

CHAPTER 5 PARKS AND TREES

5.01 PARKS, PARKWAYS AND BOULEVARDS

- (A) **PARK COMMITTEE: Jurisdiction.** In addition to the powers set forth in this Code, the Park Committee shall have additional jurisdiction as set forth in this Chapter.
- (B) **BOULEVARDS**
- (1) **Definition.** All land in public streets or highways lying between lot lines and the curb lines of said streets or highways, which is not used for roadway or sidewalk purposes, is defined as being boulevard.
 - (2) **Jurisdiction of Park Committee.** The control of all boulevards in the residential and multiple dwelling districts of the Village shall be vested in the Park Committee. Such Board shall have the power to require the owner or owners of any lot or ground to set out ornamental trees along the street or streets and to direct and regulate the planting and preservation of shade and ornamental trees between the lot lines and public streets, alleys and public grounds. The Park Committee is further empowered to determine what substances should be placed upon the ground which constitutes the boulevard, and requires the owners of the abutting lots to either plant grass or to place other appropriate materials or substances upon the boulevard as said Board in exercise of its discretion may require.
 - (3) **Jurisdiction of Village Board.** The Village Board shall have control over boulevards in the commercial, light and heavy industrial districts and shall have the same powers as the Park Committee with respect thereto and in addition thereto the Village board shall have control over and removal of signs or other obstructions illegally placed in the boulevards regardless of the zoning. Nothing herein contained shall involve width of boulevards and the responsibility therefor is vested in the Village Board and the Board of Trustees. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone and electric power posts or lines, manholes, conduits and pumps within any parkway or boulevard shall be controlled and under the jurisdiction of the Village Sewer and Water Commission.
- (C) **RULES AND TEGULATIONS IN PARKS, PLAYGROUNDS, AND SWIMMING POOLS:** The following special rules and regulations in addition to all other regulations in this Code and in addition to any special rules promulgated by the Park Committee shall govern conduct in all parks, playgrounds, pleasure drives and swimming pools, to-wit:
- (1) **Parking.** No person shall permit any vehicle or animal to stand in the parks except upon established roads and ways and no person shall drive any vehicle or animal in the parks except upon established roads and ways and then only at a rate of speed not to exceed 15 miles per hour.
 - (2) **Destruction of Property.** No person shall in any manner deface or injure any building, tree, shrub, plant or other property, or trespass under the jurisdiction of the Park Committee.
 - (3) **Fires.** No fire shall be lighted or made except in places specifically provided for such purpose.
 - (4) **Use of Weapons Prohibited.** The use of air guns, sling shots, firearms and explosives and weapons of every character is strictly prohibited.
 - (5) **Littering Prohibited.** No person shall throw, deposit or leave any paper, article or thing except in the receptacles provided for waste.
 - (6) **Disorderly Conduct Prohibited.** No person shall use any loud, violent, obscene or profane language nor shall anyone conduct himself or herself in a disorderly or obscene manner or commit any nuisance.

- (7) Swimming Regulated. No person shall swim or bathe in any lake, river, lagoon, beach or swimming pool except at such places and at such times as the Park Committee may direct.
- (8) Disturbing animals Prohibited. No person shall disturb, interfere with, handle or feed any animals or birds in any zoo or park.
- (9) Trespassing Prohibited. No person shall enter upon any territory in disregard of signs or posted notices forbidding the same.
- (10) Public Meetings Regulated. No person shall be allowed to give entertainments of any kind or hold public meetings or assemblies or establish or occupy a camp except by written consent of the Park Committee. All picnics, all assemblages or persons, and all business and entertainments permitted shall occupy grounds to be designated by the Park Committee or the Park Board Chairman and shall be under his control and supervision.
- (11) Animals Running at Large. No domestic or domesticated animal shall be allowed in any park.
- (12) Vendors Restricted. No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Park Committee.
- (13) Distributing or Posting Circulars Prohibited. No person shall distribute any circulars, cards or any other printed or written matter, excepting programs of concerts or entertainments, unless permission has been obtained from the Park Committee or Park Chairman. No person shall post, paste, paint or affix any placard, bill notice or sign upon any structure, fence, enclosure or thing, or erect any notice or sign.
- (14) Games and Sports Restricted. No person shall play ball, tennis or other game except upon grounds specifically established by the Park Committee for such purposes.
- (15) Fences and Railings. No person shall sit or stand or interfere with or damage any guard fence, railing or other enclosure.
- (16) Removal of Park Benches. No person shall remove any bench or seat from any park, and no bench or seat which is permanently placed shall be moved at all.
- (17) Use of Trucks Restricted. No person shall operate any truck or other vehicle not used exclusively for carrying passengers. The Park Committee may use such vehicles as are necessary for the maintenance of parks and parkways.
- (18) Use of Intoxicants Restricted. Use of intoxicating liquors or malt beverages is prohibited, except by permit issued by Park Committee designating the area and the conditions under which such beverages may be used and consumed.
- (19) Closing of Parks. The Park Committee may establish a closing hour for all parks, playgrounds and swimming pools, and after posting such closing hour, it shall be unlawful to enter in or be upon any park, playground or swimming pool after the hour designated.
- (20) Removal of Violators. In addition to the other penalties provided in this Chapter, any person violating any rules or regulations set forth in this Chapter, in any order or regulation established by the Park Committee may be summarily removed from the parks, playgrounds, pleasure drives or swimming areas by an employee of the Park Board or by any police officer.

(D) RESERVATION OF PARK

- (1) Civic, Charitable and Non-Profit Organizations. Local civic, charitable and non-profit organizations and the like may reserve the use of any area of any park. This reservation of use may be without charge and the granting of such reservation shall be the discretion of the Park Committee.
- (2) Clean Up Deposit and Utility Fee. Any organization reserving the use of any area of any park for a major fund raising activity may be required by the Park Board to make a \$50.00 security deposit to insure the Park is properly cleaned, following use of the park by that organization. Should the park not be properly cleaned by 7:00 p.m. on the day following activity, the Park Board may use any or all of this deposit to pay cleaning costs. Also a \$50.00 utility fee will be levied for these activities.

This deposit and fee to be deposited with the Village Clerk before any beer permits or licenses are issued.

- (3) Family Picnics and Reunions. Reservation fee to be \$25.00 for Village residents and \$50.00 for non-residents made with the Village Clerk during business hours.
- (4) Business Groups and Wedding Receptions. Reservation fee to be \$100.00 for Village residents and \$200.00 for non-residents made with the Village clerk during business hours.

5.02 REGULATIONS GOVERNING BOULEVARD TREES

(A) **AUTHORITY:** The Board of Park Committee shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, shrubs and plants, planted or growing in or upon the public highways and public places of the Village and the planting, removal, care, preservation, protection, removal and control thereof. The Board of Park Committee is empowered to plant, transplant, remove, trim, spray and otherwise care for and protect all trees and shrubs on or in that part of every street, the grade of which has been established, between the lot line and the curb and on the center or side plots of all boulevards and parkways and in all public parks or grounds belonging to the Village and the control of such planting, removing, trimming, spraying or other work by others.

(B) DAMAGE TO TREES

- (1) No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work upon any tree or part thereof, or in any manner interfere with, disturb, or injure any shrub or plant upon the public highways or places of the Village; nor shall any chemical be used for the control on insects or other diseases, or for any other reason, nor shall any person permit any chemical, either solids or fluids, to seep drain or be emptied on or about any tree, shrub or plant that is now or may hereafter be growing upon any public highway or place within the Village, without first obtaining a permit from the Park Committee. Provided further that nothing in this section shall be construed so as to apply to the removal, under the direction of the Board of Park Committee, by the Board of Public Works, or any other department or subdivision thereof, of any tree, shrub or plant thereof, when such removal shall be necessary for the construction of any sidewalk, sewer, street, water main, conduit, or public improvement.
- (2) No person shall be permitted to hitch any animal to any tree or shrub, nor fasten to for the purpose of anchorage, any wire, rope chain or cables, nor shall any person nail, tie or in any manner fasten any cards, signs, posters, boards or any other article to any tree, shrub or plant that is now or may hereafter be growing upon any public highway or public place within the Village.

(C) **PLANTING OR REMOVAL OF TREES:** Whenever the Park Committee proposed the setting out, planting or removing of any living shade trees, it shall give two weeks notice to the owner of the lot or parcel of land on which such tree stands or will stand, or is adjacent to; or if neither is known and there is a tenant occupying said property, then to such tenant of a time and place at which said contemplated work shall be considered by the Board, specifying in detail the street, avenue or boulevard and portion thereon or from which trees are proposed to be planted or removed and the general nature and character of the changes and improvements contemplated. After such hearing, the Board of Park Committee shall proceed with or abandon such work after consultation with the Park Board.

(D) REGULATIONS FOR PLANTING AND CARE OF TREES

- (1) Trees must not be less than one (1) inch in diameter of trunk at a height of four (4) feet above the ground.

- (2) All trees up to three (3) inches in diameter of trunk one (1) foot above the ground must be protected and supported by tree guards or stakes. When only one stake is used it must be toward prevailing winds.
- (3) No tree shall hereafter be planted at the intersection of two or more streets or within 30 feet of each intersection.
- (4) In cutting down trees, the same must be removed with root stump grubbed or cut out to a depth of at least 10 inches. If another tree is to be planted within 3 feet of the stump it must be removed in its entirety.
- (5) All cuts above 1 inch must be water proofed with proper tree paint.
- (6) Good soil must be provided; where soil is too poor to insure growth an amount equal to 27 cubic feet, minimum must be provided in the tree hole.
- (7) Future planting of shrubbery or evergreens between curb and sidewalks is prohibited.
- (8) No tree shall be planted nearer than 2 feet from the curb line or outer line of the sidewalk unless special permission is granted by the Park Committee. All trees must be planted in line with each other as established by the Park Committee.
- (9) The following is a list of approved varieties of trees with minimum distances to be planted apart:
 - (a) Elm (any variety except Chinese) 45 feet.
 - (b) Sugar Maple, Norway Maple, White or Scarlet Oak – 40 feet.
 - (c) Linden, Ash, Sycamore, Red Oak, Pin Oak, Native Beach – 35 feet.
 - (d) Others must be approved by the Park Committee.
- (10) The following varieties are prohibited; Poplar, Box Elder, Catalpa, Mountain Ash, Willows, Birch, Conifers and Hackberry.
- (11) No trees shall be planted on any Village street until the grade for such street has been established and cut or filled to the established grade.
- (12) In addition to the above, the Park Committee may, from time to time, establish other regulations which the Board may deem necessary to insure safety on or preserve the symmetry and beauty of any public places.

(E) NUISANCES

- (1) The planting, preserving and maintaining of any trees which are injurious and detrimental to the health of the community and all such other trees as may be liable to fall upon any sidewalk, street, driveway or building near to such tree or which are hazardous or may result in injury to person or property because of a defective or diseased condition, or contagiously diseased trees or the storage of cut elm wood, unless debarked and the bark completely burned or treated adequately with chemicals so as to destroy any harbored insect pests, shall be deemed a public nuisance and are therefore prohibited.
- (2) The Park Committee shall have the right to examine all trees, alive or dead, standing or fallen, and logwood piles, for the purpose of determining whether the same are contagiously diseased. Such examination shall include the right to take samples from such trees and logwood piles for laboratory testing purposes. It is hereby made the duty of the Park Committee to give notice to the owner or owners or the agent of such owner or owners of land in the Village whereon there are situated any trees, or tree conditions existing, or cut elm wood, unless debarked and bark completely burned or treated adequately with chemicals so as to destroy any harbored insect pests, declared by said Park Committee to be a public nuisance as defined above, and which are not maintained by the village, to remove, prune or spray or cause the same to be removed, pruned or

sprayed within ten (10) days, excepting when said notice applies to the removal, pruning or spraying of elm tree, such shall be done immediately.

- (3) The Park Committee shall have the power and is hereby authorized and instructed after the expiration of the said ten days or immediate notice, as the case may be, and non-compliance therewith, to cause such trees or cut elm wood, unless debarked and the bark completely burned or treated adequately with chemicals so as to destroy completely any harbored insect pests, which are deemed to be a nuisance to be removed, pruned or sprayed at the expense of the owner of the land whereon the same stand, and if such owner or his agent cannot be found in this Village such trees may be removed, pruned or sprayed by said Park Committee at the expense of the owner of such land without notice.

(F) ASSESSMENTS

- (1) The entire of any part of the costs of protecting, trimming, spraying, planting, renewing and removal of any tree, shrub or plant, may be chargeable to and assessed upon the lot or parcels of land upon which such tree, shrub or plant is growing or to the owner of the abutting lot or parcel of land.
- (2) When so chargeable, the Park Committee shall keep a strict account of costs of planting, protecting, renewing, removing, trimming, spraying and caring for trees, shrubs, or plants in front of or on each parcel of land abutting on any street, avenue or boulevard, and prior to the first day of November in each year, he shall make a report to the Village Treasurer of all work done for which assessments are to be made, stating and certifying the descriptions of land, lots, parts of lots or parcels of land abutting on a street, avenue or boulevard in which any such work shall have been done and the amount chargeable to each such piece of property; and the Village Treasurer shall include therein the special assessments as reported to him by the Park Committee with the amount chargeable thereon for work done during the preceding year.
- (3) The amount so reported to the Village Treasurer shall be levied on said lots or parcels of land respectively to which they are chargeable and shall constitute a lien thereon and shall be collected as other special taxes are levied and collected by the Village.
- (4) The public hearings and notices required by Chapter 27 of the Wisconsin Statutes shall be had.

(G) PERMITS

- (1) Any person desiring to remove a live tree from a boulevard for the construction of walks, drives, buildings or other structures for his own gain, shall first obtain a permit from the Park Committee and such tree or trees must be removed by the person gaining at his own expense and in the manner prescribed by the Park Committee and to agree to hold the Village harmless in case of accident or on account of any danger arising from the granting of such permit.
- (2) It shall be unlawful for any person to plant, set out any tree, shrub, or plant, or cause or authorize or procure any person to plant or set out any tree, shrub or plant in or upon any part of any public highway, park or public place without first obtaining a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this ordinance. All applications for such permit shall be made on blanks furnished by the Park Committee and shall describe the work to be done and the variety, size and precise location of each tree. After the receipt of such application, the Park Committee or its representative shall investigate the locality where the trees, shrubs or plants are to be placed and shall grant a permit only if, in his judgment the location is such as to permit the normal growth and development of each tree. Such permit shall specify the location, variety and grade of each tree and method of planting, including among other things the supplying of suitable soil. The permit shall be good only for the season stated in the same, in the year issued and no charge shall be made for the same. Before any permit shall be issued for planting more than 25 trees on any one permit, the

Park Committee may request from the applicant a detailed declaration of intentions either in the form of a planting plan or written statement in duplicate. All planting plans shall be drawn on tracing cloth in ink. One copy of each plan or statement of intention shall, when approved by the Park Committee, be returned to the applicant and the other copy shall be kept on file. All planting plans shall show accurately:

- (a) The proposed street width together with its subdivision of pavement, curb, gutter, parking strip and sidewalk areas to a definite scale.
- (b) The proposed location of each and every proposed tree together with the location of each and every existing tree within the proposed street line in scaled relation to the other features of the plan.
- (c) The location and position of existing trees, shrubs, and plants for a distance of 20 feet inside the proposed lines.
- (d) The variety of each and every tree proposed to be planted and of those already existing within the proposed street lines either indicated on the plans or referred with a number to key list.
- (e) The distance between trees in any one row in feet.
- (f) The nature of the soil in planting space to a depth of 3 ½ feet and all existing and proposed surface or subsoil drainage system. All statements filed in lieu of planting plan shall contain the same information as required on the plan.
- (g) Except upon order, no person shall hereafter trim, prune, remove, maim, treat, spray, dust, fertilize, brace, do surgery work, cut above or below ground or otherwise disturb any tree, shrub, or plant in any highway, park or public place in the Village nor cause such acts to be done by others, without first obtaining a written permit from the Park Committee who shall issue the permit if in its judgment the desired work is necessary, and the proposed method of workmanship thereof is of a satisfactory nature. The persons receiving such permit shall abide by the Arboricultural Specifications and Standard of Practice adopted by the Park Committee of the Village of Stoddard.

5.03 UNUSED

5.04 UNUSED

5.05 PENALTIES

Any person violating any provision of this Chapter, except as otherwise provided in this Chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.