

**Ordinance 10.08**  
**Trees and Shrubs**  
**Public Nuisances Affecting the General Welfare**  
**(Diseased and Infected Trees) (R68.10)**

THE VILLAGE BOARD OF THE VILLAGE OF PARK RIDGE ORDAINS AS FOLLOWS:

**Section I. INTENT AND PURPOSE.**

A. Having determined that a well-managed urban forest provides many benefits to the Village, its residents and visitors, it is hereby declared to be the policy of the Village of Park Ridge, Wisconsin, to regulate and control the planting, removal, maintenance, and protection of trees and shrubs upon or in all areas of the Village in order to:

1. Promote and enhance the aesthetics and general welfare of the Village.
2. Eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the Village.
3. Guard all trees and shrubs within the Village against the spread of disease, insects or pests.
4. Promote and enable tree canopy cover throughout Park Ridge to enhance the Village's environmental and aesthetic attributes.

B. The provisions of this ordinance shall apply to all of the following:

1. Trees and shrubs presently or hereafter planted in or upon any public area or public way.
2. Any tree or shrub presently or hereafter planted upon any private premises that the Village Trustee has determined endangers the life, health or safety of persons or property.

**Section II. DEFINITIONS.**

In this ordinance, unless the context clearly requires otherwise, the following words and phrases shall be defined as follows:

1. "Village" shall mean Village of Park Ridge, Wisconsin.
2. "Village Trustee" shall mean the trustee or any person designated by him/her to act as his/her agent regarding follow-through or enforcement of the Tree and Shrub Ordinance.
3. "Clear vision triangle" shall mean a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
4. "Public nuisance" shall mean any tree or shrub or part thereof which, by its condition, interferes with the use of any public area or public way, is infected with a disease, infested with injurious insects or pests, is dead, declining or structurally unsound as determined by the Village Trustee, so as to endanger the life, safety and/or welfare of persons or property.
5. "Tree" shall mean a woody plant usually with a single stem unbranched at the base, reaching mature height of twelve feet or more.
6. "Shrub" shall mean a woody plant usually with multiple stems branched at or near the base, reaching a mature height of less than twelve feet.

**Section III. ADMINISTRATION.**

A. Authority to Enter Private Premises.

The Village Trustee or his/her authorized representative shall have the authority to enter upon private real estate, excluding any buildings thereon, at reasonable times for the purposes of examining trees or shrubs to determine if they are a public nuisance. All nuisance trees or shrubs shall be removed pursuant to Section IV of this ordinance and may be appropriately marked by the Village Trustee.

B. Interference Prohibited.

No person shall interfere with the Village Trustee or his/her authorized representative while engaged in the execution or enforcement of this ordinance.

**Section IV. PUBLIC NUISANCE, DECLARATION, AND ABATEMENT.**

A. Public Nuisance.

The Village Board hereby declares any of the following to be a public nuisance and therefore subject to Subsection C of this section: Any tree or shrub, or part thereof, which by reason of its condition interferes with the use of a public area, is infected with an infectious plant disease, is infested with injurious insects or pests, is dead or cannot substantially support foliage, or endangers the life, health or safety of persons or property.

B. Public Nuisances Prohibited.

No person shall permit a public nuisance to remain in or upon any premises owned or leased by that person within the Village.

C. Abatement of Public Nuisances.

1. 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 constitute a potential threat to other trees within the Village. The Village Trustee will notify in writing the owners of such trees. Within thirty (30) calendar days after the date of the notice, the owner shall:
  - a. Remove such trees, shrubs or limbs at their own expense, or
  - b. Provide proof to the Village that a firm has been secured to do the job of removing the trees, shrubs or limbs.
2. Abatement by Village. If the owner of such private premises, or his/her agent, shall refuse or neglect to comply with the terms of the written notice within the time specified, the Village Trustee shall cause the public nuisance to be abated by an insured tree removal company and shall report the expense thereof to the Village Clerk who shall enter the cost of abatement, plus an additional \$50.00 administrative fee, as a special charge against the property owner's real estate tax bill. No damage shall be awarded to the owner for the destruction of trees or shrubs pursuant to this ordinance.

**SECTION V. TREE AND SHRUB PRUNING AND REMOVAL REQUIREMENTS.**

A. Clear Vision Triangle.

No shrub, hedge or other growth exceeding thirty-six (36) inches in height above street grade shall be permitted in any clear vision triangle extending 25 feet from any street corner within the Village. Trees that are located in a clear vision triangle shall be kept trimmed so that the lowest branches projecting over the public street or right-of-way provide a clearance of not less than sixteen (16) feet.

B. Lighting and Overhead Clearance Requirements.

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 8 feet above the surface of a public sidewalk and not less than 16 feet above the travel portion of a public street. 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 street light, interferes with visibility of any traffic control device or sign, or does not have proper clearance/height.

C. Removal.

1. Dead or infected trees shall be cut to ground level and disposed of in the proper manner.
2. In cases where a tree is uprooted due to storms, the stump and roots shall be removed. Any hole created by the removal of the stump and roots shall be filled to the level of the surrounding grade.

D. Violations.

In the event of failure of owners to comply with the provisions of this section, the trees or shrubs in violation of this section shall be declared a public nuisance and shall be subject to abatement as set forth in Section IV of this ordinance.

**SECTION VI. APPEALS.**

A person/company/property owner who receives an order from the Village and objects to all or part thereof may, within ten (10) days of receipt of order, notify the Village in writing of the nature of the objection and request a meeting with the Village Board. The Village shall schedule such a meeting within thirty (30) days of receiving the request. The Village Board shall notify the appellant of its decision in writing within ten (10) days of the concluded meeting. The Village Board may affirm, cancel or modify the order, in its discretion, to best conform such order to the intent of this ordinance. The decision of the Village Board shall be final.

**SECTION VII. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid of unconstitutional.

This repeals and replaces all previous versions of Ordinance 10.08.

Passed and adopted by the Village Board of the Village of Park Ridge on this nineteenth day of January, 2015.