

fourteen (14) feet. Such trimming may only be done by City employees or authorized persons under contract with the City. The City Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

- (b) The necessity of the pruning may be determined by the City Forester.
- (c) Clearance from sidewalk to lower branches shall not be less than eight (8) feet. All trees standing upon private property in the City, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than eight (8) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp. All private trees must maintain a minimum clearance of fourteen feet above any public street or any private road serviced by any municipal vehicles. Low growing trees, such as crabapples, shall be trimmed within the confines of the terrace.

SEC. 6-4-10 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

(a) OBSTRUCTION BY TREES, SHRUBS, FENCES, WALLS, SIGNS OR OTHER STRUCTURES.

- (1) Prohibited Obstructions. No person shall maintain trees, shrubs, fences, walls, signs, or other structures in the vision control area which obstruct the necessary view of the driver of a motor vehicle on a public street or private driveway or which interfere with the driver's control. The vision control area is defined as the minimum sight triangle for the appropriate intersection/driveway set of conditions, as established by the current effective AASHTO sign distance references. In said vision control area, fences, walls, signs, or other structures shall not exceed three (3) feet in height and shall be two-thirds (2/3) open to vision equally distributed throughout the vision control area. In the vision control area, trees and shrubs shall be maintained to provide unobstructed vision from two and one-half (2-1/2) feet above the centerline of the abutting pavement to ten (10) feet above the said centerline elevation.
- (2) Duties of the Director of Public Works. It shall be the duty of the Director of Public Works or his representative to enforce this Section by appropriate order giving the offending party thirty (30) days to remove or correct the situation. Said order shall be served by certified mail. Where the home is in joint tenancy, service on one (1) of the homeowners shall be presumed service on the other.
- (3) Appeals of Orders of the Director of Public Works. All appeals of orders issued by the Director of Public Works shall be made within fifteen (15) days of the service of the order and shall be addressed to the City Clerk and the matter heard by the Board of Public Works.

- (b) **OTHER OBSTRUCTIONS.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the City Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or

occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Director of Public Works shall order the City employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.

- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Director of Public Works as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-7 of this Code of Ordinances.

SEC. 6-4-11 PROHIBITED ACTS.

- (a) **DAMAGE TO PUBLIC TREES.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the City Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the City may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
- (b) **EXCAVATIONS.** All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the City Forester.
- (c) **REFUSAL TO ABATE NUISANCE.** Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

SEC. 6-4-12 APPEAL FROM DETERMINATIONS OR ORDERS.

Except as provided in Section 6-4-10, any person who receives a determination or order under this Chapter from the City Forester and objects to all or any part thereof shall have the right to appeal such determination or order, pursuant to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Common Council within seven (7) days of receipt of the order and the Common Council shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Common Council may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The

SEC. 13-1-88 FENCES AND HEDGES.

- (a) **FENCES DEFINED.** For the purpose of this Section, a fence is herein defined as an enclosed barrier consisting of vegetation, wood stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings such as hedges and shrubbery.
- (b) **FENCES CATEGORIZED.** Fences shall be categorized into three (3) classifications:
- (1) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.
- (c) **HEIGHT OF FENCES REGULATED.** Except for corner lots or through lots, boundary or aesthetic fences including hedges or row plantings placed in an area within twenty (20) feet of the street right-of-way shall be not more than three (3) feet in height, with the exception that such fences may be a maximum of four feet, six inches (4'6") in height if two-thirds (2/3) of the area is open to vision. Upon application and issuance of a permit, boundary or aesthetic fences including hedges or row plantings within twenty (20) feet of the street right-of-way may be permitted on corner lots or through lots. Application shall be made on a form available from the Community Development Department and shall specify the height and location of the fence to be installed with respect to the street right-of-way and sidewalk (if present), driveway openings, and existing structures on the subject and adjacent properties. The application shall also specify the type of fencing and/or plant material to be used in constructing or installing the fence or hedge. The Community Development Director shall confer with the Public Works Director concerning the applicability of vision control area standards and any other safety concerns that may be related to the installation of the proposed fence or hedge. Upon consulting with the Director of Public Works, and upon consideration of any other relevant factors including, but not limited to the compatibility of the proposed fence or hedge with the adjacent properties, the Community Development Director may issue a permit. Such permit may include limitations on the location, height, or materials used in constructing or installing any fence or hedge as may be necessary to protect public safety or community aesthetics. Such permit may be revoked at any time by the Community Development Director if the relevant factors change such that the continued use of the fence is inappropriate.
- (d) **MATERIALS PROHIBITED.** In the residential-zoned districts, barbed wire fences, electrical fences and single, double and triple strand fences are prohibited.
- (e) **EXCEPTIONS.** Protective fences on industrial or publicly owned lands or semi-public lands such as schools, churches, educational institutions, utility substations, etc., are excluded from the provisions of this Section, except that where such fences incorporate the use of barbed wire, then such barbed wire shall not be less than seven (7) feet above the ground level and shall be constructed to be two-thirds (2/3) open to vision, equally distributed throughout the fence length and height located within the vision corner as defined in Sec. 13-1-90.

SEC. 13-1-89 SWIMMING POOLS.

- (a) **SWIMMING POOL REGULATIONS.** This Section shall apply to all new, remodeled,

- g. Boat or snowmobile trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
 - (3) Boat. Boat means every description of watercraft used or capable of being used as a means of transportation on water.
 - (4) Yard, Front, means that part of a lot between the front lot line and front(s) of the principal building on the lot and extended to both side lot lines.
 - (5) Yard, Rear, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.
 - (6) Yard, Side, means that part of a lot not surrounded by a building and not in the front or rear yard.
- (b) **PERMITTED PARKING OR STORAGE OF RECREATIONAL VEHICLES.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
 - (3) Parking is permitted in the front setback area on a driveway during loading or unloading [no more than three (3) consecutive days], provided the body of a vehicle is at least fifteen (15) feet from the face of any street curb. On corner lots or through lots, parking is permitted in the front setback area on one street frontage where a fence or hedge has been approved and installed pursuant to Section 13-1-88(c). The boat or recreational vehicle shall be substantially screened from the adjoining street by such fence or hedge.
 - (4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
 - (5) No part of the unit may extend over the public sidewalk or public right-of-way.
 - (6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in anyone (1) calendar year. Cooking is not permitted at any time.
 - b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Use for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
 - (7) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

State Law Reference: Sec. 30.50, Wis. Stats., and HSS 177 and 177, Wis. Adm. Code.

SEC. 13-1-53 VISION CLEARANCE AT INTERSECTIONS.

- (a) **OBSTRUCTION BY TREES, SHRUBS, FENCES, WALLS, SIGNS OR OTHER STRUCTURES.** No person shall maintain trees, shrubs, fences, walls, signs, or other structures in the vision control area which obstruct the necessary view of the driver of a motor vehicle on a public street or private driveway or which interfere with the driver's control. The vision control area is defined as the minimum sight triangle for the appropriate intersection/driveway set of conditions, as established by the current effective AASHTO

sign distance references. In said vision control area, fences, walls, signs, or other structures shall not exceed three (3) feet in height and shall be two-thirds (2/3) open to vision equally distributed throughout the vision control area. In the vision control area, trees and shrubs shall be maintained to provide unobstructed vision from two and one-half (2-1/2) feet above the centerline of the abutting pavement to ten (10) feet above the said centerline elevation.

- (b) **DUTIES OF THE DIRECTOR OF PUBLIC WORKS.** It shall be the duty of the Director of Public Works or his representative to enforce this Section by appropriate order giving the offending party thirty (30) days to remove or correct the situation. Said order shall be served by certified mail. Where the home is in joint tenancy, service on one (1) of the homeowners shall be presumed service on the other.
- (c) **APPEALS OF ORDERS OF THE DIRECTOR OF PUBLIC WORKS.** All appeals of orders of the Director of Public Works shall be made within fifteen (15) days of the service of the order and shall be addressed to the City Clerk and the matter heard by the Board of Public Works.

SEC. 13-1-54 THROUGH SEC. 13-1-59 RESERVED FOR FUTURE USE.

fourteen (14) feet. Such trimming may only be done by City employees or authorized persons under contract with the City. The City Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

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