



136 North Monroe Street
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PUBLIC NOTICE OF A COMMITTEE MEETING OF THE COMMON COUNCIL OF THE CITY OF WATERLOO

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

COMMITTEE: PUBLIC WORKS & PROPERTY COMMITTEE
DATE: October 6, 2022
TIME: 6:00 p.m.
LOCATION: Municipal Building Council Chambers, 136 N. Monroe Street (in-person or remote)

Join Zoom Meeting <https://us02web.zoom.us/j/89117324151?pwd=ZTNZNm8ra1JCQit4eXdJZVhLLzBVQT09>
Meeting ID: 891 1732 4151 Passcode: 811219
Dial by phone +1 312 626 6799 US (Chicago)

COMMITTEE REGULARLY SCHEDULED MEETING

1. PLEDGE OF ALLEGIANCE, CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES – September 1, 2022
3. CITIZEN INPUT / PUBLIC COMMENT (3 minutes per individual)
4. PROJECT OVERSIGHT & UPDATES
5. UNFINISHED BUSINESS
6. NEW BUSINESS
 - a. Herron Ct. Discussion on curb painted yellow. Homeowner would like it to revert back to parking spot.
 - b. Authorizing Kunkel Engineering Group To Start Field Work And Reconstruct Plans for Waterloo Road.
 - c. Homeowner would like Street Light added back on Jefferson St.
 - d. Dead of Hazardous Trees on Private Property
 - e. Native Prairie Lawn, No Mow May and Flower Gardens in Tree Terrace
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS -- Committee Calendar
8. ADJOURNMENT

Jeanne Ritter
Clerk/Deputy Treasurer

Committee Members: Weihert, Petts and A. Kuhl

posted, e-mailed & distributed: 09/30/2022

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

CITY OF WATERLOO

PUBLIC WORKS & PROPERTY COMMITTEE MEETING MINUTES: September 1, 2022

Digital audio files are archived with these written minutes additionally serving as the official record.

COMMITTEE REGULARLY SCHEDULED MEETING

1. PLEDGE OF ALLEGIANCE, CALL TO ORDER AND ROLL CALL. Weihert called the meeting to order at 6:30 pm. Committee members present: A. Kuhl, Petts & Weihert. Absent: none. Others in attendance: Dale VanHolten, Utilities Superintendent Barry Sorenson; DPW Yerges; Clerk Ritter.
2. APPROVAL OF MEETING MINUTES – August 4, 2022 [Petts/A. Kuhl] VOICE VOTE: Motion carried.
3. CITIZEN INPUT / PUBLIC COMMENT none
4. PROJECT OVERSIGHT & UPDATES
 - a. WisDOT Funding Submittals- no updates.
5. UNFINISHED BUSINESS
6. NEW BUSINESS
 - a. Waterloo Cemetery Signage referred by CDA. Dale VanHolten representing the Historical Society. Per Yerges wall by Historical Society belongs to the Historical Society not the City. He would recommend they put a plaque there if they so choose. No action taken
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS. Waterloo Road
8. ADJOURNMENT [Petts/A. Kuhl] VOICE VOTE: Motion carried. 6:46 pm

Jeanne Ritter
Clerk/Deputy Treasurer







Jeanne Ritter

From: Nancy Frieberg <knfrieberg@sbcglobal.net>
Sent: Friday, September 23, 2022 9:01 PM
To: Jeni Quimby
Cc: Jeanne Ritter; Chad Yerges; Denis Sorenson
Subject: Re: Parking designation

Thank you Mayor for your timely response. I would like you to please submit this email on my behalf. I started my new job four weeks ago and I think it would be difficult to make the meeting as I am a nurse and getting away early that day is highly unlikely. I would ask that two corrections be made. The third picture should be 730 Herron Ct obstructed view and in the body of the email the seventh line from the bottom should also read 730 Herron Ct. My apologies, I think I am so used to rattling off my own address my finger just took over. I appreciate you adding this to the meeting. I understand that this is a difficult situation and I thank you for your time.

Nancy Durig

Sent from my iPhone

On Sep 23, 2022, at 4:55 PM, Jeni Quimby <mayor@waterloowi.us> wrote:

Thank you for reaching out Nancy. I did here about this action at last night's meeting & was anticipating hearing from the neighborhood. Sadly, we receive many complaints from that area & I suspect this action was an attempt to help the situation. Please attend the public works meeting to voice your concerns. If you can't attend, please advise and we will submit this email in the packet for the committee to review. Thanks again,

Jenifer Quimby, Mayor
Sent from my U.S.Cellular©

From: Nancy Frieberg <knfrieberg@sbcglobal.net>
Sent: Friday, September 23, 2022, 9:30 AM
To: Jeni Quimby <mayor@waterloowi.us>
Subject: Parking designation

Good morning Mayor

My name is Nancy Durig and I live at 720 Herron Ct. I am writing I regards to the area in front of my house being designated no parking. The curb was painted yesterday and I walked out to talk with Chad Yerges about it because it was the first I knew about the change. He stated that while the spot was 18-22 feet in length making it a legal parking spot per the ordinance, he had received multiple complaints from Dixie Broetzman at 720 Herron Ct about another of my neighbors parking on the street. She has gone so far as to place aluminum decking under the neighbors tires multiple times as a "booby trap" to deter them from parking on the street. The Waterloo police are aware of this situation but no tickets were ever issued. Chad stated that because of the complaints he and the police chief decided to designate it a no parking zone. At one point Dixie's daughter Robin came out into the circle and began confronting us aggressively. Chad called the police and Chief Sorenson arrived. He confirmed what Chad had told me and stated that I would need to attend the DPW meeting Oct 6 to have the committee "override him." I unfortunately have to work and cannot be sure I can even make the meeting at this point.

My issue with all this is threefold. To designate a legal parking spot a no parking area because of one persons complaints is a misuse and over reach of power on the part the the Chief and the DPW. Chad stated several

times that the spot does fit the ordinance for a legal parking spot. This is literally the only spot on my side of the circle and I would like to have parking in front of my house if I have guests. While I am sure that they have received multiple complaints from Dixie that is no reason to take the parking away from the front of my house. This brings me to my second issue. I could have guests park on the other side of the circle and walk over but the bushes and trees are so grown up at the end of the driveway at 720 Herron Ct that backing out of there is a blind maneuver. I was almost struck last summer by Dixie while walking my dog because of the obstructed view. I brought the matter to Chad and to the building inspector last year and both said it was not a problem. She planted more this year and again both the building inspector and Chad have been informed of the problem and each says the other is responsible for enforcing the ordinances of the city in regards to this matter. I have spoken with both in the last three weeks. While I have only spoken with them in person this year I still have the emails from last year if you need to reference them. I don't want my guests to potentially be injured crossing the circle because of this dangerous situation. I also don't want them having to trek through ice and slush in winter when they could otherwise be right by the house.

The third issue is that the phrase "obstructed view" from Dixie's house was another reason for this spot to be designated as a no parking area. I am enclosing a picture of the spot in front of my house clearly showing that the spot can be seen from my home and I can assure you there is no obstruction problem. Secondly I am also enclosing a picture from the middle of the parking spot toward 720 Herron Ct to show that the spot is not even visible from the house. The "obstruction" reasoning is absolutely unfounded. I ask that the spot in front of 720 Herron Ct be changed back to a legal parking spot. I appreciate the fact that you are a very busy person so I thank you for taking time to address this matter.

Sincerely,
Nancy Durig
414 315-1911
720 Herron Ct and parking area in question

Is it illegal to park in front of a mailbox in Wisconsin?

Pursuant to the authority granted under Wis. Stats. §349.13(1e)(a), no person shall park within (4) feet of any mailbox authorized for receipt of mail service by the US Postal Service located for roadside mail delivery between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday." Copyright 2020 WMTV. Oct 23, 2020









Sec. 66-212. - Hazardous and infected trees.

Any tree or part thereof, whether alive or dead, which the director of public works or designee thereof shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the city or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, 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 director of public works or designee thereof shall give written notice to such owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the director of public works or designee thereof 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 such tree within the time limited, the director of public works or designee thereof shall cause the tree to be removed, treated or trimmed and shall report the full cost as a special charge against the property.

(Code 1968, § 6.07(2); Ord. No. 489, § I, 10-5-2021)

Cross reference— Environment, ch. 26.

Chapter 4 Trees And Shrubs**6-4-1 Statement Of Policy And Applicability Of Chapter****6-4-2 Definitions****6-4-3 Authority Of Village Forester To Enter Private Premises****6-4-4 Interference With Village Forester Prohibited****6-4-5 Abatement Of Tree Disease Nuisances****6-4-6 Assessment Of Costs Of Abatement****6-4-7 Planting Of Trees And Shrubs****6-4-8 Trimming****6-4-9 Trees And Shrubbery Obstructing View At Intersections Or View Of Traffic Signs****6-4-10 Prohibited Acts****6-4-11 Appeal From Determinations And Orders****6-4-12 Adoption Of State Statutes****6-4-1 Statement Of Policy And Applicability Of Chapter**

- (a) **Intent and Purpose.** It is the policy of the Village of Marshall to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (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 and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

6-4-2 Definitions

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

- (a) **Person.** "Person" shall mean person, firm, association or corporation.
- (b) **Public Areas.** "Public Areas" includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- (c) **Public Trees and Shrubs.** "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.
- (d) **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 area; infected with a plant disease; Infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (e) **Boulevard or Terrace Areas.** "Boulevard or Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.

- (f) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) **Shrubs.** "Shrubs" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) **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.
- (i) **Evergreen Tree.** "Evergreen Tree" shall mean 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 its entire height.
- (j) **Forester.** Person designated by the Village Board as authorized to carry out provisions of this Chapter.

6-4-3 Authority Of Village Forester To Enter Private Premises

- (a) The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. The Village Forester shall annually be appointed by the Village President, subject to Board confirmation, at the Board's organizational meetings; compensation shall be determined at the time of appointment.
- (b) The Village Forester or his 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 and carrying out any of the provisions of this Chapter.

6-4-4 Interference With Village Forester Prohibited

No person shall interfere with the Village Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

6-4-5 Abatement Of Tree Disease Nuisances

- (a) **Dutch Elm and Other Tree Diseases a Public Nuisance.** Whereas the Village Board has determined that there are many trees growing on public and private premises 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, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.), the Village 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 to be public nuisances.
- (b) **Definitions.** As used in this Section, unless otherwise clearly indicated by the context:
 - (1) "Public Nuisance" in this Chapter means:
 - a. Fatal or deleterious tree diseases.
 - b. Elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.); Dutch Elm disease.
 - c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.).

- d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
 - e. Any other deleterious or fatal tree disease.
 - f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park or other public or private place, including the terrace strip between curb and lot line.
 - g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.
- (2) "Public property" means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (3) "Person" means person, firm or corporation.

(c) Inspection.

- (1) The Village Forester shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.
- (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this Section.

(d) Abatement of Nuisances; Duty of Forester.

- (1) Following authorization by the Village Board, the Forester 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 he 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 public property in the Village, he 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 inspect 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, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he 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 Village Board 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.

(e) 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, he may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide, following prior authorization by the Village Board.
- (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 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 Street Superintendent 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).

6-4-6 Assessment Of Costs Of Abatement

- (a) The entire cost of abating any public nuisance, including removal or spraying of 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 Sec. 66.60(16) or Sec. 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park 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, or a designated standing committee thereof, 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 municipality 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 premises and the work for which such charge is being made.
- (3) After such hearing, the Village Board, or a designated standing committee thereof, 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 Village Clerk-Treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his 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.

6-4-7 Planting Of Trees And Shrubs

- (a) **Purpose.** The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (b) **Tree Planting Program.** The Village Forester shall recommend to the Village Board a program for tree planting, care and protection for public parks. The Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
- (c) **Cottonwood and Box Elder Trees Prohibited.** No person shall plant within the Village of Marshall any female tree of the species Populus Deltoides, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder Acer Negundo, which may now or hereafter become infested with Box Elder Bugs, and such trees are hereby declared a nuisance. Any person planting any such trees on his 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 shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
- (d) **Planting of Certain Trees Restricted.** No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar or any fruit or nut tree in or upon any public street, parkway, terrace or other public place within the Village of Marshall unless he shall first secure written permission from the Village Forester, who shall not approve

any such planting if, in his opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this Subsection.

(e) **Planting.**

- (1)
 - a. All new street trees must be selected from a list of approved trees compiled by the Village Forester. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1-1/4) inches measured at six (6) inches above ground level.
 - b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
 - c. The tree shall be kept well watered and mulched or cultivated in two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
 - d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village.
- (2) Where required, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five (5) feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two (2) feet from the curb.
- (3) Trees may not be planted in the terrace closer than:
 - a. Twenty (20) feet to a utility or street lighting pole.
 - b. Fifteen (15) feet to a driveway or alley.
 - c. Six (6) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six (6) feet.
 - d. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
 - e. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.
- (4) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (5) The property owner has the responsibility to locate underground utilities before digging.
- (6) Evergreen trees shall not be planted in a terrace area.

(f) **Unlawfully Planted Trees.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. 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.

- (g) **Frames.** Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the propose 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.

6-4-8 Trimming

- (a) Any person growing a tree, plant or shrub on any private property abutting on public streets or public places shall:
- (1) Trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.
 - (2) Treat or remove any tree, plant or shrub which the Village Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets.
 - (3) Remove and refrain from planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (b) Owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.
- (c) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- (d) The necessity of the pruning may be determined by the Village Forester
- (e) Clearance from sidewalk to lower branches shall not be less than seven (7) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than seven (7) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
- (f) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.
- (g) The Village shall not be responsible for the death of trees caused by required trimming of such trees by the Village or its agents under this Section.

6-4-9 Trees And Shrubbery Obstructing View At Intersections Or View Of Traffic Signs

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (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 driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

City of Mayville

§ 384-9 Dead, diseased or hazardous trees on private property.

- A. The City Forester or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be public nuisance. Upon the discovery of any destructive or communicable disease, pestilence or hazardous condition which endangers the growth or health of trees, or threatens to spread disease or infestations, the City Forester shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice.
- B. No person shall interfere with the City or its authorized agent while it or he is engaged in carrying out any work or activities associated with this section.

also check out
City of Milton WI.

Chapter 332. Trees

§ 332-6. Maintenance of trees on private property.

[Amended 9-2-2004 by Ord. No. 1178]

It is the intent of the City of Muskego that the provisions of this section shall apply only to trees, hedges, shrubs, or plants growing or hereafter planted in or upon private property which threaten the lives, health, safety, and welfare of persons or property in any City-owned area or the health of other trees and plants within the City. It is hereby declared to be the policy of the City of Muskego to regulate or control trees, shrubs, or other like obstructions growing or to be planted in or upon any private premises which threaten the lives, health, safety, and welfare of persons or property in any City-owned area, or the health of other trees or plants within the City.

A. Trees declared public nuisances.

- (1) Vision corners. No person shall maintain, plant, or permit to remain on any private or public premises situated at the intersection of two or more public streets or alleys in the City any tree (including hedges and shrubs) or other like obstruction within the vision corner of any street or alley intersection which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing said intersection. Any such tree, hedge or shrub or other like obstruction is hereby declared to be a public nuisance.
- (2) Hazardous trees. Any tree (including hedges and shrubs) or part thereof which the City Forester, upon examination, shall find to be hazardous so as to be injurious or to endanger persons or property in any City-owned area or which may cause damage to sewers, curbs, sidewalks, or other public improvements, whether growing upon public or private premises, shall be declared a public nuisance.
- (3) Dead or diseased trees. Any dead or diseased tree (including hedges and shrubs) on public or private property within the City which constitutes a hazard to persons or property in any City-owned area or harbors insects or disease which constitutes a potential threat to other trees within the City shall be declared a public nuisance.

B. Notice to abate trees declared public nuisances. Upon determination by the City Forester or City Engineer that a tree (including hedges and shrubs) constitutes a public nuisance, the property owner of said nuisance shall be given written notice, either personal or by publication, from the City to treat, trim, remove or otherwise control such a tree as to abate the nuisance. The notice shall establish a time period for the abatement of the nuisance of up to 30 days, as determined by the City Forester, based on the seriousness of the tree's condition and/or the danger to public safety.

C. Failure to abate public nuisance. Failure to abate the public nuisance within the time period established in said notice shall be deemed a violation of this section, and the City Forester or City Engineer may then take measures to abate the nuisance and assess or specially charge the cost thereof against the property upon which the hedge, tree or shrub is located. Any property owner given a notice as herein provided may, by a written notice to the City within seven days of the notice, postpone the treatment of removal of the tree or part thereof by the City, and he shall have the right to appeal the order to the Zoning Board of Appeals. No damage shall be awarded to any

property owner for the destruction of a tree (including hedges and shrubs) or a part thereof pursuant to this section.

- D. Materials harboring insects or disease. It shall be unlawful for any person to carry or transport into the City any materials known to be infected with any communicable disease or insect, which may infect trees. Any such material brought into the City shall be disposed of by the parties responsible for bringing the diseased or infected materials into the City in the manner and in a location designated by the City Forester. Such materials may be considered a public nuisance and subject to the provisions of this section.

Sec. 54-10. - Planting, care and protection of trees.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Boulevards and/or *median strips* mean those lands, which divide a traveled way.

Public place or *public land* means any lands owned by the city and used by the public, including parks, playgrounds, parking lots and any and all other public lands not used for vehicular traffic.

Terrace means that portion of the street right-of-way lying between the sidewalk and back of the curb. Where no sidewalk and/or curbing exist, the terrace shall be field determined.

Trees means any tree with a callipered trunk of no less than one inch measured on foot above the root structure.

- (b) *Administration.* The operations committee shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, shrubs or other growth, planted or growing upon any public thoroughfare or public place in the city, and the maintenance, care or removal thereof.
- (c) *Inspection.* No person shall prevent, delay or interfere with the operations committee or any of its agents from entering upon any public or private premises for the purpose of inspection of any tree or shrub suspected of being diseased. If the operations committee or any of its authorized agents finds on examination and/or inspection in or upon any private or public premises, any tree or shrub infested with injurious insects or plant diseases, or if any tree or shrub on private premises shall endanger the public or shall be injurious to sewers or other public improvements, the operations committee shall notify the owner or person having charge of such premises to that effect in accordance with Wis. Stats. § 27.09(4). Such person shall, within the time specified in such notice, cause the removal and/or destruction of such tree or shrub as ordered. Should this order not be complied with within the time specified in the order, the committee shall cause the work to be done and the costs shall be charged against the property as a special assessment. No damages shall be awarded to the owner for the destruction of trees or shrubs pursuant to this order.

- (d) *Tree trimming.*

- (1) Trees standing on any private land adjacent to a public thoroughfare shall be trimmed and kept trimmed by the owner of such tree to maintain a clear space of not less than ten feet above the sidewalk, and kept trimmed by the owner of such tree to maintain a clear space of not less than 12 feet above the roadway.
- (2) City street trees shall be trimmed and kept trimmed by the city to maintain a clear space of not less than 12 feet above the roadway, except that the operations committee may make special provisions in exceptional cases.

- (3) No person shall authorize any city-controlled tree to be trimmed, cut or topped without permission of the operations committee.
 - (4) All trimming cuts of one-inch diameter or larger shall be painted with a waterproofing material.
 - (5) City street trees shall be trimmed or removed, as necessary, where the foliage obstructs the street light illumination pattern. Such work shall be done by city forces upon the recommendation of the city lighting committee and the directive of the operations committee.
- (e) *Contact with power lines, conductors.*
- (1) No person shall cause any wire charged with electricity or any wire or cable used as a conductor, to come into contact with any tree located in or upon any public thoroughfare or public place as may injure, abrade, destroy or kill any such tree.
 - (2) No wire or cable intended to be used as a guy or support shall be anchored, attached or fastened to any tree located in or upon any public thoroughfare or public place in the city.
- (f) *Tree removal.* No person shall remove or cause to be removed any tree or shrub existing in or upon any public thoroughfare or public place without permission of the operations committee.
- (g) *Planting regulations.* No person shall plant or set out any tree, shrub or other growth in or upon any city thoroughfare or public place without permission of the operations committee and in conformance with the following regulations:
- (1) No tree shall be planted in the "terrace" at an intersection of two streets nearer than 25 feet from either corner measured on the property line.
 - (2) No tree shall be planted in the terrace nearer than 35 feet from the next nearest tree.
 - (3) No tree shall be planted in the terrace where the clear terrace space is less than six feet or as may otherwise be provided by the operations committee.
 - (4) No tree shall be planted nearer to the back of curb than one-half of the clear space of the terrace.
 - (5) No tree shall be planted in the terrace nearer than five feet from a water stop box.
 - (6) No soft wood tree or fruit-bearing tree shall be planted in any street terrace, without the express consent of the operations committee.
 - (7) No tree shall be planted in the terrace nearer than five feet distant from any driveway approach.
 - (8) No tree shall be planted in the terrace near an ornamental streetlight when the foliage of such tree will obstruct the streetlight illumination pattern.
 - (9) No planting shall be done in any boulevard or median strip by any person other than authorized personnel and then only upon approval of the operations committee.

(10) The following small species of fruitless trees may be planted in a street terrace of not less than four feet in width and under power lines:

Syringa-Lilac (Japanese Tree Lilac)

Pyrus-Pear (Cleveland Select Fruitless Pear)

Amelanchier-Serviceberry (Autumn Brilliance Serviceberry)

Alnus-Alder (Black Alder-single stem)

Crataegus-Hawthorn (Thornless Cockspur Hawthorn)

Malus-Flowering Crabapple (Spring Snow Fruitless Crab)

Malus-Flowering Crabapple (Snow Drift Crab)

(Code 2001, § 8.09; Ord. No. 21-2003, § I, 11-17-2003; Ord. No. 9-2006, § I, 4-3-2006; Ord. No. 7-2009, § I, 6-1-2009; Ord. No. 5-2016, § I, 3-21-2016)

City of Lake Mills, WI
Wednesday, September 21, 2022

Chapter 594. Trees

§ 594-6. Tree removal and wood disposal.

- A. Tree removal. No person shall remove or cause to be removed any tree or shrub existing in or upon any terrace or public place without a permit from the City Forester.
- B. Wood disposal. Any wood from trees growing on City property, including tree lawns, which are designated by the City Forester to be cut and removed, shall be the property of the City and shall be disposed of appropriately or stacked and stored for the purpose of resale to the highest bidder. [Amended 10-19-2010 by Ord. No. 1069]
- C. The City Forester shall follow the procedures in this section with regards to tree removals from any public property, except Tyranena Park:
[Amended 4-7-1998 by Ord. No. 803B; 10-19-2010 by Ord. No. 1069]
 - (1) Develop a list of trees that require removal due to disease, poor health, or safety reasons.
 - (2) Inform the adjacent property owner in writing of each tree identified for removal and provide the property owner a minimum of seven days to respond to the City Forester concerning the potential tree removal.
 - (3) Consider the comments of the adjacent property owner before proceeding with the tree removal.
 - (4) The provisions of this section do not apply to any public tree that, in the opinion of the City Forester, is an imminent safety risk to public property, private property, or the personal safety of any individual.
- D. The City Forester shall not remove any trees in Tyranena Park unless such trees are an impending safety hazard to park patrons utilizing the existing walking trails or other man-made facilities of the park or the City Forester deems trees are/may cause biological or structural harm to existing, healthy trees.
[Amended 4-7-1998 by Ord. No. 803B]

§ 594-7. Private trees, inspection authority and abatement.

- A. Private trees. Trees standing on any private land adjacent to a public thoroughfare shall be trimmed and kept trimmed by the owner of such tree to the specifications set forth in this chapter. The owner of such tree shall remove all dead, diseased or dangerous trees or limbs that constitute a menace to the health and safety of other plants and the general public. The City reserves the right to trim any tree interfering with the public thoroughfare as part of its enforcement of any public nuisance under the provisions in Chapter **479**, Nuisances, of this Code.
[Amended 10-19-2010 by Ord. No. 1069]
- B. Inspection authority.
 - (1) The City Forester, designated representatives, or both, are charged with duties involving the inspection of real and personal property. They shall ask the landowner for permission to enter

private property prior to inspection of trees, shrubs, wood pieces or wood debris located on any private property.

- (2) A written record shall be made of each request for permission to enter private property to include the date, the property to be entered, the landowner's name, the individual asked for permission, if different from the landowner, and the response to the request. These records shall be maintained for a minimum period of three years.
- (3) Should the landowner deny permission to enter the property for inspection purposes, a special inspection warrant shall be applied for and executed according to Wis. Stats. § 66.0119.
[Amended 10-19-2010 by Ord. No. 1069]

- C. Abatement. If the City Forester shall find any private or public premises infested with injurious insects or plant disease, or if any tree, shrub or plant upon private premises endangers the public, interferes with the clearances as outlined in this chapter, or is injurious to any public utility, he/she shall provide the owner or person having charge of such premises a minimum two-week notice that removal is under consideration on a specific date, time and place which is at least two weeks in the future. The City Forester shall listen to comments from the landowner and then proceed as the Forester deems best. Should this order not be complied with, the City Forester shall cause the work to be done and all costs involved shall be charged against the property as a special assessment. No damages shall be awarded to the owner for the destruction of trees pursuant to this chapter.
- D. Oak trees located on private property are subject to additional provisions of § 594-8.

Sec. 18-578. - Lawn and yard maintenance.

- (a) *Definitions.* The terms used herein are defined as follows.
- (1) *Turf grass.* Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and rye grass blends.
 - (2) *Natural lawn.* Any land managed to preserve or restore native Wisconsin grasses and foliage, native trees, shrubs, wildflowers and aquatic plants.
- (b) *General requirements.* Except as provided in subsection (c) below, the owner or occupant of any lot or parcel in the city which is five acres or less in area shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in south central Wisconsin. Lawns shall be maintained to a height not to exceed 12 inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the city.
- (c) *Natural law exception—Registration and fee.* Any owner or occupant of a lot or parcel subject to subsection (b) above and desiring a natural lawn may register with the city clerk for a natural lawn as defined in subsection (a)(2) above where grasses and foliage exceed 12 inches in height provided that such plantings meet the requirements of this subsection. Applications for registered natural lawns shall be available from the office of the city clerk and the fee for a registered natural lawn will be set by the City of Columbus Common Council.
- (d) *Maintenance of setbacks and drainage swales.* A ten-foot setback on any street frontage and a five-foot side and rear setback of all natural lawns shall be maintained in accordance with subsection (b) above. In addition, all drainage swales shall be free of plantings and maintained in accordance with subsection (b) above. Adjacent neighbors may agree to waive setbacks for encroachment on setbacks outside drainage swales; such waivers shall be in writing and filed with the weed commissioner. In addition, a five percent area exclusive of the setback area shall be left open for maintained paths. The setback area shall have a height of no more than 12 inches, excluding trees and shrubs.
- (e) *Weeds and plants prohibited.* The owners and occupants of all properties with properly registered natural lawns shall destroy all of the following weeds and plants:
- (1) Canada thistle and all other thistle varieties.
 - (2) Leafy spurge.
 - (3) Field bindweed (Creeping Jenny).
 - (4) Purple Loosestrife.

- (5) Multiflora rose.
 - (6) Burdock.
 - (7) Ragweed.
 - (8) Garlic mustard.
 - (9) All weeds enumerated in §§ 66.955 and 66.96, Wis. Stats.
 - (10) Turf grass, except in setback areas and designated paths.
- (f) *Review and approval of land management plans.* The weed commissioner shall review all applications for registered natural lawns and within 30 days of submittal of an application respond in writing to the applicant. The weed commissioner shall annually review the list of all registered natural lawn properties visit each site to check for compliance with this section and, within 30 days of the visit notify in writing the owner or occupant of any noncompliance of this subsection. The person receiving such notice of noncompliance shall comply with the requirements of this subsection within ten days of such notifications.
- (g) *Enforcement.* In the event any previously approved natural lawn fails to comply with the requirements of this subsection, such premises shall be deemed a nuisance under this chapter and the weed commissioner may order the nuisance abated within seven days.
- (h) *Appeal.* Any person aggrieved by the written determination of the weed commissioner to revoke such registration or to abate a nuisance thereto may file a written appeal within seven days of receiving such written determination with the judiciary committee. The appeal shall state the reasons for reviewing the determination of the weed commissioner. After giving a Class I notice, the committee shall hold a hearing and decide the matter within 30 days. The committee may reverse, affirm or modify the determination of the weed commissioner and issue an order accordingly.

(Ord. No. 570-03, § 8, 6-17-03; Ord. No. 745-19, § 3, 3-5-19)

Sec. 38-31. - Junk storage.

No person shall store outside junked or discarded property, including automobiles, automobile parts, trucks, truck trailers, recreational and utility vehicles, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris in any residential district.

(Code 1978, § 9.09(1); Ord. No. 664-11, § 4, 9-20-11)

Editor's note— Ord. No. 664-11, § 4, adopted Sept. 20, 2011, amended § 38-31 title to read as herein set out. Former § 38-31 title pertained to restricted.

*City of Jefferson, WI
Tuesday, October 4, 2022*

Chapter 219. Property Maintenance

Article II. Natural Landscape Management

[Adopted 2-1-2005 by Ord. No. 1-05]

§ 219-8. General provisions.

"Natural landscape" as used in this article shall include common species of grass and wildflowers native to Wisconsin and/or ornamental plantings, which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article and in Chapter 197, Nuisances, § 197-6F of this Code. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article.

§ 219-9. Natural landscape management plan.

- A. "Natural landscape management plan" as used in this article shall mean a written plan relating to the management and maintenance of a landscape which meets the following requirements:
- (1) Proposed natural landscape is being requested.
 - (2) A statement of intent and purpose for the landscape.
 - (3) A detailed description of the types of plants and plant succession involved.
 - (4) Specific management and maintenance techniques to be employed.
 - (5) Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
 - (6) Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
 - (7) Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
 - (8) The property owner shall submit to the Plan Commission a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property.
 - (9) In addition to those identified in Chapter 197, Nuisances, § 197-6F of this Code, the following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)

Buckthorn

Latin Name(s)

Rhamnus Cathartica

Rhamnus Frangula

Common Name(s)	Latin Name(s)
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Purple Loosestrife	Lythrum Salicaria
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifolia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitraba
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

- B. Property owners who currently have natural landscapes must file for a permit and submit a plan as to be covered by this article.
- C. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Street Department Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the City of Jefferson's Weed Commissioner.

§ 219-10. Landscape Committee.

The Mayor, subject to the approval of the Common Council, shall appoint a Landscape Committee consisting of three persons who have expertise in the area of natural landscapes. The initial Committee members shall be appointed for one-, two- and three-year terms respectively, and thereafter all Committee persons shall be selected to serve for a three-year term.

§ 219-11. Application for permit.

Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Street Department, attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Landscape Committee for permit approval. The property owner will be notified in writing by the City of Jefferson of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Street Department Weed Commissioner's office for future reference.

§ 219-12. Appeal.

The property owner may appeal a decision to deny or revoke the natural landscape permit request to the Board of Zoning Appeals at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural landscape management plan. The decision rendered by the Board of Zoning Appeals shall be final and binding.

§ 219-13. Enforcement.

Enforcement will be upon written complaint by at least one adjoining owner and filed with the Jefferson Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Landscape Committee. If permitted property is determined to be in violation of this article, the property owner shall be notified by the Landscape Committee and City of Jefferson Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Jefferson shall order the property mowed and property owner will be billed, at the current rate for every hour worked, and the permit shall be revoked. In addition, the property owner may be subject to a penalty as provided in Chapter 1, Article I of this Code.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

*City of Watertown, WI
Tuesday, October 4, 2022*

Chapter 356. Landscaping

Article I. Natural Landscape Permit

[Adopted by Ord. No. 93-54 (§§ 9.09 and 9.20 of the former City Code)]

§ 356-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

NATURAL LANDSCAPE

Includes common species of grass and wildflowers native to Wisconsin and/or ornamental plantings which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article.

[Amended by Ord. No. 94-35]

NATURAL LANDSCAPE MANAGEMENT PLAN

A written plan relating to the management and maintenance of a landscape which meets the following requirements:

- A. Street address or legal description of the property where the proposed natural landscape is being requested.
- B. A statement of intent and purpose for the landscape.
- C. A detailed description of the types of plants and plant succession involved.
- D. Specific management and maintenance techniques to be employed.

§ 356-2. Plan and permit required; restrictions.

- A. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article.
[Amended by Ord. No. 94-35]
- B. Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
- C. Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
- D. Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
- E. The property owner shall submit to the Weed Commissioner a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property.

[Amended by Ord. No. 05-29]

- F. All property owners who currently have natural landscapes must file for a permit and submit a plan to be covered by this article.
- G. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Street Department, the Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the City of Watertown's Weed Commissioner.

§ 356-3. Noxious grasses or weeds.

The following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)	Botanical Name(s)
Buckthorn	Rhamnus cathartica
	Rhamnus frangula
Burdock (yellowdock)	Artium lappa
Field bindweed (wild morning glory)	Convolvulus arvensis
Garlic mustard	Alliaria petiolata
Goatsbeard (oyster plant, salsify)	Tragopogon porrifolius
Leafy spurge	Euphorbia esula
Marijuana	Cannabis sativa
Nettle	Urtica dioica
Oxeye daisy	Chrysanthemum leucanthemu
Pigweed (lambs quarters)	Chenopodium album
Pigweed (amaranth)	Amaranthus retroflexus
Poison ivy	Rhus radicans
Purple loosestrife	Lythrum salicaria
Quackgrass	Bromus brizaeformis
Ragweed (common)	Ambrosia artemisifolia
Ragweed (great)	Ambrosia trifida
Spotted knapweed	Centaurea maculosa
Thistle bull	Cirsium vulgare
Thistle canada	Cirsium arbense
Thistle musk or nodding	Carduus nutans
Thistle star (caltrops)	Centaurea calcitrapa
Thistle sow (field)	Sonchus arvensis
Thistle sow (common)	Sonchus oleraceus
Thistle sow (spiny leaved)	Sonchus asper
Sweet clover (yellow)	Melilotus officinalis
Sweet clover (white)	Melilotus alba
Yellow mustard (yellow rocket winter cress)	Barbarea vulgaris
Japanese bamboo	
Wild mustard	

§ 356-4. Application for natural landscape permit.

[Amended by Ord. No. 05-29]

Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Street Department, attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Public Works Commission for permit approval. The property owner will be notified in writing by the City of Watertown of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Street Department, Weed Commissioner's office for future reference.

§ 356-5. Appeal.

[Amended by Ord. No. 05-29^[1]]

The property owner may appeal a decision to deny or revoke the natural landscape permit to the Public Works Commission at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial or revocation of the natural landscape permit. The decision rendered by the Public Works Commission shall be final and binding.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 356-6. Enforcement.

[Amended by Ord. No. 05-29]

Enforcement will be upon written complaint by at least one adjoining owner and filed with the Watertown Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Weed Commissioner. If the permitted property is determined to be in violation of this article, the property owner shall be notified by the Public Works Commission and City of Watertown Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Watertown shall order the property mowed, and the property owner will be billed at the current rate for every hour worked, and the permit shall be revoked.

§ 356-7. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This action shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this article.

Sec. 42-106. - Regulation of natural lawns.

- (a) *Natural lawns defined.* "Natural lawn", as used in this section, shall include common species of grass and wild flowers native to North America, which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in section 46-3(6). The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the city corporate limits unless a natural lawn management plan is approved and a permit is issued by the parks, recreation, forestry and health committee as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) *Natural lawn management plan defined.*
- (1) "Natural lawn management plan", as used in this section, shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved; and the specific management and maintenance techniques to be employed.
 - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the city. "Property owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current city records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any city-owned property including street right-of-way. This shall include, also at a minimum, a strip not less than three feet behind public sidewalk, if one exists, whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the lawn management plan.
 - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the parks and recreation director by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the city shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The city shall revise the approved natural lawn management permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the city

provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the city between November 2 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) *Application process.*

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the city. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a \$50.00 nonrefundable filing fee will be assessed by the city. Upon receiving payment, copies of the completed application shall be mailed by the city to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners, the parks and recreation director receives written objections from 51 percent or more of the neighboring property owners, the parks and recreation director shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51 percent of the neighboring property owners provide written objections, the parks and recreation director shall issue permission to install a natural lawn.

(d) *Application for appeal.* The property owner may appeal the parks and recreation director's decision to deny the natural lawn permit request to the parks, recreation, forestry and health committee at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the parks, recreation, forestry and health committee shall be final and binding.

(e) *Safety precautions for natural grass areas.*

- (1) When in the opinion of the fire chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the fire chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the fire chief.
- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The fire chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public

safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the fire chief. The fire chief shall establish a written list of requirements for considering each request to burn natural lawns thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the city as a party insured. A minimum amount of acceptable insurance shall be \$300,000.00.

- (f) *Revocation of an approved natural lawn management plan permit.* The parks and recreation director upon recommendation of the mayor, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn management plan permit or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn management plan permit shall be appealable to the parks, recreation, forestry and health committee. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within 15 calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the 15 calendar day requirement shall be reviewed by the parks, recreation, forestry and health committee in an open meeting. The parks, recreation, forestry and health committee shall make a recommendation to the common council. The decision rendered by the common council shall be final and binding.
- (g) *Public nuisance defined; abatement after notice.*
- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit is issued by the city as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
 - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the parks and recreation director shall enter those charges onto the tax roll as a special tax as provided by state statute.
 - (3) The failure of the parks and recreation director to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.

- (h) *Penalty.*

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in section 42-1.
- (2) In addition to any penalties herein provided, the city may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

(Ord. No. 45-2005, § I, 1-16-2005; Ord. No. 38-2006, § I, 6-5-2006)