

**VILLAGE OF BLANCHARDVILLE ORDINANCE RO2024 – 002**

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 314 PARKS OF THE VILLAGE CODE OF THE VILLAGE OF BLANCHARDVILLE**

The Village Board of the Village of Blanchardville, Lafayette and Iowa Counties, Wisconsin do ordain as follows:

Section 1: The authority of the Village Board of the Village of Blanchardville, Wisconsin to enact this ordinance are the powers conferred by Wisconsin State Statutes.

Section 2: Chapter 314 Parks is hereby repealed in its entirety.

Section 3: Chapter 314 Parks is hereby recreated as the following attachment.


Section 4: These changes shall take effect upon passage and the day after publication as provided by law.

Adopted by the Village Board of the Village of Blanchardville, WI, this 5<sup>th</sup> day of August 2024.

Village of Blanchardville

  
Nicholas J.

Crooks, Village President  
Attest:

  
Amy M. Barnes, WCMC  
Village Clerk – Treasurer

Date Adopted: 08/05/2024

Date Published: 08/08/2024

## Chapter 314. Parks

[HISTORY: Adopted by the Village Board of the Village of Blanchardville as Ch. 19 of the 2003 Municipal Code; amended in its entirety 9-26-2022 by Ord. No. 2022-017. Subsequent amendments noted where applicable.]

### § 314-1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Village Board herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

### § 314-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **CAMPER**

A trailer without motive power designed for human habitation or occupancy that is pulled behind a motor vehicle from place to place.

#### **CAMPING**

A form of outdoor activity that involves staying the night/more than one night in a temporary protective shelter that is a tent, camper or recreation vehicle for a short period of time.

#### **DAMAGE**

Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

#### **NUISANCE**

Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

#### **PARK**

All lands and water heretofore and hereafter acquired by the Village for park or recreational purposes or placed under the jurisdiction of the Parks and Recreation Board, and includes, without limitation, parks, parkways, street terraces, greenways, recreational facilities and structures, and privately owned lands, the use of which has been granted or leased to the Village for park, recreational or like public purposes.

**PARKWAY**

The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**PUBLIC PROPERTY**

All grounds and rights-of-way (ROWS) owned or maintained by the Village.

**PUBLIC TREE**

Any tree or woody vegetation on Village-owned or Village-maintained property or rights-of-way.

**RECREATION VEHICLE (RV)**

A motor vehicle that includes living quarters designed for human habitation or occupancy.

**“RENDERED IN WRITING”**

Literally on official Village letterhead, an email from \*@blanchardvillewi.gov, from a publicly posted trustee or short message service (text) from publicly listed official at the time of the message.

**TOP or TOPPING**

The nonstandard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**VILLAGE STAFF**

Term specifically means: Village Clerk – Treasurer, Director of Public Works, Wastewater Treatment Plant Supervisor and Blanchardville Law Enforcement Personnel

**§ 314-3. Authority and responsibilities.**

- A. Delegation of authority and responsibility. The Director of Public Works and/or their designee, hereinafter referred to as the "Director" shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, Village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Coordination among Village departments. All Village departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this chapter as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- C. Interference. No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this chapter.

**§ 314-4. Tree Advisory Board.**

The Village Board hereby modifies § 95-4 renaming the Park Committee to Park and Tree Committee.

- A. Duties.
  - (1) Coordinate and promote Arbor Day activities.
  - (2) Review and update a five-year plan to plant and maintain trees on Village property.
  - (3) Support public awareness and education programs relating to trees.
  - (4) Review Village department concerns relating to tree care.
  - (5) Submit an annual report of its activities to the Village Board.
  - (6) Assist with the annual application to renew the Tree Village USA designation.
  - (7) Recommend a list of tree species for planting on Village property, and a list of prohibited species.
  - (8) Other duties that may be assigned by Village Board.
- B. Membership. Refer to Parks and Recreation Board.
- C. Term of office. Refer to Parks and Recreation Board.
- D. Officers. Refer to Parks and Recreation Board.
- E. Meetings. The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

#### § 314-5. Tree planting and care standards.

- A. Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- C. Preferred species list. The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: ornamental (20 feet or less in height at maturity) and shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.
- D. Planting distances. The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- E. Planting trees under electric utility lines. Only trees listed as ornamental trees on the official Village tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

#### § 314-6. Prohibited conduct.

- A. It shall be unlawful for any person, firm, or corporation to soil, deface, injure, remove, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon public property without written permission from the Director or Village President.
- B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- D. Any person, firm, corporation, or Village department performing construction near any public

tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the best management practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

- E. Each violation of this section shall constitute a separate violation, punishable by fines and penalties under § 1-4, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this Chapter 314.
- (1) Moving Park equipment. Removing benches, seats, tables or other park equipment from any park or park facility unless prior approval of the Village Office is obtained.
  - (2) Fireworks. To set off fireworks of any kind, except when a public display permit has been issued by the Village President pursuant to Chapter 205 of this Code.
  - (3) Games, athletics and sports. To engage in any athletic contest, game or activity, except in areas specifically designated for such activity, whereby large areas of public grounds are usurped by the participants to the exclusion and at the peril of injury to others. Specifically, no one shall participate in playing ball, golf or tennis in any Village Park, except upon ball fields, golf links, tennis courts, respectively, established by the Board.
  - (4) Sales. To vend, sell or offer for sale any food, beverage or other commodity or article to the public within any park without written authorization from the Park Board or Village Board.
  - (5) Loud and unnecessary noise. To make any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street adjacent to any Village Park or within any Village park, or to operate a loudspeaker from any vehicle within any Village park except upon written permit issued by the Board upon such terms and conditions as will ensure that the public peace will not be disturbed.
  - (6) Rules. To fail, refuse or neglect to obey the regularly posted rules and regulations of the Parks and Recreation Board for the use or enjoyment of any facility.
  - (7) Dogs regulated. To take, have, keep or permit any dog in any park, except on a leash.
  - (8) Molesting animals. To molest, disturb, chase or throw objects at any animal or bird within any park.
  - (9) Signs. To paste, glue, tack or otherwise post any sign, placard or advertisement, or solicit business of any nature in any park without authorization from the Village Staff.
  - (10) Camping regulated. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in the park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailers, camp trailers, camp wagons or similar structures except in designated campgrounds by permit.
  - (11) Disorderly conduct. To engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, endangers other persons or property, or interferes with the use of the park by others.
  - (12) Alcohol beverages. Small amounts of alcoholic beverages for personal use as part of picnic activities are permitted in the lower park only. See Chapter 235, Article I, of this Code. Park rules relating to beverage licensing and use are on file in the Office of the Village Clerk.

### § 314-7. Adjacent owner responsibility.

- A. The owner of land adjacent to any Village street or highway, when acting within the provisions of this chapter, may plant and maintain trees in the adjacent parkway area.



- B. No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

#### § 314-8. Certain trees declared a nuisance.

- A. Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.
- B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Village may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

#### § 314-9. Violations and penalty.

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine in accordance with § 1-4.

#### § 314-10. Appeals.

Appeals to decisions by the Director or the Tree Advisory Board, or to penalties imposed after violations of this chapter, may be reviewed per Chapter 5.

#### § 314-11. Savings and repeal.

All ordinances or parts of ordinances in conflict with this chapter are repealed to the extent of such conflict.

#### § 314-12. Park management.

The Director of Public Works shall be responsible for the day-to-day operation of Village parks in accordance with policies established by the Parks and Recreation Board and the Village Board.

#### § 314-13. Hours.

All Village parks shall be open from 6:00 a.m. to 11:00 p.m. The opening and closing hours shall be posted therein for public information.

#### § 314-14. Camping within Village Parks

- A. Camping is only permitted within the McKellar Park Campground located in the lower portion of McKellar Park near the East Branch of the Pecatonica River.
- B. The inner circle of the campground is for RV or camper camping only.
  - a. Sites are individually marked.
  - b. Tents are permitted on the RV sites provided the tent is accompanied by an RV or camper.
- C. Tent camping is designated in the grassy area closest to the river on the northside of the campground.
- D. Tent camping shall be permitted between the dates of April 15 to October 15.
  - a. Tent camping between the dates of October 15 to April 15 shall require prior approval by the Village Board and is intended for training or other special use cases.
- E. RVs or campers may only park on one side of the campsite and shall not take up the middle of the campsite road.
  - a. If a camper or RV is parked in the middle of the campsite road or taking up more than half of the road, the party shall pay for both campsites at the regular posted rate.
- F. RVs and campers shall be registered and roadworthy as deemed by any Department of Motor Vehicles or police officer.
- G. Campsites shall be limited to no more than two vehicles per site. Sites exceeding this limit may park the extra vehicles in the Village Parking lot on Mason Street.
  - a. Other arrangements may be required for special events held in the Lower Park area. If such restrictions are required, the Village shall provide campers with an alternative parking location.
- H. Renewal for camping is required weekly or daily and accomplished by written request to the Village Clerk – Treasurer.
- I. Non-renewal of a camping permit is an affirmative request to leave, on the date that the current permit expires or effective immediately, whichever is later.
  - a. Renewal decision shall be made by the Village President or Park Board Chairperson and shall be “rendered in writing.”
  - b. If neither Trustee responds in writing, within 48 hours or by the time the current permit expires, whichever occurs first, the permit is not renewed.
  - c. Campers may appeal against the decision to the Park Board or Village Board but shall comply with the non-renewal provisions until the Park Board or Village Board meeting.
  - d. Park Board shall have a standing bullet for camping refusal appeals.
- J. Village President may, with advice and consul of the Village Attorney, order a camping permit be rendered null and void with a 24-hour grace period.
  - a. Any such order may result in a pro-rated refund of camping fees received by the Village at the time of the order.
  - b. Such refund shall be made via mailed check or delivered with the order, if feasible.
  - c. If provisions are violated, there shall be no refund.

### § 314-15. Motor vehicles and bicycles.

- A. No person, except park personnel, shall drive or park a motor vehicle or bicycle in any park, except on such roads or parking lots and areas specifically designated for the use of motor vehicles and bicycles, respectively.
- B. No person shall operate a motor vehicle at a speed in excess of 15 miles per hour or in excess of

any other posted speed limit, whichever is less.

- C. No person shall operate a motor vehicle or bicycle in a reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of persons using the parks.

#### § 314-16. Snowmobiles.

It shall be unlawful for any person to operate a snowmobile in any park except on a designated trail.

#### § 314-17. Off-the-road vehicles.

It shall be unlawful for any person to operate any minibike, go-cart, unlicensed motorcycle, or other off-the-road vehicle in any park.

#### § 314-18. Park rules adopted by reference.

Park rules adopted by the Parks and Recreation Board and on file in the office of the Director of Public Works relating to use of park facilities, user fees and concessions are hereby adopted by reference. Any major amendment or addition to said rules shall be submitted to the Village Board for approval.

#### § 314-19. Severability.

Should any word, sentence, clause, paragraph, or provision of this chapter be held to be invalid or unconstitutional the remaining provisions of this chapter shall remain in full force and effect.