

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 10, SERIES OF 2012**

**AN ORDINANCE AMENDING THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE - CHAPTER 40
STREETS, SIDEWALKS & OTHER PUBLIC PLACES, ARTICLE VI – TREES AND SHRUBS –
SECTION 147 STATEMENT OF POLICY AND APPLICABILITY OF ARTICLE,
SECTION 148 DEFINITIONS, SECTION 149 AUTHORITY OF VILLAGE FORESTER
TO ENTER PRIVATE PREMISES, AND SECTION 151 FORESTRY POLICIES**

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section I. Chapter 40, Article VI, Section 147, Section 148, Section 149 and Section 151 of the Village of Little Chute Code of Ordinances are hereby amended as follows.

Sec. 40-147. - Statement of policy and applicability of article.

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

Sec. 40-148. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 director of parks, recreation and forestry, and designees, as authorized to carry out provisions of this article.

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

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

Public nuisance means any tree or shrub or part thereof either living or dead, including firewood, which, by reason of its condition interferes with the use of any public area or public trees; is 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. Infectious diseases and infesting insects will be defined by the Wisconsin Department of Natural Resources and/or the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Public trees and shrubs means all trees and shrubs growing on or in that part of every street, the grade of which has been established lying between the lot line and the curb, or in the center or side plots in all boulevards and parkways, and in all public parks or grounds belonging to the village.

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

Terrace, terrace area, sidewalk area or boulevard shall be defined as the area between the back of the curb and the street right-of-way/property line on village streets where curbing exists or the area between the edge of street pavement and the street right-of-way line/property line on village streets where no curbing exists.

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.

Sec. 40-149. - Authority of village forester to enter private premises.

- (a) *Enforcement.* The village board director of parks, recreation and forestry shall perform the duties of forester under Wis. Stats. ch. 27, and/or this article. The village forester and chief of police are authorized to perform the duties and exercise the powers imposed on the village board by this article. The village forester, chief of police or authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this article. No action shall be taken under this section unless the village forester, chief of police or authorized representative, has inspected or caused to be inspected the premises and is satisfied that action is necessary to carry out the provisions of this article.
- (b) *Abatement after notice.* If, after determining that it is necessary to carry out any of the provisions of this article upon any tree or shrub including firewood located upon or over any private premises, the village forester, chief of police, or authorized representative also determine that there is no great and immediate danger to the public health, safety, or a nuisance as defined in section 40-148 requiring summary abatement pursuant to section 28-55(b), then said village forester, chief of police or authorized representative

shall serve written notice on the person causing, permitting or maintaining the tree or shrub **including firewood** located upon or over such premises to take necessary abatement action to carry out the provisions of this chapter within ten days. If such necessary abatement action is not taken within such ten days, the village forester, chief of police or authorized representative shall take specific abatement actions necessary to carry out the provisions of this article and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the tree or shrub **including firewood** to exist in violation of this article, as the case may be.

- (c) *Abatement action.* Abatement action includes, without limitation, the trimming, cutting, or removal of all or any portion of the tree or shrub.
- (d) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the village or its officials in accordance with the laws of the state.

Sec. 40-151. - Forestry policies.

The Village of Little Chute Forestry Department Manual, as amended, is adopted and incorporated herein by reference. The manual contains, but is not limited to, village regulations on tree trimming, pruning, removal, planting, designated street tree varieties, tree protection, stump removal, safety procedures and equipment, and disposal of wood material. Persons who violate the regulations in the manual adopted by reference shall be subject to the penalty provisions in section 1-12 and may, in some instances, be required to pay the cost of abating violations pursuant to Wis. Stats. § 66.60(16).

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage and posting.

Date introduced: November 14, 2012

Approved, and adopted: November 28, 2012

VILLAGE OF LITTLE CHUTE

By: _____

Michael R. Vanden Berg, Village President

Attest: Vicki Schneider, Village Clerk