

Title 8HEALTH AND SAFETYChapters:

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Chapter 8.08EXPLOSIVESSections:

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| 8.08.010 | Storage of certain items prohibited - Use regulated |
| 8.08.020 | Gunpowder and blasting caps - storage, use |
| 8.08.030 | Gunpowder - permit to sell or store |
| 8.08.040 | Violation - Penalty |

8.08.010 Storage of certain items prohibited - Use regulated. No person shall store or keep any dynamite, nitroglycerine or other explosives, other than gunpowder, on any premises within the city. No person shall detonate any dynamite without a license as hereinafter provided. An application for a license shall be made in writing, stating the date, time, and place dynamite is to be detonated, and describing the area in which residents may be affected by such detonation, and that the applicant has notified, or will notify, such residents of the date, time, and place of detonation, prior to any detonation. The application shall be accompanied by proof of the applicant's having liability insurance in an amount not less than twenty thousand dollars per person and one hundred thousand dollars per incident, personal injury and property damage, and a certified check made payable to the city in the sum of two hundred dollars as security that the applicant has, or will have, notified residents as set forth in the application. The city clerk shall issue a license to an applicant complying with this section, In the event that any resident within the area described in the application shall complain to the city, within one week after detonation of any dynamite that such resident was not notified of such detonation, the said security of two hundred dollars shall be forfeited to the city, unless the applicant shows that it was not reasonable to notify said resident. If no such complaint is made, such security shall be returned to the applicant. (Ord. 333, 1982).

8.08.020 Gunpowder and blasting caps – storage or keeping restrictions. It is unlawful to store or keep any explosive in excess of one pound in any storeroom, wareroom, building or any premises within the city; provided , that metal canisters in a storeroom or wareroom away from artificial heat or light, and that no more than fifty pounds of gunpowder may be kept, if in a magazine made of fireproof material or of wood covered with sheet iron and mounted on wheels and kept securely locked except when necessarily opened for use by authorized persons, and not more than one thousand blasting caps in a similar but separate magazine. Said magazines shall be conspicuously labeled, in red letters at least four inches high, "EXPLOSIVES," and shall be located within the building on the floor nearest the street level and within ten feet of the street entrance. (Ord. 48, 1921).

8.08.030 Gunpowder – Permit to sell or store. Any person, firm or corporation who sells or stores gunpowder shall obtain a permit from the chief of the fire department, who shall inspect the place where the same is kept, and the dealer shall fully disclose to said chief where the same is kept both day or night. (Ord. 48, 1921).

8.08.040 Violation – Penalty. Any person who violates any provision of this chapter shall be required to forfeit not less than one hundred dollars nor more than five hundred dollars, together with the costs of prosecution, and in default of payment, shall be committed to the county jail until such forfeiture and costs are paid, not exceeding thirty days. Each day of any violation shall constitute a separate offense. (Ord. 333, 1982).

Chapter 8.10

OPEN BURNING

Sections:

- 8.10.010 "Open Burning" defined.
- 8.10.020 Open Burning prohibited; exceptions
- 8.10.030 Certain Open Burning allowed with Permit
- 8.10.040 "Burn Barrels" expressly prohibited
- 8.10.045 Burning of waste and recyclables prohibited
- 8.10.050 Penalty

8.10.010 "Open Burning" defined . "Open Burning" means kindling or maintaining any fire outside of any residence or other building.

8.10.020 Open Burning prohibited; exceptions. No person shall kindle or maintain any open burning except the following:

- (A) Outdoor cooking in a grill or other device manufactured for such purpose;
- (B) Training for fire department personnel;
- (C) Occasional campfire, or bonfire, on the following conditions only: no material may be burned other than untreated wood; the campfire or bonfire burn site shall be no larger than 3 feet by 3 feet; the fire shall be constantly attended by a competent person; no fire later than 12 o'clock midnight; no fire shall be kindled or allowed to continue when the fire chief or the chief's designee determines that the fire poses a risk of spreading beyond control, or because of weather or atmospheric conditions constitutes a nuisance; the owner of property where such campfire or bonfire is kindled is strictly liable for damage to property and injury to person, and for the costs and expenses of the fire department response to any emergency, of which the fire is a cause.

8.10.030 Certain Open Burning allowed with Permit. The fire chief or the chief's designee may permit other open burning (such as, larger bonfires, or the burning of brush) on such conditions as the chief or the chief's designee may determine are consistent with this ordinance, but may not permit what is prohibited by this ordinance

8.10.040 "Burn Barrels" expressly prohibited. No person shall burn anything in any barrel ("burn barrel"); this shall not be construed to prohibit outdoor cooking as permitted in this ordinance.

8.10.045 Burning of waste and recyclables prohibited. Burning of waste and/or recyclables, whether in an open pit, burn barrel or household incinerator is unhealthy, unneighborly, unnecessary, illegal and is prohibited.

8.10.050 Penalty. Any person who violates this ordinance shall be required to forfeit not less than \$100 nor more than \$200, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days.

Chapter 8.11

SOLID FUEL BURNING DEVICES

Sections:

- 8.11.010 Definitions
- 8.11.020 Prohibited burning
- 8.11.030 Penalty

8.11.010 Definitions: (A) "Dry wood" means wood with a moisture content of less than 20 percent.

(B) "Solid fuel burning device" means every thing which uses wood or matter other than gas, liquid, or charcoal, for combustion, including stoves, fire places, hydronic heaters, and water boilers.

8.11.020 Prohibited burning: (A) From and after the effective date of this ordinance no person shall install a solid fuel burning device that is not certified by the United States Environmental Protection Agency, and then only if the chimney extends at least two feet above the highest peak of any residence within 500 feet.

(B) No person shall burn any thing in a solid fuel burning device except dry wood that has no paint, stains or other coating, and that has not been treated with preservatives or chemicals, including but not limited to copper, chromium arsenate, creosote or pentachlorophenol.

(C) No person shall cause or allow emission of a visible smoke plume from any solid fuel burning device for six consecutive minutes in any one hour period.

8.11.030 Penalty: (A) A person who violates this ordinance after having been given a written warning shall be required to forfeit not less than \$50 nor more than \$100 and upon failure to pay such forfeiture and costs of prosecution shall be sentenced to the County jail not exceeding 30 days. Each day a violation occurs is a separate offense.

(B) Repeated violations of this ordinance constitutes a public nuisance. (ORD 13OR004; ORD 08OR003; ORD 04OR006)

Chapter 8.12

FIREWORKS

Sections:

- 8.12.010 Definitions.
- 8.12.020 Permit required.
- 8.12.030 Permit, to whom issued.
- 8.12.040 Indemnity.
- 8.12.050 Penalty.

8.12.010 Fireworks, defined. "Fireworks" has the meaning in Section 167.10, Wis. Stats. (Ord. 436, 1992).

8.12.020 Permit required. No person may possess or use fireworks without a permit granted by the Common Council and issued by the City Clerk. (Ord. 436, 1992).

8.12.030 Permit, to whom issued. A permit may be issued to the following:

- A public authority.
- A fair association.
- An amusement park.
- A park board.
- A civic organization.
- A group of resident or nonresident individuals.
- An agricultural producer for the protection of crops from predatory birds or animals. (Ord. 436, 1992)

8.12.040 Indemnity. No permit may be issued until the applicant files with the City Clerk an indemnity bond or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. (Ord. 436, 1992).

8.12.050 Penalty. Any person who violates this chapter shall be required to forfeit not less than \$100 nor more than \$500, together with the costs of prosecution, and in default of payment shall be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord. 436, 1992).

8.12.050 Penalty. Any person who violates this chapter shall be required to forfeit not less than \$100 nor more than \$500, together with the costs of prosecution, and in default of payment shall be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord. 436, 1992).

Chapter 8.14

SMOKING REGULATED

Sections:

- 8.14.010 Definitions.
- 8.14.020 Prohibition against smoking generally
- 8.14.030 Prohibition at child care center
- 8.14.040 Prohibition at certain public facilities
- 8.14.050 Responsibility of persons in charge
- 8.14.060 Exceptions
- 8.14.070 Outside smoking areas may be designated
- 8.14.080 Penalties

8.14.010 Definitions. In this chapter:

(ab) "Assisted living facility" means a community-based residential facility, as defined in s. 50.01(1g), a residential care apartment complex, as defined in [s. 50.01\(1d\)](#), or an adult family home, as defined in s. 50.01(1)(b).

(abm) " Child care center" has the meaning given in s. 49.136(1) (ad).

(ae) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

(aj) Notwithstanding s. 101.01(5), "employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

(ak) "Enclosed place" means a structure or area that has all of the following: a roof and more than 2 substantial walls; "substantial wall" means a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent of the wall's surface area. (12OR002)

(b) "Inpatient health care facility" means a hospital, as defined in s. 50.33(2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01(3), a hospice, as defined in s. 50.90(1), a Wisconsin veterans home under s. 45.50, or a treatment facility.

(bn) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61(1).
2. A hotel, as defined in s. 254.61(3).
3. A tourist rooming house, as defined in s. 254.61(6).

(d) "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

(dj) Notwithstanding s. 101.01(11), "place of employment" means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

(dn) "Private club" means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

(e) "Public conveyance" means a mass transit vehicle as defined in s. 340.01(28m), a school bus as defined in s. 340.01(56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.

(eg) "Public place" means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

(f) "Restaurant" means an establishment as defined in s. 254.61(5).

(g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted.

(gg) "Retail tobacco store" means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.

(h) "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

1. A lighted cigar.
2. A lighted cigarette.
3. A lighted pipe.
4. Any other lighted smoking equipment.

(hm) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

(im) "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.

(io) "Tobacco product" means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.

(ip) "Treatment facility" means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.

(j) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02(19).

8.14.020 Prohibition against smoking. Except as provided in section 8.14.060, no person may smoke in any of the following enclosed places:

- 1r. Child care centers.
2. Educational facilities.
3. Inpatient health care facilities.
4. Theaters.
7. Restaurants.
- 7m. Taverns.
- 7r. Private clubs.
8. Retail establishments.

8d. Common areas of multiple-unit residential properties.

8g. Lodging establishments.

8r. State, county, city, village, or town buildings.

9. All enclosed places that are places of employment or that are public places.

8.14.030 No person may smoke anywhere on the premises of a child care center when children who are receiving child care services are present.

8.14.040 No person may smoke in any of the following:

1. A sports arena.

2. A bus shelter.

3. A public conveyance.

8.14.050 Responsibility of persons in charge. (a) No person in charge may allow any person to smoke in violation of this chapter at a location that is under the control or direction of the person in charge.

(b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.

(c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.

3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

(d) If a person refuses to leave a location after being requested to do so as provided in par. (c)3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(e) A person in charge may take measures in addition to those listed in pars. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

8.14.060 Exceptions. The prohibition against smoking does not apply to the following:

(h) A private residence.

(i) A room used by only one person in an assisted living facility as his or her residence.

(j) A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

8.14.070 The person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to the ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

8.14.080 Penalties. Any person who violates this chapter shall be subject to a forfeiture of not less than \$100 nor more than \$250. (Ord 10OR006)

Chapter 8.18

REGULATION OF SOLID WASTE

Sections:

<u>8.18.010</u>	<u>Definition</u>
<u>8.18.020</u>	<u>Regulation of Solid Waste</u>
<u>8.18.030</u>	<u>Surcharges</u>
<u>8.18.040</u>	<u>Charges for City removal</u>
<u>8.18.050</u>	<u>Penalty</u>

8.18.010 Definition. "Solid waste" has the meaning described in State statute, presently section 289.01(33), Wis. Stats. (Ord 11OR005)

8.18.020 Regulation of disposition of solid waste. No person shall dispose of solid waste in any manner except: (a) to a licensed solid waste transporter in accordance with a schedule promulgated by such transporter; or (b) to a licensed solid waste facility.

8.18.030 Surcharges. A. Beginning January 1, 2009, a monthly charge shall be assessed to all property as a solid waste and recycling surcharge. The following are the initial rates and may be changed hereafter by resolution or motion adopted by the Council and reflected in the minutes of the meeting (Ord 09OR005; Ord 09OR001):

<u>Class:</u>	<u>Monthly surcharge:</u>
Industrial recycling:	\$5.30
Public recycling:	\$5.30
Commercial recycling:	\$5.30
Residential recycling and solid waste:	\$8.70

B The charges may be billed by statement on the monthly sewer and water statements, or other method as determined by the Public Works Committee or Council. Delinquent charges may be assessed against the property as a special charge in accordance with section 66.0627, Wisconsin Statutes. A charge is delinquent if not paid within 20 days after the end of the month when it is due.

C The City may allocate from the surcharge collected the following percentages, which may be changed hereafter: 5% for Municipal Utilities; 3.95% for legal and accounting. (Ord 08OR015; Ord 09OR001)

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8.18.040 Charges for City removal. A. The City may remove solid waste from private property when disposed of contrary to City ordinance or state law, and charge the real estate served in the following manner, as authorized by section 66.0627, Wis. Stats. The City Administrator, or Director of Public Works, or the designee of either, or any police officer, alderman, or alderwoman, may give written notice of this section by first class mail to an owner of the property upon which the solid waste is placed, which shall constitute notice that if the solid waste is not lawfully disposed of within 1 week following the date of mailing the notice, that the City may remove the same and charge the cost thereof to the property owner which, if not paid within 30 days, shall be delinquent. A delinquent charge becomes a lien on the property served as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74, Wis. Stats.

B. If the solid waste is not lawfully disposed of within 1 week of notice, the person mailing the notice shall furnish a copy to the Director of Public Works who shall arrange for removal of the solid waste, by City workers or by contract, and mail the property owner a notice of the cost of the work, with a copy of the notice to the City Clerk -Treasurer who shall, if such cost is not paid within such 30 days, include the cost in the current or next tax roll for collection and settlement under ch. 74, Wis. Stats.

8.18.050 Penalty. Any person who violates any provision of this chapter shall be required to forfeit not less than \$50 nor more than \$200 together with the cost of prosecution, and in default of payment shall be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation of this chapter continues shall constitute a separate offense. A continued violation of this chapter constitutes a public nuisance. (Ord 11OR005)

Chapter 8.22COMPOSTINGSections:

8.22.010	Purpose and Intent
8.22.020	Definitions
8.22.030	Location
8.22.040	Maintenance
8.22.050	Ingredients
8.22.060	Owner Responsibility
8.22.070	Penalty

8.22.010 Purpose and Intent. The purpose of this section is to promote the recycling of organic wastes through composting, and to establish minimum standards for proper compost maintenance.

8.22.020 Definitions.

- A. "Composting" shall mean a controlled biological reduction of organic wastes to humus.
- B. "Yard waste" shall mean leaves, grass clippings, garden debris and brush.

8.22.030 Location.

- A. Compost bins are only allowed in R1 and R2 Districts on property upon which an occupied single-family residence is located.
- B. Compost bins shall not be placed in any yard except a rear yard and shall be placed no less than 20 feet from any habitable structure off the subject property and no less than 10 feet from a property line or any structure on the subject property.

8.22.040 Maintenance. All compost bins shall be maintained using approved composting procedures to comply with the following requirements.

- A. All compost shall be enclosed in a freestanding compost bin. Total volume of all compost bins shall not exceed a volume more than one hundred twenty-five (125) cubic feet. No compost bin shall be taller than five (5) feet.

B. All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests.

C. All compost bins shall be so maintained as to prevent unpleasant odors. Compost bins shall be kept covered except when turning.

8.22.050 Ingredients.

A. No compost bin shall contain any of the following:

1. Fish, meat or other animal products;
2. Cooked food scraps, except coffee grounds and tea leaves;
3. Animal waste; or
4. Large items that will impede the composting process.

B. Permitted ingredients shall include:

1. Yard waste;
2. Vegetable and fruit scraps that are suitable for composting; and
3. Commercial compost additives.

8.22.060 Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this subsection.

8.22.070 Penalty. Any person who violates this ordinance shall be required to forfeit not less than \$25 nor more than \$200 for each violation, together with costs of prosecution, and in default of payment thereof shall be imprisoned in the County jail until such forfeiture costs are paid, not exceeding 30 days. Each day a violation occurs shall constitute a separate offense. Any compost bin maintained in violation of this ordinance is hereby declared to be a public nuisance.

Chapter 8.28PROPERTY MAINTENANCESections:

- 8.28.010 Declared nuisance when.
 8.28.020 Property maintenance.
 8.28.030 Penalty.

8.28.010 Declared nuisance when. Storage within the City of old, unused, stripped, junked, unlicensed and other motor vehicles not in condition for normal use or in good and safe operation condition, and of any other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer usable for the purpose for which it was manufactured, which are collectively described in this chapter as "Said personalty", for a period of five days or more (except in licensed salvage yard), is declared to be a nuisance and dangerous to the public safety. (Ord. 223 §1, 1967).

8.28.020 Property maintenance. The purpose of this section is to secure the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards and vacant areas. Attractive and well-maintained property will maintain and increase property and esthetic values and enhance health and safety.

Every owner and occupier shall improve and maintain all property under his, her, or its control in compliance with the following minimum requirements.

Yards shall be properly graded to divert water away from buildings. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5') feet where possible or by other means such as eaves, troughs, and downspout extensions.

Every foundation, floor, wall and roof shall be reasonably weathertight, watertight, rodentproof, capable of affording privacy, and shall be kept in proper repair. Any sagging or bulging shall be properly repaired to a level or plumb position.

Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering.

Every window, exterior door, and exterior basement entrance shall be reasonably weathertight, watertight, and rodentproof, and shall be kept in proper working condition and repair.

Every window, door, other openings, plumbing and heating fixture or appurtenance of every building shall be so maintained as to prevent such building from deterioration or dilapidation or blight which causes such building to offend the aesthetic character of the immediate neighborhood.

Every exterior stair, porch, railing, and related accessory shall be constructed and maintained to be safe to use and capable of supporting the load that normal use may place on it.

All chimneys and breeching shall be so constructed and maintained so as to insure that safe removal of products of combustion from the building.

Equipment required by the City Code, water and sewer pipes, and other utility systems, shall be maintained in proper working condition, free from defects, leaks, and obstructions.

Fences and other structures, sidewalks, walks, drives, and other concrete, asphalt, brick, graveled, stone or similarly improved yard areas, shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited on adjacent public or private property shall not be permitted.

Yards shall be maintained in a clean and sanitary condition.

No person shall store or allow to remain on property owned or occupied by such person, outside of any building or structure, any of the following things: unlicensed or unregistered motor vehicles; junk or discarded property or materials; appliances including refrigerators; furniture; furnaces; wood not intended for heating or construction purposes; bricks, cement blocks, and similar building materials not used within a reasonable time for the purpose for which they were made; scrap iron, steel, or other metal, not used within a reasonable time for the purpose for which they were made; machinery or machinery parts; tires, wheels, or rubber not being used for the purpose for which made; rubbish or garbage not in authorized containers; any personal property or condition presenting a physical hazard, or a place of rodent harborage or insect infestation; any other personal property which was designed to be used within a structure but which is stored outside for more than 30 days; any other article which from its worn condition renders it practically useless for the purpose for which it was made, or which the owner thereof in fact has no intention of using for such purpose.

Firewood may be stored in the rear yard of the property. The firewood must be cut to lengths of less than four (4) feet and less than two (2) feet in diameter.

8.28.030 Penalty. Any person who violates this ordinance shall be required to forfeit not less than \$25 nor more than \$200 for each violation, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation continues shall constitute a separate offense. Any property on which a violation occurs is hereby declared to be a public nuisance.

Chapter 8.32

NOXIOUS WEEDS AND REGULATION OF LENGTH OF GRASS

Sections:

8.32.010	Public Nuisance Declared.
8.32.020	Weeds designated - Declared noxious.
8.32.030	Unlawful - Destruction required.
8.32.040	Failure to destroy - Penalty.
8.32.050	Abatement.
8.32.060	Failure to destroy - rates for City corrective action.

8.32.010 Public Nuisance Declared. Noxious weeds and grass which exceeds eight (8) inches in length as defined in this Chapter adversely affect property values and public health and safety and are hereby declared to be a public nuisance.

8.32.020 Weeds designated - Declared noxious. The following plants are declared noxious weeds:

A. Ambrosia artemisiifolia (common ragweed), Ambrosia trifida (giant ragweed), Cirsium vulgare (Bull thistle), Cirsium arvense (Canada thistle), Convolvulus arvensis (Field bindweed), Euphorbia esula (Leafy spurge), Toxicodendron radicans (Poison ivy), Toxicodendron diversilobum (Poison oak), Pastinaca sativa (Wild or Poison parsnip) and Conium maculatum (Poison hemlock).

B. Grass over 8 inches in height that is:

1. Located within 3 feet of any property line **or**
2. Located outside of an established landscaping bed. A landscaping bed is defined as an area of plantings clearly and intentionally delineated from the remainder of the property by a natural or manmade border.

8.32.030 Unlawful - Destruction required. No person shall permit any noxious weeds (as defined in section 8.32.020) upon land owned or occupied by said person, nor upon the boulevard or street right of way abutting said person's property; said person shall destroy said noxious weeds. (Ord 428, 1991).

8.32.040 Failure to destroy - Penalty. In the event such person fails to destroy noxious weeds, a citation may be issued for the ordinance violation. Said person shall be required to forfeit not less than \$50 nor more than \$200 for each offense, each day a violation continues being a separate offense, and upon default in payment shall be imprisoned in the county jail until said forfeiture and any costs of prosecution are paid, not exceeding 30 days. (Ord 428, 1991)(Ord 17OR005).

8.32.050 Abatement. If the owner/occupant of the property does not contest the citation or is found guilty of the ordinance violation in municipal court and the property is not brought into compliance with this Chapter within forty-eight (48) hours of the municipal court's decision, the weed commissioner or other designated City employee shall destroy or cause such weeds to be destroyed, in the manner deemed to be the most economical method. If the owner/occupant of the property informs the City Clerk of his or her intent to appeal the municipal court decision before the expiration of the forty-eight (48) hours, the City will not take action to abate until either (1) the period to appeal has expired and no appeal has been filed, or (2) a decision is made on the appeal. The cost of abatement shall be assessed against the property (or in the case of boulevards or street rights of way, against the abutting property). An account showing the amount chargeable to each piece of land shall be filed with the City Clerk who, in turn, shall mail same to the owner and occupant of the premises. If the statement is not paid in full within thirty (30) days thereafter, the City Clerk may enter the charges in the tax role in a column headed "For the Destruction of Weeds" as a special tax against said lot or parcel of land. (Ord 17OR005).

8.32.060 Failure to destroy - rates for City corrective action. The Council shall from time to time by resolution establish rates for the use of City equipment and labor in destroying noxious weeds if any person fails to do so after notification as provided in Section 8.32.030. (Ord 238 §4, 1971).

Chapter 8.36TREES AND SHRUBSSections:

8.36.010	Purpose
8.36.020	Definitions
8.36.030	Authority and Power
8.36.040	Applicability
8.36.050	Authority to Enter Private Premises
8.36.070	Tree Species and Sizes to be Planted
8.36.080	Spacing
8.36.090	Distance from Curb and Sidewalk
8.36.100	Distance from Fire hydrants
8.36.110	Utilities
8.36.120	Public Tree Care
8.36.130	Pruning-Corner Clearance
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8.36.010 Purpose. Trees are a valuable resource which enhances the aesthetics of the community. They prevent soil erosion, filter airborne pollutants, reduce atmospheric carbon dioxide, produce oxygen and ameliorate harsh climates, thereby reducing energy consumption. In addition, trees contribute significantly to property values and provide many other benefits, both locally and globally.

It is the intention of this ordinance to promote the planting and maintenance of trees and shrubs on public and private lands.

This will be achieved with a minimum of danger or damage to persons, buildings, streets, curbs, sidewalks, overhead wires and all underground utilities. It is also the intent of this ordinance to guard against the spread of disease and to avoid damage to or the unnecessary removal of trees and shrubs on public and private lands. (Ord 06OR002)

8.36.020 Definitions. Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- a) Person. Person, firm, association or corporation.
- b) Public Areas. Includes all public parks and other lands owned, controlled or leased by the City. (Ord 06OR002)
- c) Public Trees and Shrubs. All trees and shrubs located or to be planted in or upon public areas, which include boulevards, alley right of ways, parks, waterways and easements.
- d) Boulevard. That portion of the right-of-way lying between the normal location of the improved roadway and the boundary of the street right-of-way (the "lot line") shall be deemed to be the boulevard for the purpose of this chapter.
- e) [blank]
- f) Tree. Any woody plant, normally having one stem or trunk.
- g) Parks Commission. See Chapter 2.20, Board of Park Commissioners.
- h) Tree Board. Refer to 8.36.030 for composition and duties of Tree Board.
- i) Topping. The severe cutting back of limbs to stubs within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- j) Contractor. A person or company who is hired by the City to do work outlined by the City.
- k) Street Trees. Street trees are trees, shrubs, and woody vegetation that lie in street and/or alley right of way and on the boulevard.
- l) City Trees. City trees are Street Trees as defined above and trees, shrubs, and woody vegetation located in parks, on City owned property, on waterways and easements.
- m) Sight Triangle. A triangle formed by measuring 15 feet back in both directions from the intersection of two right-of-ways at the sidewalk, or if there are no sidewalks, from where the walks normally would be located.
- n) Hazard Tree. Any defective tree or tree part, that poses a high risk upon its failure or fracture to cause injury to people or damage to property.
- o) City Forester. The Council shall designate a City Forester or assign such duties to a City employee. Qualifications for the position shall include up to date knowledge of sound forestry practices in an urban environment. The forester shall attend regular workshops and conferences, as appropriate, commensurate with his or her background, education and knowledge.

8.36.030. Authority and Power.

1. The Council hereby creates the Tree Board which shall have control of all Street Trees and City Trees. This shall include planting, transplanting, removing, pruning, treating and otherwise caring for and protecting all trees, shrubs and plants on all public lands not specifically delegated to other City Boards, in order to preserve and enhance the beauty and general welfare of the community.

b. The Tree Board is empowered to require landowners to remove or prune specified trees, shrubs or plants deemed a safety hazard. The Tree Board may prohibit the planting of certain trees or tree species, shrubs, or plants on private lands within the City of Viroqua.

c. The Tree Board is empowered to require landowners to treat specified trees that have been infested by insects or are infected by a disease and will work with the landowner to ensure that this is done in a safe manner.

2. The City Tree Board shall consist of two Council members and five citizen members. One of the Council members shall be from a Council committee that oversees public works and one from a committee that oversees the city parks. If available, two of the five citizen members shall be individuals with training or expertise in the field of arboriculture or a related discipline. All citizen members shall possess a known interest in the value of trees in the urban environment. Citizen members shall be appointed by the mayor with the approval of the Council.

a. The term of the five citizen members shall be three years, except that the term of two of the members appointed to the first board shall be for one year, the next two will be two years, and the fifth will be for 3 years. In the event that a vacancy shall occur during the term of any one member, his/her successor shall be appointed for the unexpired portion of the term. A member may succeed him or her self.

b. The two Council members shall be appointed by the Mayor, subject to Council approval. This shall occur annually at such time as each new Council organizes itself after the spring election.

c. The tree board shall organize annually by appointing a chairperson. The tree board shall keep a record of its proceedings.

3. The city forester shall be subject to the direction and authorization of the tree board. (Ord 06OR002)

8.36.040. Applicability. This ordinance provides full power and authority over all trees, plants, and shrubs located within the boulevards and public places of the City and to trees, plants, shrubs located on private property that constitute a hazard or threat as described herein. Trees and Shrubs within city parks are the responsibility of the Board of Park Commissioners, Chapter 2.20. (Ord 06OR002)

8.36.050. Authority to Enter Private Premises. The City, its agents and employees, 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. If a request to inspect such trees or shrubs is denied by the person responsible for the property, an inspection warrant may be obtained pursuant to relevant Wisconsin Statutes. (Ord 06OR002)

8.36.070. Tree species and size to be planted. The City Tree Board shall develop and maintain a list of trees for planting as street trees. Only small (under 25 feet) and medium (25 to 45 feet) trees will be allowed to be planted as street trees except as otherwise permitted by the Tree Board. Any tree planted within areas defined in 8.36.020(l) under "City trees" becomes the property of the City. A permit is required to plant "City trees". (Ord 06OR002)

8.36.080. Spacing. The City Forester shall determine the spacing of City trees. (Ord 06OR002)

8.36.090. Distance from Curb and Sidewalk. The City Forester will determine the distance street trees may be planted from the curb and sidewalks. (Ord 06OR002)

8.36.100. Distance from Fire Hydrants. No street tree shall be planted within 10 feet of any fire hydrant. (Ord 06OR002)

8.36.110. Utilities. No street trees other than those listed as small trees may be planted under any overhead wire. (Ord 06OR002)

8.36.120 Public Tree Care. Whenever the City proposes the pruning, or removal of any tree, it shall give 2 weeks written notice to the owner of the abutting lot or parcel of land, and if there be a tenant occupying said property, then also to such tenant, of a time and place at which contemplated work will be considered by the City; specifying in detail the street or portion thereof, upon or from which trees are proposed to be planted, pruned or removed, and the general nature and character of the changes and improvements contemplated. This notice is not required for routine maintenance of City trees by the City or its agents. This chapter may be waived due to emergency conditions (determined by the Forester) or signed permission from the owner. Any tree deemed a hazard by the City Forester may be removed without notice. (Ord 06OR002)

8.36.130. Pruning - Corner Clearance. Private property owners of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. A written notice will be given to the landowner, giving them two weeks to do the work

described above. Within that written notice the city shall provide materials describing proper pruning methods. If compliance is not made, the city will do the work and charge the cost thereof to the landowner or assess it to the property as a special charge. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree pruning policy must be reviewed by the Tree Board and the City Forester prior to any pruning by the utility company. (Ord 06OR002)

8.36.140. Dead or Diseased Tree Removal on Private Property. The City shall have the right to remove any dead or diseased trees on private property within the City, when such trees constitute a hazard to life or property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The City Forester will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 30 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the landowner or assess it to the property as a special charge. The City Forester may remove a tree or parts thereof on private property without notice to the owner where the tree is an immediate public safety hazard. (Ord 06OR002)

8.36.150. Tree Topping. It shall be unlawful for any person, to top any Street tree, City tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Board. (Ord 06OR002)

8.36.155 Protection of Trees in Construction Areas. All Street Trees and City Trees near any excavations or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

The Tree Board shall develop construction policies and procedures and submit same to the Council for review and approval. (Ord 06OR002)

8.36.160. Sight Triangle. No trees can be planted in the "sight triangle" without obtaining a permit from the City Forester. (Ord 06OR002)

8.36.161 Seasonal pruning and removal of oak trees. To prevent the disease known as "oak wilt", no one shall remove, prune or cause fresh wounds to any oak tree or portion thereof, including roots between April 1 and November 1 without first securing written permission from the Tree Board. If storm damage work on oaks is required during this period, a sterile wound dressing shall be applied to all cut surfaces in accordance with current arboricultural standards. (Ord 06OR002)

8.36.162 Landscape plans. Public projects including but not limited to streets, parking facilities, boulevards, parks and public buildings shall have a landscape plan identifying the proposed planting and layout of trees and shrubs. Private projects involving multifamily residential, parking facilities, residential subdivision, institutional, commercial and industrial shall have a landscape plan identifying the proposed planting and layout of trees and shrubs. Landscape plans shall be presented to and approved by the Tree Board in accordance with published guidelines and standards.

The Tree Board shall develop such landscape guidelines and standards and submit same to the Council for review and approval. (Ord 06OR002)

8.36.170. Permits Required.

A. Planting, Maintenance and Removal.

1. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, excavate or otherwise disturb any "City tree" without first filing an application and procuring a permit from the City Forester or otherwise specified municipal authority. The person receiving the permit shall abide by any arboricultural specifications and standards of practice adopted by the Tree Board.

2. Applications for permits must be made at City Hall not less than 5 (five) business days in advance of the time the work is to be done.

3. Standards of Issuance. The City Forester shall issue the permit provided for herein if, in his or her judgment, the proposed work is desirable and will be carried out in accordance with current arboricultural standards. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

4. Notice shall be given within five days of completion of the work to the City Forester to provide for his inspection.

B. Planting.

1. Application Data. The application required herein shall state the number of trees to be set out, the location, size, species, cultivars or variety of each tree, the method of planting, and such other information, including landscape plans, as the City Forester shall find reasonable and necessary to a fair determination of whether a permit should be issued. (Ord 06OR002)

2. Improper Planting. Whenever any tree shall be planted in conflict with the provisions of this ordinance, it shall be lawful for the City Forester to remove or cause removal of the same, and the exact cost thereof shall be assessed to the owner as provided by law in the case of assessments.

C. Maintenance.

1. Application Data. The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the City Forester shall find reasonable and necessary to a fair determination of whether a permit should be issued. (Ord 06OR002)

8.36.180. Penalty. Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine from \$25.00 to \$2,500.00. (Ord 06OR002)

8.36.190. Appeal. Any person who receives a determination, order, or denial of permit under this ordinance and objects to all or any part thereof, shall have the right to appeal such determination, order or denial to the Tree Board within ten (10) days of receipt of written notice of the order. The Tree Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Tree Board may reverse, affirm or modify the determination, order, or denial and the grounds for its decision shall be stated in writing. The Tree Board shall, by letter, notify the party appealing the order of its decision within ten (10) days after the hearing has been concluded. The Tree Board shall file its written decision with the City Clerk-Treasurer. (Ord 06OR002)