

12.02 TREE ORDINANCE

(1) DEFINITIONS.

(a) Street Trees - Street Trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of all streets, avenues, or ways within the Village.

(b) Park Trees - Park Trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

(2) CREATION OF A TREE BOARD.

There is hereby created and established a Village Tree Board for the Village of Hilbert, Wisconsin which shall consist of five members being more defined as the three members of the Parks & Recreation Committee and two citizen members, all of which shall be appointed by the Village President with approval by the Village Board.

(3) TERMS OF OFFICE.

The term of office for each member to be appointed by the Village President shall be one year and each member shall be appointed on an annual basis during the regular April board meeting.

(4) COMPENSATION.

Members of the Board shall serve without compensation.

(5) DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annual to the Village Board and upon their acceptance and approval shall constitute the official comprehensive Village tree plan for the Village of Hilbert, Wisconsin. The Board, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming with scope of its work.

(6) PUBLIC TREE CARE.

(a) The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) Street Trees shall not be allowed to be planted within the corporate limits of the Village of Hilbert. The only exception to this rule shall be the planter enclosed trees similar in style to those located along Main Street. Any property owner who desires to locate a planter enclosed tree or bush in the street right-of-way must first obtain permission from the Village Board.

(7) TREE TOPPING.

It shall be unlawful as a normal practice for any person, firm or Village department to top any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wire or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Village Tree Board.

(8) PRUNING CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

(9) DEAD OR DISEASED TREE REMOVAL OR PRIVATE PROPERTY.

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Village. The Village Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date the notice is served. In the event of failure of the owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owners' property tax bill.

(10) REMOVAL OF STUMPS.

All stumps shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(11) INTERFERENCE WITH THE VILLAGE TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the Village Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removal of any Street Trees, Park Trees or trees on private grounds, as authorized by this ordinance.

(12) REVIEW BY VILLAGE BOARD.

The Village Board shall have the right to review the conduct, acts, and decisions of the Village Tree Board. Any person may appeal any ruling or order of the Village Tree Board to the Village Board who may hear the matter and make a final decision.

(13) PENALTIES.

Penalties for violating any section of the ordinance shall be controlled by Ordinance 15.01.