



CITY OF ANTIGO

PARKS, CEMETERY AND RECREATION COMMISSION MEETING

MULTI-PURPOSE ROOM

Monday, November 14, 2016

CITY HALL

5:30 PM

Call to Order

Discussion and Action May Occur on Any of the Following Agenda Items:

1. Approval of the Minutes from the September 12 and October 10, 2016 meetings
2. Approval to Accept Donation from Antigo Chapter Trout Unlimited for Park Improvements at Remington Lake
3. Approval to Co-Sponsor Annual Optimist Halloween Bash
4. Approval to Update the Tree and Shrub Ordinance Article IV

Any Other Matters Authorized by Law to be Considered

Adjournment

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact Jaime Horswill, 700 Edison Street, Antigo, Wisconsin 54409. (715) 623-3633 extension 100. Members of and possibly a quorum of members of other governmental bodies may be in attendance to gather information. Any governmental body other than that specifically referred to above will take no action.

DATE MAILED: November 10, 2016

TIM KASSIS



To: Mayor and City Council
From: Sarah Repp, Parks, Recreation, and Cemetery Supervisor
Date: November 14, 2016
Re: Approval to Accept Donation from Antigo Chapter Trout Unlimited for Park Improvements at Remington Lake

Antigo Chapter Trout Unlimited would like to present to the Park, Cemetery and Recreation Commission with a donation that is a combination of funds from the Remington Foundation, Two Angels Restaurant, and Antigo Chapter Trout Unlimited for improvements at Remington Lake, which include construction of ADA pathways to the new floating fishing pier.



To: Mayor and City Council
From: Sarah Repp, Parks, Recreation, and Cemetery Supervisor
Date: November 14, 2016
Re: Approval to Co-Sponsor Annual Optimist Halloween Bash

The Antigo Optimist Club held a well attended first annual Halloween Bash in Peaceful Valley Park on Saturday, October 29, 2016. The Optimists have decided to hold a similar event in 2017 with a few potential changes:

- The Bash will run later in the day; 2pm - 4pm (proposed time)
- Potential coordination with Antigo First, PTO's from the various schools and possibly the Fall Festival event that is held at the Middle School.
- Shortened Trick-or-Trick time (4pm - 6:30pm) This will allow families that wish to Trick-or-Treat in the dark to do so, while still accommodating families that wish to utilize daylight hours for Trick-or-Treating. Additionally, there was a lot of feedback that the time was too long.

The Boys & Girls Club is going to be an official sponsor of the event next year, and I am requesting permission to allow the City of Antigo to also be an official sponsor. We have had low numbers for our Water Carnival and Day of Play event the last couple years, so I would recommend this program be eliminated and we instead could focus efforts on the Halloween Bash, and work with other community groups and organizations to grow the event for our community.



To: Mayor and City Council
From: Sarah Repp, Parks, Recreation, and Cemetery Supervisor
Date: November 14, 2016
Re: Approval to Update the Tree and Shrub Ordinance Article IV

Enclosed are updates and recommended changes to the existing Trees and Shrubs Ordinance. There are a number of comments provided by our Urban Forestry Grant Coordinator, Don Kissinger, myself, and Mark Desotell, City Administrator. I have reviewed the updates with Mike Winter, and am requesting approval to forward the changes to FP&L. I am also attaching a copy of the current ordinance for reference.

Additionally, this is part of our overall plan to review Parks and Recreation , Forestry and Cemeteries. In December we will be reviewing Cemetery Policy and Ordinance.

ARTICLE IV. - TREES AND SHRUBS

Sec. 34-106. - Adoption of state statutes.

Wis. Stats. §§ 27.09 and 86.03 are adopted and incorporated in this article by reference.

(Code 1999, § 6-4-13)

Sec. 34-107. - Statement of policy and applicability.

- (a) Intent and purpose. It is the policy of the city 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 city to:
 - (1) Eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas;
 - (2) Promote and enhance the beauty and general welfare of the city;
 - (3) Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and
 - (4) Guard all trees and shrubs, both public and private, within the city against the spread of disease, insects or pests.
- (b) Applicability. This article shall apply to trees and shrubs growing or planted after the effective date of the ordinance from which this section is derived 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.
- (c) Powers of council. The common council is empowered to require landowners to remove, trim or treat specified trees, shrubs or plants under certain conditions and to prohibit the planting of certain trees or tree species, shrubs or plants on private lands within the city.

(Code 1999, § 6-4-1)

Sec. 34-108. - Definitions.

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

Boulevard areas and terrace areas mean the land between the normal location of the street curbing and sidewalk. Where there is no curb and gutter, the area four feet from the curbline shall be deemed to be a boulevard for the purpose of this article. The term "boulevard" shall have the same meaning as the term "terrace." Where there are no sidewalks, the area seven feet from the curb shall be deemed boulevard areas under this article.

Curb means an enclosing frame, border or edging; a raised edge or margin to strengthen or confine.

Evergreen tree means any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

Forester means the person designated by the common council as authorized to carry out this article as the community resources director or designee.

Major alteration means trimming a tree beyond necessary trimming to comply with this article.

Public areas includes all public parks and other lands owned, controlled or leased by the city, except the terrace areas.

Public nuisance means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements; or endangers the life, health, safety or welfare of persons or property.

Public trees and shrubs means all trees and shrubs located or to be planted in or upon public areas.

Shrubs means any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

Tree means any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of 16 feet or more.

(Code 1999, § 6-4-2)

Cross reference— Definitions generally, § 1-2.

Sec. 34-109. - Designation of city forester; authority of city forester to enter private premises.

- (a) The common council may designate a municipal employee or citizen to perform the duties of city forester under Wis. Stats. § 27.09 and may authorize such forester to perform the duties and exercise the powers imposed on the common council by this article.
- (b) The city forester or his/her authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the sections of this article. 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 Wis. Stats. § 66.0119.

(Code 1999, § 6-4-3)

Sec. 34-110. - Interference with city forester prohibited.

No person shall interfere with the city forester and his/her authorized representative while they are engaged in carrying out any work or activities authorized by this article.

(Code 1999, § 6-4-4)

Sec. 34-111. - Abatement of tree disease nuisances.

- (a) Tree diseases declared public nuisance. The common council has determined that there are many trees growing on public and private premises within the city, 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 city, and that the health and life of such trees is threatened by fatal diseases. The common council declares its intention to control and prevent the spread of such diseases and the insect pests and vectors which carry such diseases and specifically declares such diseases to be public nuisances.
- (b) Definitions. As used in this section, unless otherwise clearly indicated by the context:
Public nuisance means:
 - (1) Any deleterious or fatal tree disease.

- (2) 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 place, including the terrace strip between curb and lot lines.
- (3) Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

Public property means owned or controlled by the city, 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.

(c) Inspection. Inspection shall be conducted as follows:

- (1) The city forester shall inspect or cause to be inspected all premises and places within the city to determine whether any public nuisance exists thereon.
- (2) Whenever necessary to determine the existence of disease 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 for analysis to determine the presence of such nuisances.
- (3) The city forester or his/her agents 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. The duty of the city forester in the abatement of nuisances is as follows:

- (1) The city 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/she determines to be necessary to prevent as fully as possible the spread of deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the city forester after inspection or examination shall determine that a public nuisance exists on public property in the city, he/she 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 deleterious tree diseases or the insect pests or vectors known to carry such disease.
- (3) a. When the city forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he/she shall immediately serve or cause to be served personally or by certified mail upon the owner of such property, if he/she 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 before the city forester, not less than 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 city, the city 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 city.
- b. If, after the hearing held pursuant to subsection (d)(3)a of this section, it shall be determined by the common council that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five days after such hearing, the city 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 city forester may extend the time allowed the property owner for abatement work, but not to exceed ten additional days.

(e) Spraying. Spraying shall be in accordance with the following:

- (1) Whenever the common council, upon the recommendation of the city 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, the city forester may cause all trees within a

1,000-foot radius to be sprayed with an effective disease-destroying concentrate or other insecticide.

- (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 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 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the forester shall also notify the chief of police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary no parking notices shall be posted in each block of any affected street at least 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 (e)(2) of this section, the city 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 to accordance with the requirements of subsection (d)(3) of this section.

(Code 1999, § 6-4-5)

Sec. 34-112. - Assessment of costs of abatement.

- (a) The entire costs of abating any public nuisance or spraying trees 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 on or the parcel or lot upon which such tree stands in accordance with Wis. Stats. § 66.0627. The cost of abating any such nuisance or part thereof which is located in or upon any park shall be borne by the city.
- (b) The cost of abating a public nuisance, when done at the direction and under the supervision of the forester, shall be assessed to the property to which such nuisance, tree or wood is located as follows:
 - (1) The forester shall keep a strict account of the costs 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 common council on or before October 15 of each year.
 - (2) Upon receiving the forester's report, the council shall hold a public hearing on such proposed charges, giving at least 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 city 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 premises and the work for which such charge is being made.
 - (3) After such hearing, the common council 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 clerk-treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his/her last known address stating that, unless paid within 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 city 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 part thereof.

(Code 1999, § 6-4-6)

Sec. 34-113. - Planting of trees and shrubs.

- (a) Purpose. The common council states its determination that the planting, care and protection of the trees within the city are desirable for the purpose of beauty, shade, comfort, noise abatement and economic betterment and encourages all persons to assist in a program of tree planting, care and protection.
- (b) Tree planting program. The park, recreation and cemetery director shall recommend to the common council, with approval from the city forester, a program for tree planting, care and protection for public parks. The common council shall also encourage the planting, care and protection of trees and shrubs on private premises within the city.
- (c) Tree types. The size and genus, species and variety of trees and shrubs to be planted in terraces, tree banks and boulevards and the manner of planting shall be submitted to the city forester for approval before commencement of such work. The city forester shall prepare and maintain lists of tree species desirable for planting according to their normal mature height as follows:
 - (1) Large trees: over 40 feet;
 - (2) Medium trees: 25 to 40 feet; and
 - (3) Small trees: 15 to 25 feet.
- (d) Planting size. Planting size shall be as follows:
 - (1) All large or medium trees, when planted, shall be at least eight feet high and shall have a minimum trunk diameter of 1½ inches at a point six inches above the ground.
 - (2) All small trees, when planted, shall be least five feet high and shall have five or more branches.
- (e) Location. Location shall be as follows:
 - (1) There shall be a minimum distance of 16 feet and a recommended distance of 25 to 50 feet between terrace area trees depending upon the size of trees and other factors. Terrace trees shall be planted an equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than five feet wide, planting will not be permitted. Terrace area trees shall be a minimum of 25 feet from an intersection or alley.
 - (2) Small sized trees shall be planted at least five feet from driveways and large or medium sized trees shall be planted at least 15 feet from driveways. Trees shall also be planted at least 15 feet from curb box/water shutoffs and underground utilities.
 - (3) Evergreen trees or shrubs shall not be planted in a terrace area.
 - (4) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
 - (5) No tree grates will be allowed around any tree in the terrace.
- (f) Minimum opening to be maintained. Unless otherwise provided for in a written permit from the city forester, there must be at least nine square feet of open ground about the base of each tree three inches in diameter one foot above the ground, and for each two inches of increase in such diameter there must be an increase of at least one square foot of open ground around each such tree.

- (g) Permitted species. Only trees approved by the city forester shall be planted in a public terrace strip (between curb and sidewalk).
- (h) Certain species restricted. No person shall plant within the city 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 become infested with box elder bugs, and such trees are declared a nuisance. Any person having any such trees on his/her premises shall cause the trees to be removed.
- (i) Unlawfully planted trees. Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the city forester may be removed. The city 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. If removal is not accomplished within the time specified, the city may remove such trees, plants or shrubs and assess the costs thereof to the owner.
- (j) Frames. Without the approval of the city forester, any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may not, for the purpose of protecting such tree or shrub, surround the tree or shrub with a suitable box or frame for protection. Borders must be installed around the planters downtown and will be maintained by the city or designated representative. The city forester will inform the city of any repairs needed.

(Code 1999, § 6-4-7; Ord. No. 1217B, §§ 1, 2, 9-8-2010)

Sec. 34-114. - Trimming.

- (a) Trees and shrubs standing in or upon any terrace, public area or upon any private premises adjacent to any public right-of-way or public area shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than 14 feet. The city forester may waive this subsection for newly planted trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.
- (b) The necessity of the pruning may be determined by the city forester.
- (c) Clearance from sidewalk to lower branches shall not be less than ten feet. All trees standing upon private property in the city, 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 ten 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. The city forester may waive this subsection for newly planted and existing trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.
- (d) Trimming or pruning of more than two-thirds of the crown of a public area tree shall be considered to be a major alteration and shall require a permit from the city forester.

(Code 1999, § 6-4-8)

Sec. 34-115. - Trees and shrubbery obstructing view at intersection or view of traffic signs.

- (a) Notwithstanding any other section of this article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the city 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 city. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the city forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten days of receipt of notice, to take such necessary steps, the city forester and/or common council shall order city employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the city forester as specified to subsection (c) of this section shall, upon conviction thereof, be subject to a forfeiture as established in section 1-14.

(Code 1999, § 6-4-9)

Sec. 34-116. - Removal of trees and stumps.

- (a) Dangerous, obstructive and infected trees. Any tree or part thereof, whether alive or dead, which the city forester shall find to be infected, hazardous or a nuisance as to endanger the general 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 city forester 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 city forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim such tree within the time limits, the city forester shall cause the tree to be removed, treated or trimmed and shall report the full costs thereof to the clerk-treasurer, who shall thereupon enter such costs as a special charge against the property.
- (b) Tree removal permit. No person shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the city forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the city forester, because of disease, damage, hazardous condition and/or location or its location is such that substantial detriment is done to the property upon which the tree or shrub stands or the property abutting the tree or shrub. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.
- (c) Tree and stump removal standards. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of the sidewalk to the top of the curb. All wood and debris must be removed from the street prior to the end of each working day, and all holes shall be filled to normal grade level with topsoil as soon as practicable. The abutting property owner shall have a right of first refusal to keep the wood, provided such wood is not diseased. The city has the right to keep any of the wood products. The city forester shall, upon request, offer the wood product to the abutting landowner first, then advertise and sell it to the highest bidder.
- (d) Tree replacement. Upon removal of any tree on public lands, the city forester will use his/her discretion if the tree will be replaced. With approval by the city forester, the city will replace the tree that was removed.

(Code 1999, § 6-4-10)

Sec. 34-117. - Prohibited acts.

- (a) Damage to public trees. No person shall, without the consent of the owner, for a private tree or shrub, or without written permits from the city forester, for a terrace area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
 - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the tree or shrub.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree or fasten any guy wire, cable, rope, nails, screws or other device to any tree. However, the city may tie temporary no parking signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
 - (7) Except with a written permit from the city forester, place or maintain upon the ground any stone, brick, cement or other impervious substance in such manner as may obstruct the free access of air or water to the roots of any tree, shrub or plant in or upon any public way or public place.
- (b) Excavations. All trees on any parkway or other publicly owned property near any excavation or construction of any building or structure or street work shall be sufficiently guarded and protected by those responsible for such work to prevent any injury to such trees. No person shall excavate any ditches, tunnels or trenches or install pavement within a radius of ten feet from any public tree without a permit from the city forester.
- (c) Interference with forester. No person shall:
 - (1) Interfere with or prevent any acts of the city forester or his/her agents while he/she is engaged in the performance of duties imposed by this section.
 - (2) Refuse to permit the city forester or his/her representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this article.
- (d) Refusal to abate nuisance. No person shall permit any public nuisance to remain on any premises owned or controlled by him/her when ordered by the city forester to abate such nuisance.

(Code 1999, § 6-4-11)

Sec. 34-118. - Appeal from determinations or orders.

Any person who receives a determination or order under this article from the city forester and who objects to all or any part thereof shall have the right to appeal such determination or order, subject to article XI of chapter 2, to the common council within seven days of receipt of the order. The common council shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing, the common council may reverse, affirm or modify the order or determination appealed from, and the grounds for its decision shall be stated in writing. The common council shall, by letter, notify the party

appealing the order or determination of its decision within ten days after the hearing has been concluded. The council shall file its written decision with the clerk-treasurer.

(Code 1999, § 6-4-12)

ARTICLE IV. - TREES AND SHRUBS

Sec. 34-106. - Adoption of state statutes.

Wis. Stats. §§ 27.09 and 86.03 are adopted and incorporated in this article by reference.

(Code 1999, § 6-4-13)

Sec. 34-107. - Statement of policy and applicability.

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- (1) Eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas;
 - (2) Promote and enhance the beauty and general welfare of the city;
 - (3) Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and
 - (4) Guard all trees and shrubs, both public and private, within the city against the spread of disease, insects or pests.
- (b) Applicability. This article shall apply to trees and shrubs growing or planted after the effective date of the ordinance from which this section is derived 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.
- (c) Powers of council. The common council is empowered to require landowners to remove, trim or treat specified trees, shrubs or plants under certain conditions and to prohibit the planting of certain trees or tree species, shrubs or plants on private lands within the city.

(Code 1999, § 6-4-1)

Sec. 34-108. - Definitions.

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

Boulevard areas and terrace areas mean the land between the normal location of the street curbing and sidewalk. Where there is no curb and gutter, ~~the area four feet from the curbline shall be deemed to be a boulevard for the purpose of this article~~ city owned right-of-way shall be determined. The term "boulevard" shall have the same meaning as the term "terrace." ~~Where there are no sidewalks, the area seven feet from the curb shall be deemed boulevard areas under this article.~~

Curb means an enclosing frame, border or edging; a raised edge or margin to strengthen or confine.

Evergreen tree means any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

City Forester means the Parks, Recreation and Cemetery Director ~~person designated by the common council as authorized to carry out this article, or his/her designee. as the community resources director or designee.~~

Comment [DJK1]: May want to define Topping and that this cannot occur in the C

Comment [SR2]: Boulevard and terrace are determined by a measurement, and this be stated in the ordinance.

Comment [SR3]: This title no longer exists within the city and is not necessary within the document.

Major alteration means trimming a tree beyond necessary trimming to comply with this article.

Public areas includes all public parks, ~~boulevard/terraces~~ and other lands owned, controlled or leased by the city, ~~except the terrace areas. Including boulevard and/or terrace areas.~~

Comment [SR4]: The "except" language congruent with our current management p

Public nuisance means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements; or endangers the life, health, safety or welfare of persons or property.

Public trees and shrubs means all trees and shrubs located or to be planted in or upon public areas.

Shrubs means any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

~~Topping or rounding over means the cutting of large diameter branches (more than three (3") inches in diameter) at a point between lateral shoots thereby leaving stubs, resulting in substantial size reduction of the canopy and destruction of the natural form/shape of a mature tree. Topping is not allowed on public property.~~

Tree means any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to ~~potential~~ heights of ~~16~~ 15 feet or more.

(Code 1999, § 6-4-2)

Cross reference— Definitions generally, § 1-2.

Sec. 34-109. - Designation of city forester; authority of city forester to enter private premises.

- (a) The common council may designate a municipal employee or citizen to perform the duties of city forester under Wis. Stats. § 27.09 and may authorize such forester to perform the duties and exercise the powers imposed on the common council by this article.
- (b) The city forester or his/her authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the sections of this article. 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 Wis. Stats. § 66.0119.

(Code 1999, § 6-4-3)

Sec. 34-110. - Interference with city forester prohibited.

No person shall interfere with the city forester and his/her authorized representative while they are engaged in carrying out any work or activities authorized by this article.

(Code 1999, § 6-4-4)

Sec. 34-111. - Abatement of tree disease nuisances.

- (a) Tree diseases declared public nuisance. The common council has determined that there are many trees growing on public and private premises within the city, 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 city, and that the health and life of such trees is threatened by fatal diseases. The common council declares its intention to control and prevent the spread of such diseases and the insect pests and vectors which carry such diseases and specifically declares such diseases to be public nuisances.

(b) Definitions. As used in this section, unless otherwise clearly indicated by the context:

Public nuisance means:

- (1) Any deleterious or fatal tree ~~disease~~. **Infection or infestation**
- (2) 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 place, including the **boulevard/terrace strip**. Any tree or part thereof which, by reason of its condition and location is hazardous or dangerous to **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. between curb and lot lines.**
- ~~(3) Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.~~

Public property means owned or controlled by the city, 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.

(c) Inspection. Inspection shall be conducted as follows:

- (1) The city forester shall inspect or cause to be inspected all premises and places within the city to determine whether any public nuisance exists thereon.
- (2) Whenever necessary to determine the existence of disease 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 for analysis to determine the presence of such nuisances.
- (3) The city forester or his/her agents 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. The duty of the city forester in the abatement of nuisances is as follows:

- (1) The city 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/she determines to be necessary to prevent as fully as possible the spread of deleterious tree diseases or the insect pests or vectors known to carry such diseases, **or remove the hazard.**

- (a) (2) Whenever the city forester after inspection or examination shall determine that a public nuisance exists on public property in the city, he/she 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 deleterious tree diseases or the insect pests or vectors known to carry **or cause such disease nuisance. The cost of abating any such nuisance or part thereof which is located in or upon any park, city owned property, or city owned public right-of-way shall be borne by the city.**

- (3) a. When the city forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he/she shall immediately serve or cause to be served personally or by certified mail upon the owner of such property, if he/she 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 before the city forester, not less than 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 city, the city 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 city.
- b. If, after the hearing held pursuant to subsection (d)(3)a of this section, it shall be determined by the common council that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed

Comment [DJK5]: I suggest removing t disease and use "infection or infestation", t addresses both diseases and insects. Best r specifically list names as who knows what r insect or disease will be found in the future

Comment [SR6]: Moved from page 7 u 34-116 – Removal of trees and stumps.

Comment [SR7]: Unnecessary already :

Comment [DJK8]: Can remove this ent as eastern tent caterpillar rarely kills trees

Comment [SR9]: Replace with nuisance

within five days after such hearing, the city 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 city forester may extend the time allowed the property owner for abatement work, but not to exceed ten additional days.

(e) Spraying. Spraying shall be in accordance with the following:

- (1) Whenever the common council, upon the recommendation of the city forester, shall determine that any tree or part thereof is infected/~~infested~~ with a deleterious or fatal tree disease/~~insects~~ or is in a weakened condition ~~or harbors elm bark beetles~~, the city forester may cause all trees within a 1,000-foot radius to be sprayed with an effective disease-destroying concentrate or other insecticide.
- (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 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 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the forester shall also notify the chief of police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary no parking notices shall be posted in each block of any affected street at least 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 (e)(2) of this section, the city 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 to accordance with the requirements of subsection (d)(3) of this section.

(Code 1999, § 6-4-5)

Sec. 34 ~~112. Assessment of costs of abatement.~~ Cost of Planting, Removal, Maintenance, and Protection of Public Trees and Shrubs

- (a) ~~The entire costs of abating any public nuisance or spraying trees 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 on or the parcel or lot upon which such tree stands in accordance with Wis. Stats. § 66.0627. The cost of abating any such nuisance or part thereof which is located in or upon any park shall be borne by the city.~~
- (b) ~~The cost of abating a public nuisance, when done at the direction and under the supervision of the forester, shall be assessed to the property to which such nuisance, tree or wood is located as follows:~~
 - (1) ~~The forester shall keep a strict account of the costs 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 common council on or before October 15 of each year.~~
 - (2) ~~Upon receiving the forester's report, the council shall hold a public hearing on such proposed charges, giving at least 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 city 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 premises and the work for which such charge is being made.~~

Comment [SR10]: Does not make any list one insect example.

Comment [SR11]: This section needs to be updated with how the program has functioned historically, and how the program should function in the best interests of the city of Antigo. The comment came from the City of Steven's Point ordinance.

- (3) ~~After such hearing, the common council 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 clerk-treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his/her last known address stating that, unless paid within 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 city 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 part thereof.~~
- a) The entire cost of planting, removal, maintenance, and protection of trees and shrubs in all public areas of the city when performed by department employees or their contractors at the direction of the city forester, shall be borne by the city out of the department budgets, or from funds donated or otherwise acquired for this purpose. When a private party other than the city plants, removes, maintains, or protects public trees or shrubs the said party shall incur all expenses connected therewith.
- b) Permit Required. No person shall plant, remove, maintain, or protect any public tree or shrub, or cause such work to be done without obtaining a written permit from the city.

(Code 1999, § 6-4-6)

Sec. 34-113. - Planting of trees and shrubs.

- (a) Purpose. The common council states its determination that the planting, care and protection of the trees within the city are desirable for the purpose of beauty, shade, comfort, noise abatement and economic betterment and encourages all persons to assist in a program of tree planting, care and protection.
- (b) Tree planting program. The ~~park, recreation and cemetery director~~ the City Forester shall recommend to the common council, ~~with approval from the city forester,~~ a program for tree planting, care and protection for public parks, ~~boulevard and/or terrace areas.~~ The common council shall also encourage the planting, care and protection of trees and shrubs on private premises within the city.
- (c) Tree types. The size and genus, species and variety of trees and shrubs to be planted in terraces, ~~tree banks~~ and boulevards and the manner of planting shall be submitted to the city forester for approval before commencement of such work. The city forester shall prepare and maintain lists of tree species desirable for planting according to their normal mature height as follows:
- (1) Large trees: over 40 feet;
 - (2) Medium trees: 25 to 40 feet; and
 - (3) Small trees: 15 to 25 feet.
- (d) Planting size. Planting size shall be as follows:
- (1) All large or medium trees, when planted, shall be at least eight feet high and shall have a minimum trunk diameter of 1½ inches at a point six inches above the ground.
 - (2) All small trees, when planted, shall be least five feet high and shall have five or more branches.
- (e) Location. Location shall be as follows:
- (1) There shall be a minimum distance of ~~16 25 feet between small trees, 35 feet for medium trees and 50 feet for large trees. feet and a recommended distance of 25 to 50 feet between terrace~~

Comment [DJK12]: I suggest removing Tree Bank as it has never been listed prior, known definition

Comment [DJK13]: Distances should be small trees, 35 ft. medium & 50 ft. for large

~~area trees depending upon the size of trees and other factors.~~ Terrace/boulevard trees shall be planted an equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In boulevard/terrace areas less than five feet wide, planting will not be permitted. ~~Terrace area trees shall be a minimum of 25 feet from an intersection or alley.~~ To ensure appropriate vision setback trees shall be planted in accordance to Sec. 14-777. – Traffic visibility triangle.

- (2) Small sized trees shall be planted at least five feet from driveways and large or medium sized trees shall be planted at least 15 feet from driveways. Trees shall also be planted at least 15 feet from curb box/water shutoffs and underground utilities.
- (3) Evergreen trees or shrubs shall not be planted in a terrace area.
- (4) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
- (5) No tree grates will be allowed around any tree in the terrace.
- (f) Minimum opening to be maintained. Unless otherwise provided for in a written permit from the city forester, there must be at least ~~one~~ 36 square feet of open ground about the base of each tree three inches in diameter one foot above the ground, and for each two inches of increase in such diameter there must be an increase of at least one square foot of open ground around each such tree.
- (g) Permitted species. Only trees approved by the city forester shall be planted in a public terrace strip (between curb and sidewalk).
- (h) Certain species restricted. No person shall plant within the city 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 become infested with box elder bugs, and such trees are declared a nuisance. Any person having any such trees on his/her premises shall cause the trees to be removed.
- (i) Unlawfully planted trees. Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the city forester may be removed. The city 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. If removal is not accomplished within the time specified, the city may remove such trees, plants or shrubs and assess the costs thereof to the owner.
- (j) Frames. Without the approval of the city forester, any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may not, for the purpose of protecting such tree or shrub, surround the tree or shrub with a suitable box or frame for protection. Borders must be installed around the planters downtown and will be maintained by the city or designated representative. The city forester will inform the city of any repairs needed.

Comment [DJK14]: For the health of t
it
should be 36 sq. ft.

(Code 1999, § 6-4-7; Ord. No. 1217B, §§ 1, 2, 9-8-2010)

Sec. 34-114. - Trimming.

- (a) Trees and shrubs standing in or upon any terrace, public area or upon any private premises adjacent to any public right-of-way or public area shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than 14 feet. The city forester may waive this subsection for newly planted trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.
- (b) The necessity of the pruning may be determined by the city forester.
- (c) Clearance from sidewalk to lower branches shall not be less than ten feet. All trees standing upon private property in the city, 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 ten 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. The city forester may waive this subsection for newly planted and existing trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.

- (d) ~~Trimming or pruning of more than two-thirds of the crown of a public area tree shall be considered to be a major alteration and shall require a permit from the city forester.~~
- (d) There shall be a moratorium on pruning or removal of oak trees on public or private property from April 1 – September 1.

Comment [DJK15]: I would remove the pruning by residents is not a good idea for safety and properly pruning trees.

(Code 1999, § 6-4-8)

Sec. 34-115. - Trees and shrubbery obstructing view at intersection or view of traffic signs.

- (a) Notwithstanding any other section of this article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the city 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 city. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the city forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten days of receipt of notice, to take such necessary steps, the city forester and/or common council shall order city employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the city forester as specified to subsection (c) of this section shall, upon conviction thereof, be subject to a forfeiture as established in section 1-14.

(Code 1999, § 6-4-9)

Sec. 34-116. - Removal of trees and stumps.

~~Dangerous, obstructive and infected trees. Any tree or part thereof, whether alive or dead, which the city forester shall find to be infected, hazardous or a nuisance as to endanger the general 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 city forester 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 city forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim~~

Comment [SR16]: Moved to page 3 under public nuisance.

~~such tree within the time limits, the city forester shall cause the tree to be removed, treated or trimmed and shall report the full costs thereof to the clerk-treasurer, who shall thereupon enter such costs as a special charge against the property.~~

- (b) Tree removal permit. No person shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the city ~~forester~~. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the city forester, because of disease, damage, hazardous condition and/or location or its location is such that substantial detriment is done to the property upon which the tree or shrub stands or the property abutting the tree or shrub. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.
- (c) Tree and stump removal standards. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of the sidewalk to the top of the curb. All wood and debris must be removed from the street prior to the end of each working day, and all holes shall be filled to normal grade level with topsoil as soon as practicable. The abutting property owner shall have a right of first refusal to keep the wood, provided such wood is not diseased or infested. The city has the right to keep any of the wood products. ~~The city forester shall, upon request, offer the wood product to the abutting landowner first. then advertise and sell it to the highest bidder.~~
- (d) Tree replacement. Upon removal of any tree on public lands, the city forester will use his/her discretion if the tree will be replaced. With approval by the city forester, the city will replace the tree that was removed.

(Code 1999, § 6-4-10)

Sec. 34-117. - Prohibited acts.

- (a) Damage to public trees. No person shall, without the consent of the owner, for a private tree or shrub, or without written permits from the city forester, for a terrace area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the tree or shrub.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree or fasten any guy wire, cable, rope, nails, screws or other device to any tree. However, the city may tie temporary no parking signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
 - (7) Except with a written permit from the city forester, place or maintain upon the ground any stone, brick, cement or other impervious substance in such manner as may obstruct the free access of air or water to the roots of any tree, shrub or plant in or upon any public way or public place.

Comment [SR17]: The instructions for public nuisance on private and public property stated in section 6-4-4, and should match.

Comment [DJK18]: (or infested). Comment seem redundant.

- (b) Excavations. All trees on any parkway or other publicly owned property near any excavation or construction of any building or structure or street work shall be sufficiently guarded and protected by those responsible for such work to prevent any injury to such trees. No person shall excavate any ditches, tunnels or trenches or install pavement ~~closer than 1.5' for every inch of trunk measured at DBH or 4.5' above ground level within a radius of ten~~ from any public tree. ~~without a permit from the city forester.~~
- (c) Interference with forester. No person shall:
- (1) Interfere with or prevent any acts of the city forester or his/her agents while he/she is engaged in the performance of duties imposed by this section.
 - (2) Refuse to permit the city forester or his/her representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this article.
- (d) Refusal to abate nuisance. No person shall permit any public nuisance to remain on any premises owned or controlled by him/her when ordered by the city forester to abate such nuisance.

Comment [DJK19]: I suggest using a formula of no closer than 1.5' for every inch of trunk measured at DBH or 4 ½' above ground level.

(Code 1999, § 6-4-11)

Sec. 34-118. - Appeal from determinations or orders.

Any person who receives a determination or order under this article from the city forester and who objects to all or any part thereof shall have the right to appeal such determination or order, subject to article XI of chapter 2, to the common council within seven days of receipt of the order. The common council shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing, the common council may reverse, affirm or modify the order or determination appealed from, and the grounds for its decision shall be stated in writing. The common council shall, by letter, notify the party appealing the order or determination of its decision within ten days after the hearing has been concluded. The council shall file its written decision with the clerk-treasurer.

(Code 1999, § 6-4-12)