpose of carrying out any of the provisions of this section.

- (c) ABATEMENT OF NUISANCES: DUTY OF FORESTER AND PUBLIC WORKS COMMITTEE.
 - (1) The Forester, with the approval of the Public Works Committee, shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or by other means which the Forester determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
 - (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on a public or terrace area in the Village, the Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.
 - (3)
 - a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, the Forester shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if the owner can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
 - b. If after hearing held pursuant to this subsection, it shall be determined by the Public Works Committee that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed

against the property in accordance with the procedures provided in this section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(d) **SPRAYING.**

- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, emerald ash borers, or Asian long-horned beetles, the Village Forester may cause all trees within a one thousand (1,000) foot radius thereto be sprayed with an effective insecticide. All storage, use and applications of pesticides shall comply with the requirements of ATCP 29.15.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this section, the Forester shall cause to be given advance public notice of such operations pursuant to ATCP 29.15(7) and by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with subsection (b) of this section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

SEC. 4-4-14 ASSESSMENT OF COSTS OF ABATEMENT.

- (a) The entire cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Section 66.60(16) or Section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village.
- (b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
 - (1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
 - (2) Upon receiving the Forester's report, the Village Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his/her premises and the work for which such charge is being made.
 - (3) After such hearing, the Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon

- adoption and publication of such resolution, assessments made thereby shall be deemed final.
- (4) The Administrator shall mail notice of the amount of such final assessment to each owner of property assessed at his/her last known address, stating that unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
 - (5) The Village hereby declares that in making assessments under this section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

SEC. 4-4-15 APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order under this Chapter from the Village Forester or Public Works Committee and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded and file its written decision with the Administrator.

History: Code of Ordinances, 1986. Sec. 4-4 repealed and recreated. Ordinance No. 1, Series of 1998.