

CITY OF PRESCOTT, WISCONSIN

ORDINANCE 06-24, an Ordinance to Amend and Additions City Ordinance, Chapter 526 – Trees and Shrubs

The City Council of the City of Prescott, Wisconsin, Does Ordain as Follows:

Section 1. All provisions of “Chapter 526 – Trees and Shrubs”

Section 2. The following ordinance is hereby to be amended with the following changes and additions as follows:

§ 526-1. Definitions.

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

PARK TREES

Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

STREET TREES

Trees, shrubs, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

~~§ 526-2. City Tree Board.~~

~~A. Creation. There is hereby created and established a City Tree Board for the City of Prescott which shall consist of five members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the Council.~~

~~B. Term of office. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Board shall be only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.~~

~~C. Compensation. Members of the Board shall serve without compensation.~~

~~D. Duties and responsibilities. It shall be the responsibility of the Tree Board to study, investigate 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 annually to the Common Council and upon its acceptance and approval shall constitute the Official Comprehensive City Tree Plan for the City of Prescott, Wisconsin. The Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.[1]~~

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

~~E. Operation. The Tree Board shall choose its own officers, make its own rules and regulations, subject to approval of the Common Council, and keep a journal of its proceedings. A majority of members shall be a quorum for the transaction of business.~~

§ 526-2. City Tree Management.

A. Responsibilities. The city staff shall be responsible for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. The city staff, when requested by the Parks and Public Works Committee, shall consider, investigate, report, and recommend upon any special matter or question within the scope of their work.

B. Operations. City staff shall establish procedures, subject to approval of the Parks and Public Works Committee and maintain records of their activities.

§ 526-3. Street tree species to be planted.

No species shall be planted other than those listed in the Prescott Master Park Plan.

§ 526-4. Spacing.

No trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designed or approved by a landscape architect.

§ 526-5. Distance from curb and sidewalk.

No trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

§ 526-6. Distance from street corners and fire hydrants.

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet to any hydrant.

§ 526-7. Utilities.

No trees on public City streets or boulevards, other than those species referred to as small trees in the Prescott Master Park Plan, may be planted under or within 10 lateral feet of any overhead utility wire, or within 10 lateral feet of any underground water line, sewer line, transmission line, or other utility.

§ 526-8. Public tree care.

A. The City 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. ~~The City Tree Board~~ *City staff* may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power

lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees are in accordance with §§ 526-3 through 526-7.

§ 526-9. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other 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 wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the ~~City Tree Board~~ *City staff*.

§ 526-10. Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the City 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 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 City 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 the visibility of any traffic control device or sign.

§ 526-11. Dead or diseased tree removal on private property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. ~~The City Tree Board~~ *City staff* 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 of service of notice. In the event owners fail to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

§ 526-12. Removal of stumps.

All stumps of street and park trees 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.

§ 526-13. License required.

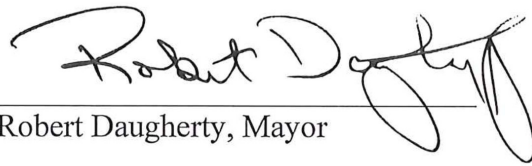
It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be as prescribed in the City's fee schedule; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession

of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City of any person injured or damaged resulting from the pursuit of such endeavors as herein described.


§ 526-14. Review by Parks and Public Works Committee.

The ~~Common Council~~ *Parks and Public Works Committee* shall have the right to review the conduct, acts and decisions of the ~~City Tree Board~~ *City staff* regarding tree management. Any person may appeal from any ruling or order ~~the City Tree Board~~ *of City staff* to ~~Common Council~~ *the Parks and Public Works Committee* who may hear the matter and make final decision.

APPROVED:


Robert Daugherty, Mayor

ATTEST:


Rashel Temmers, City Clerk

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