

ORDINANCE NO. : 1282B

An Ordinance Amending Section 34-108 through 34-117 of the Municipal Code of the City of Antigo.

The Common Council of the City of Antigo does ordain as follows:

Section I. Section 34-108 is amended to read as follows:

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, city owned right-of-way shall be determined. The term "boulevard" shall have the same meaning as the term "terrace." 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, or his/her designee.

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, including boulevard and/or 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.

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 the ground level to potential heights of 16 feet or more.

Cross reference—Definitions generally, § 1-2.

Section 2. Section 34-111 (b) is amended to read as follows:

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

Public nuisance means:

(1) Any deleterious or fatal tree 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.

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.

Section 3. Section 34-111 (d)(1) is amended to read 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.

Section 4. Section 34-111 (d)(2) is amended to read as follows:

(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 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.

Section 5. Section 34-111 (e)(1) is amended to read as follows:

(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 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.

Section 6. Section 34-112 is amended to read as follows:

(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.

Section 6. Section 34-113 (b) is amended to read as follows:

(b) Tree planting program. The City Forester shall recommend to the common council, 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.

Section 7. Section 34-113 (c) is amended to read as follows:

(c) Tree types. The size and genus, species and variety of trees and shrubs to be planted in terraces, 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:

Section 8. Section 34-113 (e)(1) is amended to read as follows:

(1) There shall be a minimum distance of 25 feet between small trees, 35 feet for medium trees and 50 feet for large trees. 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. To ensure appropriate vision setback trees shall be planted in accordance to Sec. 14-777. – Traffic visibility triangle.

Section 9. Section 34-113 (f) is amended to read as follows:

(f) Minimum opening to be maintained. Unless otherwise provided for in a written permit from the city forester, there must be at least 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.

Section 10. Section 34-114 (d) is amended to read as follows:

(d) There shall be a moratorium on pruning and removal of oak trees on public or private property from April 1 – September 1.

Section 11. Section 34-116 (b) is amended to read as follows:

(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. 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.

Section 12. Section 34-116 (c) is amended to read as follows:

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.

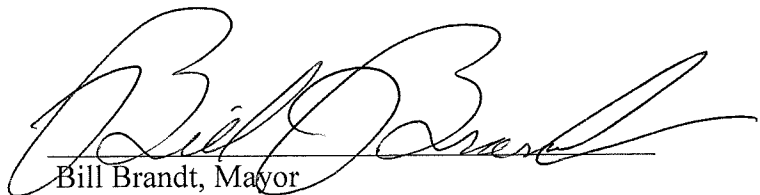
Section 13. Section 34-117 (b) is amended to read as follows:

(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 from any public tree.

Section 14. This Ordinance shall be in force and effect from and after its passage and publication.

ADOPTED: December 14, 2016.

APPROVED: December 14, 2016.



Bill Brandt, Mayor

ATTEST:

Kaye M Matucheski
Kaye Matucheski, City Clerk