

## 8.12 PLANTING AND CARE OF TREES

8.12.1 DUTIES OF DIRECTOR OF PUBLIC WORKS. The Director of Public Works shall plant, trim, spray preserve and remove trees, plants and shrubs located along the streets and boulevards and other public places of the Village to ensure the safety and preserve the symmetry and beauty of such public places. The Director of Public Works is hereby given all the rights, powers and duties as set forth in §27.09, Wis. Stats.

8.12.2 ORDER TO PRESERVE OR REMOVE TREES ON PRIVATE PROPERTY. (am. Ordinance 2-04 3/8/04) The Director of Public Works shall order the trimming, preservation or removal of trees, plants and shrubs located on private property when he shall determine such action is necessary for public safety or to prevent the spread of disease or insects. (See also sec. 10.08 of this Code).

(a) A private property owner may file a complaint with the Village alleging that a tree, plant, or shrub on another owner's private property needs to be removed because of public safety concerns or to prevent the spread of disease or insects. If a private property owner files such a complaint, the complaining property owner shall pay the cost of hiring an arborist to investigate and determine whether removal of the tree, plant, or shrub is necessary because of public safety concerns or to prevent the spread of disease or insects. The complaining property owner shall pay the necessary cost before the arborist is retained by the Village. If the arborist determines that it is not necessary to remove the tree, plant, or shrub because of public safety concerns or to prevent the spread of disease or insects, the Village shall retain the monies collected from the complaining property owner. If the arborist determines that it is necessary to remove the tree, plant, or shrub because of public safety concerns or to prevent the spread of disease or insects, the Village shall reimburse the complaining property owner for the monies initially provided and assess the cost of hiring the arborist to the property owner upon whose land the tree, plant, or shrub resides pursuant to paragraph 8.12.7 of this section.

8.12.3 PLANTING AND CARE BY PRIVATE PERSONS. No person shall spray, remove or plant any trees, plants or shrubs on any public street or in

any public place without securing permission from the Director of Public Works.

8.12.4 DUTIES OF PRIVATE OWNERS. It shall be the duty of any person growing a tree, plant or shrub on any private property abutting on public streets or public places:

(a) To trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets. (See also sec. 10.05 of this Code)

(b) To treat or remove any tree, plant or shrub which the Director of Public Works shall determine is diseased or insect-ridden or a hazard to trees or persons using the streets.

(c) To remove and refrain from planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest. The owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.

8.12.5 FAILURE TO COMPLY. When a person to whom an order is directed shall fail to comply within the specified time, the Director of Public Works shall remedy the condition or contract with others for such purpose and shall charge the cost thereof to the owner of the property to whom the order is directed. The person remedying a condition under a contract made hereunder shall have authority to enter upon the premises for that purpose.

8.12.6 MAINTENANCE OF NUISANCES. In addition to other remedies provided for herein, any diseased, dangerous or insect-ridden tree, plant or shrub is hereby declared a public nuisance and may be removed as such.

8.12.7 SPECIAL ASSESSMENT. The Director of Public Works shall notify the property owner of the cost of remedying any condition hereunder and if the same is not paid within 30 days thereafter, it shall be a lien upon such property and collected as a special assessment