



136 North Monroe Street  
Waterloo, WI 53594-1198  
Phone: (920) 478-3025  
Fax: (920) 478-2021  
www.waterloowi.us

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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:** December 1, 2022  
**TIME:** 6:30 p.m.  
**LOCATION:** Municipal Building Council Chambers, 136 N. Monroe Street (in-person or remote)

Join Zoom Meeting <a href="https://us02web.zoom.us/j/85886029805?pwd=eERnS2NqaFJSZFFRWjhpQ2V5aEhqZz09">https://us02web.zoom.us/j/85886029805?pwd=eERnS2NqaFJSZFFRWjhpQ2V5aEhqZz09</a> Meeting ID: 858 8602 9805 Passcode: 960216 Dial by phone +1 312 626 6799 US (Chicago)
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### COMMITTEE REGULARLY SCHEDULED MEETING

1. PLEDGE OF ALLEGIANCE, CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES – November 3, 2022
3. CITIZEN INPUT / PUBLIC COMMENT (3 minutes per individual)
4. PROJECT OVERSIGHT & UPDATES
5. UNFINISHED BUSINESS
  - a. Request for a Sign at the City Cemetery
  - b. Homeowner would like Street Light added back on Jefferson St.
  - c. Dead or Hazardous Trees on Private Property
6. NEW BUSINESS
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: 11/29/2022

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.
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**CITY OF WATERLOO**

**PUBLIC WORKS & PROPERTY COMMITTEE MEETING MINUTES: November 3, 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 6:42 pm. Committee members present: Petts, A. Kuhl & Weihert. Absent: none. Others in attendance: Maureen Giese, Noelle Reynolds, Everett Butzine; DPW Yerges; Clerk Ritter.
2. APPROVAL OF MEETING MINUTES – October 6, 2022 [A. Kuhl/Weihert] VOICE VOTE: Motion carried.
3. CITIZEN INPUT / PUBLIC COMMENT none
4. PROJECT OVERSIGHT & UPDATES – Yerges spoke on Waterloo Road and slurry work for 2023.
5. UNFINISHED BUSINESS
  - a. Request for a Wooden Sign at the City Cemetery. Giese spoke regarding sign saying it didn't need to be wood just looking to have a sign placed there. Suggestion for sign: Waterloo City Cemetery est. 1865. Sign Estimates are needed to determine cost of sign before taking any action. Slewfoot signs in Jefferson. Giese to see if she can get cost of Setz cemetery sign. Tabled [A. Kuhl/Petts] VOICE VOTE: Motion carried
  - b. Homeowner would like Street Light added back on Jefferson St. Tabled. [A. Kuhl/Petts] VOICE VOTE: Motion carried.
  - c. Dead or Hazardous Trees on Private Property. Tabled [Weihert/Petts] VOICE VOTE: Motion carried.
6. NEW BUSINESS none
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS.
8. ADJOURNMENT [A.Kuhl and Petts] VOICE VOTE: Motion carried. 6:59 pm

Jeanne Ritter  
Clerk/Deputy Treasurer

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

**§ 332-1 Committee responsible for trees.**  
**[Amended 2-15-2007 by Ord. No. 2007-03]**

The Public Works and Property Committee shall, subject to the supervision and control of the Council, and except as herein provided, have jurisdiction and direction over all trees planted and growing in and upon City-owned property; that part of every street, the grade of which has been established, lying between the lot line and the curb; and trees on any property which may in any way have effect upon public property and upon the public welfare of the City, and for the planting, care, maintenance, protection and removal thereof. The Committee may make such rules and regulations as it may deem advisable for carrying out the purpose of this chapter.

**§ 332-2 Tree trimming; wood disposal.**  
**[Amended 2-15-2007 by Ord. No. 2007-03]**

- A. Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto, and having branches projecting into the public street or place shall, under the supervision of the Committee, be kept trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and over all other places not less than nine feet from the ground. This provision shall not apply to newly planted trees, provided that they do not interfere with persons upon the public street or place or obstruct the light of any streetlight. Any tree or trees not trimmed, as herein provided, shall be deemed hazardous.
- 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. **[Added 12-17-2020 by Ord. No. 2020-06]**

**§ 332-3 Tree planting.**

- A. Permit required. No trees, except the types recommended by the Committee, shall be planted in or upon any public street or place. Trees shall be planted only after a written permit has been received from the Committee, which permit shall state the name of the applicant, his address, the property on which the trees are to be planted, and the type to be planted. The trees shall be planted in such manner that they shall be equidistant between the curblines and the sidewalk. The distance between the trees shall not be less than 35 feet.
- B. Trees on newly opened streets. On newly opened streets, the Tree Committee shall have the authority to designate the types of trees and the manner in which they shall be planted and such other shrubs and bushes as the Committee shall approve.
- C. Trees planted in the public right-of-way shall be planted no closer than 40 feet to the nearest intersection or 10 feet to any driveway opening, buried cable or other utility. No permit will be issued if the tree lawn, defined as the public right-of-way between a public street and a public sidewalk, is less than six feet wide. Similarly, no permit will be issued for the planting of a tree beneath utility lines. **[Added 2-20-2014 by Ord. No. 2014-02]**

**§ 332-4 Removal of trees and stumps; replacement of trees.**

- A. All dead, hazardous and infected trees in the public right-of-way will be removed by the City at the expense of the City. All other trees in the public right-of-way shall be removed at the expense of the owner of the abutting property. If trees are removed by the owner of the abutting property, he shall

cause all stumps to be removed and the area cleaned of all branches, leaves and other debris. If such is not done in a manner satisfactory to the Tree Committee, the Committee may order the Director of Public Works to do so and may charge the expense to the abutting property, pursuant to § 66.0627, Wis. Stats.

- B. If a tree is removed from a tree lawn less than six feet wide, a tree will be provided by the City at 50% of the municipal cost to property owners and will be planted on the property owner's front lawn, providing that the Public Works Director determines that the property has sufficient front yard space to accommodate a tree. All municipally provided trees shall become the full responsibility of the property owner. [Added 2-20-2014 by Ord. No. 2014-02]

**§ 332-5 Trespass on private land.**

This chapter shall not give the Tree Committee authority to trespass on private land without the consent of the owner.

**§ 332-6 Violations and penalties.**

The penalty for violation of any provision of this chapter shall be a penalty as provided in Chapter 1, § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

**§332-7 Dead, diseased or hazardous trees on private property.**

The City Forester or his/her 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 of infestation, 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 30 days of specified notice.

## Chad Yerges

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**From:** Mark Lange <mark@langeenterprises.com>  
**Sent:** Monday, November 7, 2022 10:25 AM  
**To:** Chad Yerges  
**Subject:** RE: signs

Hi Chad,

That would be \$96.88.

*Mark Lange*

MIGS: Wisconsin Towns Association  
Wisconsin County Highway Association



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[www.911signs.com](http://www.911signs.com)

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**From:** Chad Yerges [mailto:dpw@waterloowi.us]  
**Sent:** Monday, November 07, 2022 10:17 AM  
**To:** Mark Lange  
**Subject:** signs

Mark

I need a price quote on a 30"x 60" sign green with white letters.

City of Waterloo Cemetery Est. 1859

Thanks

Chad Yerges  
City of Waterloo – DPW Director  
211 Hendricks Street  
Waterloo, WI 53594

(920) 478-3025

**Waterloo**  
POPULATION 3,379

*[Redacted sign]*

*[Redacted sign]*



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.

*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. 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)

## 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.

**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 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, 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.

## 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, § 1, 10-5-2021)

**Cross reference—** Environment, ch. 26.