

Title 6 ► Chapter 4

Trees and Shrubs

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Sec. 6-4-1 Statement of Policy and Applicability of Chapter.

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

Sec. 6-4-2 Definitions.

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

- (a) **Curtilage.** The area immediately surrounding a dwelling but excluding the "fields beyond."
- (b) **Person.** Person, firm, association or corporation.
- (c) **Public Areas.** All public parks and other lands owned, controlled or leased by the Village of Bangor, including terrace areas.
- (d) **Public Trees and Shrubs.** All trees and shrubs located or to be planted in or upon public areas.
- (e) **Public Nuisance.** In addition to the definition in Section 6-4-5(b), means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (f) **Boulevard or Terrace Areas.** Means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four (4) feet from the curb line shall be deemed to be a terrace for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed terrace areas under this Chapter.
- (g) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.
- (h) **Shrubs.** Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (i) **Tree.** Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (j) **Evergreen Tree.** 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.
- (k) **Forester, Village.** The Village employee or person designated by the Village Board as authorized to carry out provisions of this Chapter. The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. Such duties are assigned to the Public Works Director unless otherwise designated by the Village Board.

Sec. 6-4-3 Authority of Village Forester.

- (a) **General Authority of Village Forester.** The Village Forester shall have the authority to plant, trim, treat, preserve, and remove public trees and shrubs as may be necessary to ensure the safety of public streets or grounds, and to protect public sidewalks, streets, sewers and mains from damage.

- (b) **Authority to Enter Private Premises.** The Village Forester or his/her authorized representative may enter upon the curtilage of 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.

Sec. 6-4-4 Interference with the Village Forester Prohibited.

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

Sec. 6-4-5 Abatement of Tree Disease Nuisances.

- (a) **Tree Diseases a Public Nuisance.** Whereas the Village Board, upon the recommendation of the Village Forester or other appropriate expert, has determined that there are many trees growing on public and private premises within the Village of Bangor, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as, but not limited to, oak wilt disease, Dutch Elm disease [which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.)] and emerald ash borer disease, the Village Board hereby declares its intention to control and prevent the spread of such disease, and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease, oak wilt disease and emerald ash borer disease to be public nuisances.
- (b) **Definitions.** As used in this Section, unless otherwise clearly indicated by the context:
- (1) **Public Nuisance.**
 - a. Fatal or deleterious tree diseases.
 - b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); Dutch Elm disease and other insect pests and vectors which carry tree diseases.
 - c. Any living or standing tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), oak wilt disease, emerald ash borer insects, or other insect pests and vectors.
 - d. Any dead tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective insect or disease destroying concentrate.
 - e. 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, terrace, park or other public or private place, including the terrace strip between curb and lot line.

f. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

(2) **Public property.** Owned or controlled by the Village of Bangor, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

(3) **Person.** Person, firm or corporation.

(c) **Inspection.**

(1) **Inspection Responsibility.** The Village Forester may inspect or cause to be inspected all public premises and places and the curtilage of private premises within the Village of Bangor to determine whether any public nuisance exists thereon. The Forester shall also inspect or cause the inspection of any public tree reported or suspected to be infested with the Dutch Elm, oak wilt, emerald ash borer disease or other fatal tree disease, or any bark bearing materials reported or suspected to be infested with disease.

(2) **Testing.** Whenever necessary to determine the existence of a deleterious tree disease or insects in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the Village Forester who shall forward them to the Wisconsin Department of Agriculture, Trade and Consumer Relations (WisDATCP) for analysis to determine the presence of such nuisances.

(3) **Right to Enter Premises.** The Forester and his/her agents or employees shall have authority to enter upon the curtilage of private premises at reasonable times for the purpose of carrying out any of the provisions of this Chapter.

(d) **Abatement of Nuisances on Public Property; Duty of Forester.**

(1) **Abatement of Nuisances.** Following authorization by the Village Board, the Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Section by trimming, treating, 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. Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village of Bangor, the Forester shall immediately abate or cause the abatement of such nuisance on public property 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 fungus.

(2) **Procedures – Tree Nuisances on Private Property.**

a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, the Forester shall immediately serve or cause to be served personally or by certified mail upon the owner of such

property, if the owner can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by posting or publication in a newspaper of general circulation in the Village of Bangor.

- b. If, after hearing held pursuant to this Subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be imposed as a special charge against the property in accordance with the procedures provided in this Section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) **Treating.**

- (1) **Determination.** Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors insects, the Forester may cause all trees within a one thousand (1,000) foot radius thereto to be treated with an effective disease destroying concentrate or other insecticide, following prior authorization by the Village Board.
- (2) **Notice.** In order to facilitate the work and minimize the inconvenience to the public of any treatment operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements, website notice 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 treated at least twenty-four (24) hours in advance of treatment. When any residue or concentrate from municipal treatment operations can be expected to be deposited on any public street, the Forester shall also notify the Village office which shall direct necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices may be posted in each block of any affected street at least twenty-four (24) hours in advance of treatment operations.
- (3) **Liability Limits.** When appropriate warning notices and temporary "no parking" notices have been given and posted, the Village shall not allow any claim for damages to any nearby vehicle caused by such treatment operations.

- (4) **Private Property Situations.** When trees on private property are to be treated, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (e)(2) above.

Sec. 6-4-6 Assessment of Costs of Abatement.

- (a) **Public Property; Terrace Areas.** Except as provided herein, the cost of abating any public nuisance or treating any diseased tree, or part thereof, when done at the direction of the Forester shall be borne by the Village as to any growth, tree or shrub located upon property owned by the Village of Bangor. Exception: The abating of a public nuisance or treating trees or wood located in the terrace strip between the lot line and the curb shall be considered work done on private property; the cost thereof shall be assigned to the adjacent property owner.
- (b) **Private Property.** The cost of abating a public nuisance or treating diseased trees located on private premises when done at the direction and under the supervision of the Forester shall be assessed as a special charge to the property on which such nuisance or diseased tree or wood is located as follows:
- (1) **Accounting.** The Forester shall keep an account of the cost of such work or treatment and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 1st of each year.
 - (2) **Hearing.** Upon receiving the Forester's report, the Village Board, or a designated standing committee thereof, shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. An exception is if a similar hearing was conducted earlier. Each property owner shall be notified of the amount proposed to be levied as a special charge against his/her premises and the work for which such special charge is being made.
 - (3) **Village Board Determination.** After such hearing, the Village Board, or a designated standing committee thereof, shall affirm, modify and affirm or disapprove such special charges by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, special charges made thereby shall be deemed final.
 - (4) **Property Statements.** The Village Administrator shall mail notice of the amount of such final special charge to each owner of property assessed at his/her last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such special charge will be entered on the tax roll 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 special charge.
 - (5) **Police Power Special Charges.** The Village of Bangor hereby declares that, in assigning special charges under this Section, it is acting under its police power, and

no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

- (6) **Special Charge Situations.** When abating tree nuisances on a private parcel or small number of private parcels, or on the terrace area fronting a private parcel, the cost of the abatement work shall be charged against the property as a special charge pursuant to Sec. 66.0627, Wis. Stats.

Sec. 6-4-7 Planting of Trees and Shrubs on Public Property; Landmark/Heritage Trees.

(a) Purpose; Permit Requirements.

- (1) **Generally.** The Village Board hereby states its determination that the planting, care and protection of public trees within the Village of Bangor is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (2) **Permit Required for Planting on Public Property.** No person, except upon the issuance of a permit from the Village, shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub in the Village of Bangor, or cause such act to be done by others, without first getting a written permit for such work from the Village Forester or Village Administrator as herein provided. Other instances are specified in this Chapter where a permit is required.
- (3) **Exemptions.** No permit shall be required to cultivate, fertilize, perform minor cutting or pruning or watering of public trees or shrubs, including those on a terrace area.
- (4) **Requirements and Conditions of Permits.** If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter, taking into account the safety, health and welfare of the public, location of utilities, public sidewalks, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological needs of the species or variety of trees or shrub, he/she shall issue a permit to the applicant upon presentation of the receipt of the Village Administrator showing payment of the required fee. As a condition of granting any permit to remove a public tree or shrub, the Village Forester or designee may require that the permittee plant one (1) or more trees or shrubs in place of the one removed, and no permittee under such a permit shall fail, refuse or neglect to plant trees or shrubs of the type, size and location specified in his/her permit.
- (5) **Form, Expiration and Inspection.** The application for a permit shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done

under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this Chapter shall expire six (6) months after date of issue.

- (6) **Fee.** There shall be no fee for such a permit.
 - (7) **Permits to Public Utilities.** Whenever a permit is issued under this Chapter to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit, and the expense of such inspection or supervision shall be charged to the utility.
 - (8) **House Moving Permits.** No person shall move any building, structure or object exceeding thirteen (13) feet in height or width upon, over or along any public right-of-way or other public place where trees may be damaged or disturbed without first obtaining a written permit from the Village Administrator pursuant to Section 15-1-12. The Village Administrator may require the applicant to furnish a bond or cash deposit to cover the cost of repairing or replacing any public trees or shrubs which are injured as a result of the moving operations, specify the route to be taken and impose any other conditions reasonably necessary for the protection of nearby public trees from injury.
- (b) **Tree Planting Program.** The Village Forester shall recommend to the Village Board a program for tree planting, care and protection for public parks, properties and terraces. The Village Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village of Bangor.
- (c) **Prohibited Tree Species.**
- (1) **Cottonwood and Box Elder Trees Prohibited.** No person shall plant within the Village of Bangor any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder *Acer Negundo*, which may now or hereafter become infested with Box Elder Bugs, and such trees are hereby declared a nuisance. Any person planting any such trees on his/her premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village shall cause the removal of such tree and report the full cost thereof to the Village Administrator who shall place such charge upon the next tax roll as a special charge against the premises.
 - (2) **Planting of Certain Trees Restricted.** Except in public parks, no person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar, Silver Maple, or any fruit, nut or fir/pine tree in or upon any public street, parkway, terrace or other public place within the Village of Bangor unless he/she shall first secure written permission from the Village Forester, who shall not approve any such planting if, in his/her opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public

or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this Subsection.

(d) **Planting; Location.**

(1) **Planting Standards.**

- a. All new street trees must be selected from a list of approved trees compiled by the Village Forester. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1-1/4) inches measured at six (6) inches above ground level.
- b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
- c. The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
- d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village.

(2) **Spacing.** The spacing of right-of-way trees will be in accordance with the three species size classes listed in this Chapter. No trees may be planted closer together than the following, except in special plantings designed by a landscape architect and recommended by the Village Forester, with final approval of the Village Board:

- a. Small trees: Thirty (30) feet.
- b. Medium trees: Forty (40) feet.
- c. Large trees: Fifty (50) feet.

(3) **Distance Between Curbs and Sidewalks.** Where required, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least four (4) feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two (2) feet from the curb.

(4) **Terrace Planting Standards.** Trees may *not* be planted in the terrace closer than:

- a. Fifteen (15) feet to a driveway or alley.
- b. Six (6) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six (6) feet.
- c. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
- d. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.]

- (5) **Stump Removal.** New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (6) **Underground Utilities Determination.** The property owner has the responsibility to locate underground utilities before digging by contacting Digger's Hotline.
- (7) **Evergreens.** Evergreen trees shall not be planted in a terrace area.
- (e) **Unlawfully Planted Trees.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village of Bangor may remove such trees, plants or shrubs and assess the costs thereof to the owner as a special charge pursuant to Sec. 66.0627, Wis. Stats.
- (f) **Frames.** Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the propose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.
- (g) **Acceptable Trees.** Certain plants are more suited than others to provide these benefits under various landscape conditions. The lists following provide a range of sizes and tree variety; they are not inclusive of *all* the better plants but are representative of them.
 - (1) Alder, Black (*Alnus glutinosa*)
 - (2) Alder, Speckled (*Alnus rugosa*)
 - (3) Birch, River (*Betula nigra*), especially Heritage
 - (4) Cherry, Sargent (*Prunus sargentii*)
 - (5) Chokecherry, Schubert (*Prunus virginiana* "Schubertii")
 - (6) Corktree, Amur (*Phellodendron amurense*)
 - (7) Corktree, Sakhalin (*Phellodendron sakhalinense*)
 - (8) Dogwood, Kousa (*Cornus kousa*)
 - (9) Dogwood, Corcliancherry (*Cornus mas*)
 - (10) Elm, Chinese (*Ulmus parvifolia*; *not* Siberian elm)
 - (11) Ginkgo (*Ginkgo biloba*), male clones only
 - (12) Hackberry (*Celtis occidentalis*), esp. Chicagoland, Prairie Pride and Windy City
 - (13) Honeylocust, Thornless Common (*Gleditsia triacanthos inermis*), many cultivars available; vastly overused; would discourage continued planting
 - (14) Hornbeam, American (*Carpinus caroliniana*)
 - (15) Hornbeam, European (*Carpinus betulus*)
 - (16) Hophornbeam, American (*Ostrya virginiana*)
 - (17) Katsuratree (*Cercidiphyllum japonicum*)
 - (18) Linden, Crimean (*Tilia X euchlora*), esp.

- (19) Linden, Littleleaf (*Tilia cordata*), esp. Glenleven, Greenspire and June Bride
 - (20) Linden, Silver (*Tilia tomertosa*)
 - (21) Maple, Hedge (*Acer campestre*)
 - (22) Maple, Paperbark (*Acer griseum*)
 - (23) Maple, Three-flower (*Acer triflorum*)
 - (24) Maple, Miyabe (*Acer miyabei*)
 - (25) Maple, Norway (*Acer platanoides*), esp. Cleveland, Emerald Queen, Schwedler, Summershade and Superform. May be too big for many areas; too shady, often preventing lawn growth
 - (26) Maple, Red (*Acer rubrum*), esp. Autumn Blaze, Marmo, Morgan, Northwood, October Glory and Red Sunset
 - (27) Maple, Sycamore (*Acer pseudoplatanus*)
 - (28) Maple, Tartarian (*Acer tataricum*)
 - (29) Maple, Purpleblow (*Acer truncatum*)
 - (30) Oak, Bur (*Quercus macrocarpa*)
 - (31) Oak, English (*Quercus robur*)
 - (32) Oak, Pin
 - (33) Oak, Red (*Quercus rubra* or *Q. borealis*)
 - (34) Pear, Callery (*Pyrus calleryana*), esp. Chanticleer and Fauriei [cultivars such as Bradford and Aristocrat are proving to be landscape liabilities as they age beyond fifteen (15) years]
- (h) **Landmark/Heritage Trees.** The Village Forester shall have as one of his/her duties the location, selection, and identification of any trees which qualify as "Landmark/Heritage Trees." Landmark Trees may be either public or privately owned trees, and not be removed without a permit under this Chapter. A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
- (1) Species rarity.
 - (2) One hundred (100) years of age or older.
 - (3) Association with a significant historical event or person.
 - (4) Interesting or significant abnormality.
 - (5) Meets Landmark Tree or Historic Tree criteria established by the State of Wisconsin.
 - (6) Has a diameter twenty-six (26) inches or greater.

Sec. 6-4-8 Trimming.

- (a) **General Standards - Private Trees Adjacent to Public Property.** Any person growing a tree, plant or shrub on any private property abutting on a public street, terrace or public property shall, at his/her expense:
- (1) Trim them so as not to be a hazard to persons using the streets/sidewalks or to interfere with the proper lighting of the streets.

- (2) Treat or remove any tree, plant or shrub which the Village Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets/sidewalks/parks, at the property owner's cost.
 - (3) Remove and refrain from planting any tree, plant or shrub designated by the Village or the Wisconsin Department of Agriculture, Trade and Consumer Protection (WisDATCP) and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest, at the property owner's cost.
- (b) **Terrace Work by Village.** Private property owners may request to have any terrace or utility easement tree, plant or shrub treated, trimmed or removed by the Village of Bangor and pay for such service at the rates established by the Village Board.
- (c) **Trimming.**
- (1) 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 areas shall be kept trimmed by their owner (or adjacent property owner) or the Village, as the case may be, so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he/she determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
 - (2) The necessity of the pruning may be determined by the Village Forester.
 - (3) Clearance from sidewalk to lower branches shall not be less than seven (7) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the sidewalk, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than seven (7) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
 - (4) It shall be avoided as a normal practice for any person, firm or Village department to top any public tree. Trees severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this Chapter if so determined first by the Village Forester. Trimming or pruning of more than one-half (1/2) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.
- (d) **Tree Ownership Disputes.** When ownership of a tree is disputed, the property owner must establish where the property line is before any work commences.
- (e) **Removal Standards - Terrace Trees.** 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 (9) inches below grade measured in a straight line with the normal grade of sidewalk to top of nine (9) inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable. The abutting property owner shall have a right of first refusal to keep the wood, provided such wood is not diseased.

Sec. 6-4-9 Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs.

(a) Vision Clearance at Intersections.

- (1) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village of Bangor any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (2) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village of Bangor. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

(b) Abatement. 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 Village 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 (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or other Village employees shall order the Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special charge upon the property upon which or in front of which such tree or shrub stands.

(c) Penalties. Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall also, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances.

Sec. 6-4-10 Prohibited Acts.

- ### **(a) Damage to Public Trees.** No person shall, without the consent of the owner in the case of a public private tree or shrub, or without written permits from the Village Forester in the case of 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 same.
 - (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; except that the Village may tie temporary 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) Remove any Landmark/Heritage tree without a permit, without cause demonstrated for removal; following permission from the Village Forester, a replacement tree with a minimum diameter of two (2) inches shall be planted.
- (b) **Excavations.** All trees on any terrace, parkway or other publicly owned property near any excavation 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. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.
- (c) **Interference With Forester.** No person shall:
- (1) Interfere with or prevent any acts of the Village Forester, his/her agents or employees while they are engaged in the performance of duties imposed by this Chapter.
 - (2) Refuse to permit the Forester or his/her duly authorized representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this Chapter.
- (d) **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 Forester to abate such nuisance.
- (e) **Clear Cutting Existing Trees.** New property owners as of the time of adoption of this Chapter shall not clear cut trees on private property unless a replacement tree two (2) inches diameter or greater at breast height is planted, as determined by the Village Forester. If a removed tree cannot be replaced on private property, a replacement tree shall be planted on public property as directed by the Village Forester. The private property owner shall pay the cost of replacement trees.

Sec. 6-4-11 Appeal from Determinations or Orders.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing,

the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Village Board shall file its written decision with the Village Administrator.

Sec. 6-4-12 Adoption of State Statutes.

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

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

