VILLAGE OF MCFARLAND *NOTICE OF PUBLIC MEETING*

PARKS, RECREATION, AND NATURAL RESOURCES COMMITTEE

Thursday, March 17, 2016 **7:00 P.M.** **McFarland Municipal Center Conference Room "A"**

AGENDA

1. Call to order.
2. Public Comments.
3. Review and possible approval of draft Minutes of the Parks, Recreation, and Natural Resources Committee meetings of January 21 and February 18, 2016.
4. Review and discussion of bid tabulations for 2016 Grandview Conservancy Path improvements. Possible recommendation to the Village Board from the Parks, Recreation, and Natural Resources Committee regarding the award of a construction contract for the 2016 Grandview Conservancy Path Improvements.
5. Review and possible recommendation to the Village Board regarding raised gardens by the Cottages on property owned by the Village of McFarland (request by Lions Club).
6. Review and possible recommendation to the Village Board regarding changes to Village Ordinances – Natural Lawns, Trees and Shrubs, Oak Tree Cutting and Noxious Weeds.
7. Continue discussion and possible action regarding park special event policy and special event form.
8. Update on Bird Festival planning.
9. Update to acknowledge the decision to place the Dane County bike trail in McDaniel Park and the fact that it was a decision deferred to the Public Works Committee.
10. Discussion on procedure by which we name the new shelter, potentially, and/or the new park space at Juniper Ridge.
11. Public Works Director update.
12. Adjournment.

NOTES:
1) Persons needing special accommodations should call 838-7287 at least 24 hours prior to the meeting.
2) A quorum of The Village Board may attend this meeting for the purpose of gathering information relevant to their responsibilities as Village trustees. No matter shall be considered nor shall any action be taken by said Village Board members at this meeting.
3) More specific information about agenda items may be obtained by calling 838-7287.

This agenda was posted, or caused to be posted, by my hand on the 11th day of March, 2016 at the following three (3) posting places in the Village of McFarland, to wit: McFarland Municipal Center, 5915 Milwaukee Street; E.D. Locke Public Library, 5920 Milwaukee Street; and McFarland State Bank, 5990 Hwy. 51.

Tracey Berman, Clerk/Deputy Treasurer

Parks, Recreation, and Natural Resources Committee
Meeting Minutes – DRAFT
January 21, 2016

1. **Call to order.**

   Chair Kolk called the January 21, 2016 meeting of the Parks, Recreation and Natural Resources Committee to order at 7:01 pm in the Community Room of the McFarland Municipal Center.

   Members Present: Chair Dan Kolk, Kate Barrett, John Feldner, Chuck Rolfsmeyer, Rick Ruecking, Judy Sauer, Jacob Schkirkie, Greg Smith, Clair Utter and Darrel Waldera

   Members Absent: None

   Staff Present: Allan Coville, Linda Dieckhoff and Eric Rindfleisch

   Others Present: Katie Gletty-Syoen

2. **Public Comments.** None

3. **Review and possible approval of draft Minutes of the Parks, Recreation, and Natural Resources Committee meeting of December 17, 2015.**

   Motion by Barrett, second by Utter, to approve the minutes of the December 17, 2015 meeting of the Parks, Recreation and Natural Resources Committee with modifications. Motion carried 10-0 by acclamation.

4. **Presentation by Katie Gletty-Syoen regarding the accomplishments and status of the McFarland Community Garden.**

   Katie Gletty-Syoen had a power point presentation. Handout of presentation placed on file.

   The Community Garden Committee would like help from Village staff for the following:

   - Turning on/off water line and maintain any leaks
   - Gravel delivery/dispersal in spring
   - Wood chip delivery in spring
   - Flipping compost mounds – monthly
   - Mowing garden area only
   - Construction of berm
   - Post hole digging for fencing around composting animal manure
   - Signage cost share and possible installation

- Removal of milk weed from invasive/prohibited plants list (for Library Butterfly Garden)
- Provide guidelines for structure specifications for a shelter to align with permitting process

Kolk indicated that there have been remarkable accomplishments of the Community Garden Committee and their volunteers. The garden has had substantial community involvement and support. The community should be made aware of these accomplishments.

5. **Review and possible recommendation to Village Board to renew Community Garden agreement.**

It was asked if there were any questions or comments on the current contracts. Eric Rindfleisch did not see a problem with the existing language in the agreements and felt this committee could recommend approval of a 5 year extension.

In regard to the request for help from Village staff, Coville indicated that staff should be able to help with the water, gravel delivery, wood chip delivery, flipping compost mounds, mowing garden area, construction of berm and post hole digging.

Kolk indicated that signage does not need approval since it is in the signage budget. The sign design should include recognition of the UCC and Friends of the McFarland Parks. Katie will check with the school and see if a class can come up with a design.

Motion by Utter, second by Barrett, to recommend to the Village Board to renew a 5 year term Community Garden agreement, accept the help of Public Works staff and approve a sign for the Community Garden.

For the agenda next month include review and possible recommendation to the Village Board to remove milk weed from the current ordinance.

6. **Continue discussion and possible action regarding park utilization policies.**

Motion by Kolk, second by Smith, to approve the Regular Park Policy with recommended changes in item 8. Motion carried 10-0 by acclamation.

7. **Update and discussion on Lewis Park shelter project.**

The bids are going out next month. Staff will have the bid results at the next meeting to make a recommendation to the Village Board to award the contract. Completion dates will be by the end of September.
Lewis Park will have a porta potty installed this year or perhaps two.

8. **Update on agility equipment to the dog park.**

   Judy Sauer met with Roman Andrew, an Eagle Scout, about the location, types of equipment and materials to be used to install agility equipment in the dog park. Would like to have signage next to the agility equipment which states "For dogs only". Roman Andrew can't start the work until after school is out. Sauer will get a plan together for review. The work will be completed this summer.

9. **Public Works Director update.** Placed on file.
   If weather allows we will try to burn two wood piles that are in the Marshwoods Park and the Apple Orchard. The hockey boards were put up by the Hockey Association.

10. **Adjournment. Motion** by Utter, second by Smith, to adjourn at the meeting at 9:08 p.m. Motion carried 10-0 by acclamation.

Respectfully Submitted,
Linda L. Dieckhoff
Public Works/Utilities Clerk

Parks, Recreation, and Natural Resources Committee
Meeting Minutes – DRAFT
February 18, 2016

1. **Call to order.**
Chair Kolk called the January 21, 2016 meeting of the Parks, Recreation and Natural Resources Committee to order at 7:00 pm in the Community Room of the McFarland Municipal Center.

Members Present: Chair Dan Kolk, Kate Barrett, Chuck Rolfsmeyer, Rick Ruecking, Jacob Schkirkie, Clair Utter and Darrel Waldera

Members Absent: John Feldner, Judy Sauer and Greg Smith

Staff Present: Pauline Boness, Allan Coville and Linda Dieckhoff

Others Present: Brad Werginz (Angus Young) and Brian Utter

2. **Public Comments.** Brian Utter was present and requested the following:
   - Recommended that we do not approve the Lewis Park Shelter project at this time. We should be applying for grants to help offset the cost.
   - Does not have a problem with removing milk weed from the noxious week list. Would like the Village Ordinance in regard to removing oak trees to coincide with the DNR dates (our ordinance is more stringent).
   - In regard to the EAB found in McDaniel Park, the Village should contact the contractor to remove the ash trees and other hazardous trees, remove brush piles and do not put anymore trees in the water.
   - This Committee should look at the Comprehensive Master Plan and plan for future road parking changes by parks. There needs to be a neighborhood meeting to discuss the removal of off street parking by Brandt Park. We should be sure that Mr. Quam knows about the upcoming construction.

3. **Review and possible approval of draft Minutes of the Parks, Recreation, and Natural Resources Committee meeting of January 21, 2016.**

Motion by Utter, second by Ruecking, to postpone approval of draft Minutes. Motion carried 7-0 by acclamation.

4. **Presentation and discussion of bid tabulations for Lewis Park Shelter project.**

Brad of Angus Young reviewed the bids received. The low base bid is $676,000 from Gilbank.

The Village will be removing the stone to use in the new building. The biggest cost is hauling the material away. We will also be salvaging the furnace and water heater.

The paved pedestrian path will run along the east side of parking lot going to the family rink. The second phase would extend the path from the parking lot to Lewis lane.

Security system equipment and components are a necessity.

Barrett asked about the references of the low contractor. Brad Werginz of Angus Young said they have worked with this company before and have not had any problems.

The start date is April 11, 2016 and will take about five months for completion of construction. We plan to have grass planted in the fall.

This project does not include the observation deck. Staff or volunteers will make improvements to the deck. The canoe path cannot be paved and grass could only be mowed.

5. **Recommendation to the Village Board from the Parks, Recreation and Natural Resources Committee regarding the award of the contract for the Lewis Park Shelter project.**

The bids exceeded the budgeted amount. The Village Board will have to determine if funds are available to pay for the project. Coville indicated that the Village did apply for a DNR grant but did not receive any funding.

Motion by Kolk, second by Ruecking, that we recommend to the Village Board to accept the Gilbank bid of $729,265 and accept the alternate to include the shortened paved path for $11,000 but not the extended path, for a total project cost of $740,265. Motion carried 5-2 with Utter and Rolfsmeyer against.

6. **Review and possible recommendation to the Village Board to remove milk weed from Village Ordinance Chapter 20, Section 20-25 (c) (3).**

Kolk indicated there are a lot of different species of milk weed. For an area that has livestock it makes sense but not in the Village.

Barrett is not sure that this is a noxious weed. We should check Act 40 of the Administrative Code to check the standards. Milk weed does not have an adverse affect on humans but it does on livestock.

Barrett recommended that we take a look at the natural lawns ordinance, tree and shrubs ordinance and the oak tree cutting and update these accordingly.

Motion by Utter, second by Rolfsmeyer, to not strictly enforce Section 20-25 of the Village Ordinance. Coville indicated that we cannot do that. Motion withdrawn by Utter and Rolfsmeyer.

No action was taken and this will be addressed at future meetings to review noxious weed ordinance, tree and shrub ordinance, oak tree cutting ordinance to determine if we need to do anything.

7. **Continue discussion and possible action regarding park utilization policies.**

Under Step 5 - Safety and Security Plan. Can this be incorporated into police and fire plan? They have a form that needs to be completed and we can reference that form for special events. We need to obtain a copy of the form and make reference to that form.

Under Step 11 – Beer/Wine Sales at your Event. The only time beer/wine needs to be permitted is when it is being sold. Again, if police and fire have a form, we need to make reference to that form. Instead of having Step 11, for beer/wine reference instead to contact Police Department.

Under Step 10 – Diggers Hotline. We do not address the consequences of applicant not contacting Diggers Hotline. Need to change wording to indicate that anything with stakes needs to be called in.

The Village will not issue a permit until we receive proof of applicant contacting digger's hotline if they will be putting up a structure.
We should add a Step 12 for a waiver to allow Director to waive any restrictions as needed.

Under Step 8 – Events with Amplification. Should be Events with Sound Amplification. The Police Department is authorized to require the discontinuance of any such system or equipment operating outside the prescribed hours or location.

8. **Discussion on procedure by which we name the new shelter, potentially, and/or the new park space at Juniper Ridge.**

Kolk moved to postpone until next month. Directed staff to look for other policies other communities already have.

9. **Discussion and possible recommendation to add porta potties in other parks and an additional one at Lewis Park.**

The cost for one porta pottie is about $90 a month. We should at least have one by Lewis Lane. The residents around Cedar Glade Park would like restrooms. Falling Leaves used to have a porta pottie in the past and residents would like one back. It was asked if they should be handicap accessible. We would need to get the price difference. The Soccer Association pays for the one at the soccer fields. The Dog Park is the most used park.

Coville to come back next month with recommendations on budget constraints and recommendations on where porta potties should be located. Some committee members felt we should concentrate on tot lots. The Dog Park is more remote and we could have problems at that location.

10. **Public Works Director update.**

EAB has been confirmed at McDaniel Park. There has been one or maybe two trees that have identified now. We put a news release on the website and in the newspaper. We have informed the public to either remove their ash trees, treat their ash trees or leave if left alone, they will die. Private trees need to be properly disposed of by an arborist.

People are prohibited from removing the wood from Dane County.

There is concern of soil erosion in Juniper Ridge. There are a lot of root balls showing.

Utter would like the path blacktopped to the lift station on Blue Stem.

Coville indicated that we were just approved this week from the State Historical Society for the work to be done in Indian Mound. Coville has contacted Kevin Hamm to go ahead with the work.

Barrett would like the Committee to talk about dates for work days to be put on the calendar. The Volunteer Day is too early for garlic mustard where May would be better.

11. **Adjournment. Motion** by Rolfsmeyer, second by Utter, to adjourn at 9:08 p.m. Motion carried 7-0 by acclamation.

Respectfully Submitted,
Linda L. Dieckhoff
Public Works/Utilities Clerk

TOWN & COUNTRY
ENGINEERING, INC.

March 7, 2016

Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

Attention: Mr. Eric Rindfleisch, Village Administrator

Subject: Analysis of Bids and Recommendation for Award of Contracts; 2016 Grandview Conservancy Path Improvements; Village of McFarland
Bid Deadline: March 3, 2016 at 11:00 A.M. local time

Ladies and Gentlemen:

The purpose of this letter is to analyze the bids received for the 2016 Grandview Conservancy Path Improvements project and to recommend award of a contract. This project involves extension of Grandview Conservancy Path from Pheasant Run to Creamery Road, consisting of an asphalt path and signage. An alternate bid was included for a northern route consisting largely of a wooden boardwalk due to presence of wetlands. A tabulation of the bids received is attached.

Nineteen general contractors, subcontractors, and material suppliers requested sets of the plans, specifications and bidding documents. Four contractors submitted bids. Our pre-bid estimate for the base bid was $84,185.00.

A summary of the bids is as follows:

	Base Bid	Alternative Bid Total
Raymond P. Cattell, Inc.	$74,075.00	no bid
Janke General Contractors	$79,227.00	$167,647.00
Badgerland Excavating Corp.	$82,420.00	$136,344.00
Drax, Inc.	$159,597.00	$533,301.00

All of the bids were properly submitted, except Drax, Inc. submitted their Proof of Responsibility short of the required five days listed in the Instructions to Bidders. The Village can waive this as a minor informality, and we so recommend.

The low bidder, using the base bid only, is Raymond P. Cattell, Inc. of Madison, Wisconsin, an experienced utility and street contractor that has done similar projects for nearby Villages, including Shorewood Hills and Cambridge.

The alternate bid for the northern route is significantly higher than the low base bid, and the project budget. In addition, the presence of significantly more wetlands along that route would require additional permitting that could delay construction several months.

We recommend that the Village award to Raymond P. Cattell, Inc. in the amount of $74,075.00 for the base bid (southern route).

This will be a unit price contract. That is, the contractor will be paid for the work actually performed on the basis on the unit prices bid. This means that the final line item costs could be either greater than or less than the bid totals. Also, unexpected conditions are sometimes encountered which result in increased project costs. Therefore, it would be wise to continue to carry the recommended 10% contingency.

If you have any questions with respect to our thoughts on this matter, I am available at your convenience to discuss them with you.

Very truly yours,
TOWN & COUNTRY ENGINEERING, INC.

Brian R. Berquist, P.E.
Vice-President of Municipal Services

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BID TABULATION

Project: 2016 Grandview Conservancy Path Improvements; Village of McFarland

Engineer's Project Number: MC 89 Bid Deadline: March 3, 2016 at 11:00 A.M. local time

ITEM NO.	DESCRIPTION OF WORK	BID QUANT.	BID UNITS	PRE-BID ESTIMATE UNIT PRICE	PRE-BID ESTIMATE AMOUNT	Raymond P. Cattell, Inc. Madison, WI UNIT PRICE	Raymond P. Cattell, Inc. Madison, WI AMOUNT	Janke General Contractors Athens, WI UNIT PRICE	Janke General Contractors Athens, WI AMOUNT
BASE BID - Southern Route									
1.	Excavation/Fill to Subgrade	1	lump sum	$ 11,000.00	$ 11,000.00	$ 22,500.00	$ 22,500.00	$ 25,000.00	$ 25,000.00
2.	Excavation and Disposal of Bad Subb	120	cu. yds.	$ 17.00	$ 2,040.00	$ 22.50	$ 2,700.00	$ 13.00	$ 1,560.00
3.	3" Breaker Run	675	tons	$ 11.00	$ 7,425.00	$ 12.00	$ 8,100.00	$ 15.00	$ 10,125.00
4.	¾" Crushed Aggregate Base Course	450	tons	$ 13.00	$ 5,850.00	$ 17.50	$ 7,875.00	$ 15.00	$ 6,750.00
5.	6" Thick Concrete Sidewalk	100	sq. ft.	$ 7.00	$ 700.00	$ 12.00	$ 1,200.00	$ 5.00	$ 500.00
6.	Sawcutting	50	lin. ft.	$ 3.00	$ 150.00	$ 3.00	$ 150.00	$ 2.30	$ 115.00
7.	Truncated Dome Detectable Warning	12	sq. ft.	$ 35.00	$ 420.00	$ 30.00	$ 360.00	$ 35.00	$ 420.00
8.	~~Permanent Pavement Marking~~	~~1~~	~~lump sum~~	$ ———	$ ———				
9.	3" Asphalt Path Surface	1,350	sq. yds.	$ 21.00	$ 28,350.00	$ 11.60	$ 15,660.00	$ 11.60	$ 15,660.00
10.	12" RCP CL IV Storm Sewer	57	lin. ft.	$ 50.00	$ 2,850.00	$ 60.00	$ 3,420.00	$ 77.00	$ 4,389.00
11.	Apron Endwalls w/o Grates	8	each	$ 2,000.00	$ 16,000.00	$ 400.00	$ 3,200.00	$ 717.00	$ 5,736.00
12.	Topsoil Restoration, Seeding, Fertilizi	400	sq. yds.	$ 6.00	$ 2,400.00	$ 4.50	$ 1,800.00	$ 6.70	$ 2,680.00
13.	Route Signage	1	lump sum	$ 2,500.00	$ 2,500.00	$ 2,410.00	$ 2,410.00	$ 872.00	$ 872.00
14.	Pavement Markings	1	lump sum	$ 1,500.00	$ 1,500.00	$ 1,200.00	$ 1,200.00	$ 1,075.00	$ 1,075.00
15.	Erosion Control	1	lump sum	$ 1,500.00	$ 1,500.00	$ 2,500.00	$ 2,500.00	$ 3,140.00	$ 3,140.00
16.	Traffic Control	1	lump sum	$ 1,500.00	$ 1,500.00	$ 1,000.00	$ 1,000.00	$ 1,205.00	$ 1,205.00
	BASE BID TOTAL				$ 84,185.00		$ 74,075.00		$ 79,227.00
ALTERNATE BID - Northern Route									
A1.	Excavation/Fill to Subgrade	1	lump sum	$ 13,000.00	$ 13,000.00			$ 2,600.00	$ 2,600.00
A2.	Excavation and Disposal of Bad Subb	50	cu. yds.	$ 17.00	$ 850.00			$ 13.00	$ 650.00
A3.	3" Breaker Run	230	tons	$ 11.00	$ 2,530.00			$ 15.00	$ 3,450.00
A4.	¾" Crushed Aggregate Base Course	175	tons	$ 13.00	$ 2,275.00			$ 15.00	$ 2,625.00
A5.	6" Thick Concrete Sidewalk	100	sq. ft.	$ 7.00	$ 700.00			$ 5.00	$ 500.00
A6.	Sawcutting	50	lin. ft.	$ 3.00	$ 150.00			$ 2.30	$ 115.00
A7.	Truncated Dome Detectable Warning	12	sq. ft.	$ 35.00	$ 420.00			$ 35.00	$ 420.00
A8.	~~Permanent Pavement Marking~~	~~1~~	~~lump sum~~	$ ———	$ ———				
A9.	3" Asphalt Path Surface	450	sq. yds.	$ 21.00	$ 9,450.00			$ 11.60	$ 5,220.00
A10	Boardwalk	685	lin. ft.	$ 105.00	$ 71,925.00			$ 211.00	$ 144,535.00
A11	Topsoil Restoration, Seeding, Fertilizi	400	sq. yds.	$ 6.00	$ 2,400.00			$ 3.00	$ 1,200.00
A12.	Route Signage	1	lump sum	$ 2,500.00	$ 2,500.00			$ 912.00	$ 912.00
A13.	Pavement Markings	1	lump sum	$ 1,500.00	$ 1,500.00			$ 1,075.00	$ 1,075.00
A14.	Erosion Control	1	lump sum	$ 1,500.00	$ 1,500.00			$ 3,140.00	$ 3,140.00
A15.	Traffic Control	1	lump sum	$ 1,500.00	$ 1,500.00			$ 1,205.00	$ 1,205.00
	ALTERNATE BID TOTAL				$ 110,700.00		no bid		$ 167,647.00

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BID TABULATION

Project: 2016 Grandview Conservancy Path Improvements; Village of McFarland

Engineer's Project Number: MC 89 Bid Deadline: March 3, 2016 at 11:00 A.M. local time

ITEM NO.	DESCRIPTION OF WORK	BID QUANT.	UNITS	Badgerland Excavating Corp. Madison, WI UNIT PRICE	AMOUNT	Drax, Inc. Madison, WI UNIT PRICE	AMOUNT		
BASE BID - Southern Route									
1.	Excavation/Fill to Subgrade	1	lump sum	$ 32,000.00	$ 32,000.00	$ 77,000.00	$ 77,000.00		
2.	Excavation and Disposal of Bad Subb	120	cu. yds.	$ 14.00	$ 1,680.00	$ 40.00	$ 4,800.00		
3.	3" Breaker Run	675	tons	$ 12.00	$ 8,100.00	$ 40.00	$ 27,000.00		
4.	¾" Crushed Aggregate Base Course	450	tons	$ 15.00	$ 6,750.00	$ 25.00	$ 11,250.00		
5.	6" Thick Concrete Sidewalk	100	sq. ft.	$ 1.00	$ 100.00	$ 9.00	$ 900.00		
6.	Sawcutting	50	lin. ft.	$ 2.00	$ 100.00	$ 5.00	$ 250.00		
7.	Truncated Dome Detectable Warning	12	sq. ft.	$ 45.00	$ 540.00	$ 40.00	$ 480.00		
8.	Permanent Pavement Marking	1	lump sum						
9.	3" Asphalt Path Surface	1,350	sq. yds.	$ 12.00	$ 16,200.00	$ 12.00	$ 16,200.00		
10.	12" RCP CL IV Storm Sewer	57	lin. ft.	$ 50.00	$ 2,850.00	$ 65.00	$ 3,705.00		
11.	Apron Endwalls w/o Grates	8	each	$ 600.00	$ 4,800.00	$ 1,000.00	$ 8,000.00		
12.	Topsoil Restoration, Seeding, Fertilizi	400	sq. yds.	$ 4.50	$ 1,800.00	$ 6.00	$ 2,400.00		
13.	Route Signage	1	lump sum	$ 2,100.00	$ 2,100.00	$ 3,000.00	$ 3,000.00		
14.	Pavement Markings	1	lump sum	$ 1,600.00	$ 1,600.00	$ 1,100.00	$ 1,100.00		
15.	Erosion Control	1	lump sum	$ 1,800.00	$ 1,800.00	$ 3,500.00	$ 3,500.00		
16.	Traffic Control	1	lump sum	$ 2,000.00	$ 2,000.00	$ 12.00	$ 12.00		
	BASE BID TOTAL				$ 82,420.00		$ 159,597.00		
ALTERNATE BID - Northern Route									
A1.	Excavation/Fill to Subgrade	1	lump sum	$ 10,000.00	$ 10,000.00	$ 35,000.00	$ 35,000.00		
A2.	Excavation and Disposal of Bad Subb	50	cu. yds.	$ 14.00	$ 700.00	$ 40.00	$ 2,000.00		
A3.	3" Breaker Run	230	tons	$ 12.00	$ 2,760.00	$ 40.00	$ 9,200.00		
A4.	¾" Crushed Aggregate Base Course	175	tons	$ 12.00	$ 2,100.00	$ 25.00	$ 4,375.00		
A5.	6" Thick Concrete Sidewalk	100	sq. ft.	$ 10.00	$ 1,000.00	$ 9.00	$ 900.00		
A6.	Sawcutting	50	lin. ft.	$ 3.00	$ 150.00	$ 5.00	$ 250.00		
A7.	Truncated Dome Detectable Warning	12	sq. ft.	$ 45.00	$ 540.00	$ 40.00	$ 480.00		
A8.	Permanent Pavement Marking	1	lump sum						
A9.	3" Asphalt Path Surface	450	sq. yds.	$ 12.00	$ 5,400.00	$ 12.00	$ 5,400.00		
A10.	Boardwalk	685	lin. ft.	$ 152.40	$ 104,394.00	$ 680.00	$ 465,800.00		
A11.	Topsoil Restoration, Seeding, Fertilizi	400	sq. yds.	$ 4.50	$ 1,800.00	$ 6.00	$ 2,400.00		
A12.	Route Signage	1	lump sum	$ 2,100.00	$ 2,100.00	$ 1,000.00	$ 1,000.00		
A13.	Pavement Markings	1	lump sum	$ 1,600.00	$ 1,600.00	$ 1,996.00	$ 1,996.00		
A14.	Erosion Control	1	lump sum	$ 1,800.00	$ 1,800.00	$ 3,500.00	$ 3,500.00		
A15.	Traffic Control	1	lump sum	$ 2,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00		
	ALTERNATE BID TOTAL				$ 136,344.00		$ 533,301.00		

ARTICLE III. - NATURAL LANDSCAPING

Sec. 59-59. - Natural landscape.

(a) *Intent and purpose.* This Section is not intended to permit unmanaged or rank growth that may pose a hazard to public health and safety, but instead, to promote managed, environmentally sound practices including:

(1) The use of native vegetation in managed landscapes, including native grasses and wild plants as an alternative to conventional modes of landscaping. Property owners are encouraged to consult with outside sources and experts to determine the best plants and layout;

(2) The use of such plants to preserve or restore diverse, biologically stable natural plant communities and promote the values of natural landscaping that is free from toxic chemicals; and

(3) Better infiltration of stormwater runoff in urban, suburban and rural areas;

(4) To preserve the freedom of residents of the Village of McFarland to choose their own landscaping, whether it be conventional, bluegrass turf, natural heritage, ornamental garden, native plant communities, or a combination thereof. The restrictions that have been placed on specific plant species, in Section 20-25 of the Municipal Code, are based upon the protection of public health, safety, and welfare.

(b) *Definitions.* The terms set forth below, when used in this section, shall have the following meanings:

Managed growth includes natural landscaping that is being cared for by including buffer zones to neighboring property, substantially free of rank growth or noxious weeds listed in Section 20-25 of the Municipal Code and improvements to the yard, including bird houses, bird feeders, fountains or bird baths.

Natural landscape includes wild plants native to Wisconsin and similar ornamental plantings designed, purposely cultivated and managed to exceed eight inches in height, but shall not include woody plants such as trees and shrubs. Natural landscapes further shall not include lawn-grasses in excess of eight inches in height or noxious weeds or grasses identified in Section 20-25 of the Municipal Code.

Rank growth means untended or unmanaged growth of herbaceous vegetation on any property within the Village of McFarland; except that rank growth shall not include herbaceous vegetation located in natural areas including riverbank, lake shore and agricultural areas.

(c) *Regulation of natural landscapes.* The growth of natural managed landscapes in excess of eight inches in height shall be permitted subject to the following requirements:

(1) Natural landscaping is to be confined to owner's property and may not be maintained within any public right of way except within one foot of a lawfully erected mailbox. Plantings near mailboxes shall not exceed the height of the bottom of the mailbox. All natural landscaping shall be ordered and managed through labor and care.

(2) Natural landscaping three feet in height or higher is prohibited within the vision clearance

area set forth in Section 62-169 of the Municipal Code.

(3) Natural landscapes shall not be permitted within three feet of the abutting property except in areas abutting and within ten feet from the bed of a navigable body of water where natural landscaping may extend to all property lines. Natural landscaping abutting sidewalks, if over six inches, may be no closer to the sidewalk than the height of the full grown plant.

(4) Property owners with a natural landscape who intend to maintain such landscape with fire must apply for and receive a burning permit in accordance with Section 26-80 of the Municipal Code, before such maintenance burns occur.

(d) *Enforcement.*

(1) This Section shall be enforced by the Weed Commissioner, Assistant Director of Public Works or Parks Manager.

(2) In addition to the penalties set forth violations of this Chapter, the Weed Commissioner, Assistant Director of Public Works or Parks Manager may seek to abate any violations pursuant to the procedures set forth in Section 20-26 of the Municipal Code.

(3) Prior to the issuance of any citation or other enforcement action, notice shall be given in writing by regular mail or hand delivery to the owner. The notice shall explain the nature of the violation and give 30 days from the date of the notice to cure the violation.

(4) The owner may appeal the determination set forth in any notice by filing a written request for hearing before the Natural Resources Committee within ten days of the date of notice with the Village Clerk. Enforcement action shall be stayed and time for compliance toiled pending the decision of the Natural Resources Committee. The notice of violation shall describe these appeal rights.

(Ord. No. 2010-05, § 1, 11-8-2010)

ARTICLE II. - TREES AND SHRUBS
FOOTNOTE(S):

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State Law reference— Forester, Wis. Stats. § 27.09; trees on highways, Wis. Stats. § 86.03.

Sec. 59-19. - Statement of policy and applicability of Article.

(a) *Intent and purpose.*

(1) The Village acknowledges that trees are a valuable resource that provide economic, environmental and aesthetic benefits to the Village community. Specifically, trees enhance the aesthetics and increase property values of residential and commercial areas in the Village. Further, trees limit soil erosion, improve water quality, reduce traffic noise, filter airborne pollutants, reduce atmospheric carbon dioxide, and produce oxygen. The benefits provided by Village trees impact the environment both globally and locally.

(2) With these benefits in mind, it is the policy of the Village to:

a. Regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas, terrace areas and all wooded and natural areas of the Village, to eliminate and guard against dangerous conditions on public property that may result in injury to persons using the streets, alleys, sidewalks or other public areas;

b. Promote and enhance the beauty and general welfare of the Village;

c. Educate the public about the importance of trees and shrubs in the urban environment;

d. Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas;

e. Guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.

(b) *Application.* The provisions of this Article shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

(c) *Jurisdiction of the Natural Resources Committee.*

(1) The Natural Resources Committee shall, subject to the supervision and control of the Village Board and except as herein provided, have jurisdiction and direction over all public trees upon Village-owned property; that part of the street, the grade and all other trees on any property which may in any way have effect upon public property, and upon the public welfare of the Village; and for the planting, care, maintenance, protection, and removal thereof. The Natural Resources Committee shall have the authority to make such rules and regulations, as it may deem applicable for carrying out the purpose of this Article.

(2) The Village may appropriate money to pay the costs of implementing this Article. The Village Board may include in its annual budget such sum as it deems necessary to pay the costs necessary incidental to the Natural Resources Committee's powers and duties under this Article.

(3) The Natural Resources Committee shall consist of Village residents with an interest in urban forestry together with the Parks Manager and a member of the Plan Commission. Citizen members shall be appointed through nomination by the Village President subject to confirmation by the Village Board.

(4) The Natural Resources Committee shall have the following powers and duties:

a. To serve in an advisory capacity to the Village Board in matters relating to trees and shrubs located within street rights-of-way, parks, cemeteries, and other public properties within the Village. The Committee may also advise on matters of trees and shrubs located on private property that constitute a hazard, threat or nuisance as described herein.

b. To prepare and maintain an inventory of trees located on public lands within the Village.

c. To complete and recommend a plan for the planting, care and maintenance of public trees to the Village Board.

d. To recommend that the Village Board apply for state and federal financial assistance grants to fund the preparation and implementation of the Village's urban forest management activities.

e. To assist in the preparation of applications for urban forestry grants after approval by the Village Board.

f. To make recommendations to the Village Board regarding the selection of the Village Forester and the hiring and retaining of urban forestry contractors to assist with Village tree management activities.

g. To cooperate, when possible, with neighboring communities in order to procure urban forestry supplies and services more cost-effectively.

h. To encourage and provide public education regarding tree care and urban forestry issues within the Village.

i. To conduct yearly Village Arbor Day observances and ceremonies.

j. To earn and maintain the Village's "Tree City USA" status with the National Arbor Day Foundation.

k. To advise the Plan Commission and Village Board on urban forestry issues related to new development.

(Code 1998, § 6-4-1; Ord. No. 2007-09, § 1(6-4-1), 10-22-2007)

Sec. 59-20. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Boulevard area.* The land between two traveled portions of a street.

(b) *Certified arborist.* Any person trained in the practice of planting, maintaining and removing trees or shrubs and certified as such by the International Society of Arboriculture or similar endorsing agency.

(c) *Evergreen tree.* Any tree that retains its foliage for more than one growing season.

(d) *Forester.* A person trained in the practice of planting, maintaining and removing trees or shrubs and designated by the Village Board as authorized to carry out provisions of this Article.

(e) *Genus.* A group of closely related species. The taxonomic category ranking above a species and below a family.

(f) *Hazard.* Any tree or tree part with a potential to fall and to endanger persons or property.

(g) *Heritage tree.* A tree on Village property that is deemed significant by virtue of its species, size or its historical, ecological or horticultural attributes and, as such, is protected from removal without written permission from the Village Forester.

(h) *Major pruning.* Trimming a tree beyond that necessary to achieve clearance from overhead utilities or other obstacles in compliance with Section 59-24.

(i) *Person.* Person, firm, association or corporation.

(j) *Public areas.* Includes all public parks and other lands owned, controlled or leased by the Village.

(k) *Public nuisance.* Any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

(l) *Public property.* Property owned or controlled by the Village, including, without limitation because of enumeration, public building sites, parks, conservancies, playgrounds, streets, alleys, sidewalks, and the terrace between the lot line and curb or improved portion of any public way.

(m) *Public trees and shrubs.* All trees and shrubs growing on or in that part of every street, the grade of which has been established lying between the lot line and the curb, or in the center or side plots in all boulevards and parkways, and in all public parks or grounds belonging to the Village.

(n) *Shall.* Denotes a practice or rule that must be adhered to in compliance to this Article.

(o) *Shrubs.* Any woody plant smaller in height than a tree, formed by multiple vertical or semi upright stems originating from or within close proximity to the ground.

(p) *Species.* A fundamental category of taxonomic classification that ranks below a genus.

(q) *Terrace area.* The land between the inside of the curb or the inside edge of the drainage ditch of and the street right-of-way line.

(r) *Topping.* A pruning technique to reduce tree height by the heading of large branches, which has been demonstrated to be detrimental to tree health and safety.

(s) *Tree.* Any woody, perennial plant normally having one dominant vertical trunk or stem and a height at maturity of 15 feet or greater.

(Code 1998, § 6-4-2; Ord. No. 2007-09, § 1(6-4-2), 10-22-2007)

Sec. 59-21. - Duties of Village Forester.

(a) In addition to other duties specified in this Article, the Village Forester shall inspect and maintain the inventory list of trees on Village property and inspect trees for health. The Village Forester shall notify landowners of trees hanging over the public right-of-way that require trimming and provide contact information at the UW Extension for residents requiring answers to tree and shrub questions.

(b) If the Village Forester becomes aware of a potential public nuisance through the normal conduct of Village business or receives a report of a potential public nuisance:

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(1) The Village Forester may only enter private property in compliance with the following procedure and only if public safety requires intervention. The Village Forester shall first make visual inspection from off the property; second, the Village Forester will inform the property owner in writing of the need for an inspection of a tree or shrub; third, the Village Forester shall gain consent from the property owner; and fourth, the Village Forester shall make an inspection and report to both the property owner and the Parks Manager on the findings. If a property owner refuses entry on their property, the Village Forester may obtain a special inspection warrant pursuant to Wis. Stats. § 66.0119 from the municipal court prior to inspecting the property.

(2) In the event of an emergency requiring immediate access to the property, the Village Forester may enter the property after reasonable efforts to contact the property owner.

(c) The Village Forester or authorized representative may, after making a reasonable attempt to notify the homeowner, enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Article.

(d) The Village Forester is charged with making the determination of a heritage tree designation. Any tree, grove of trees, shrub or group of trees, growing on public property within the Village limits, which meets any of the following criteria may have the heritage designation.

(1) Any tree, grove of trees or shrubs that may have historical significance, including those that were/are:

a. Planted as a commemorative;

b. Planted during a particularly significant historical era; or

c. Marking the spot of an historical event.

(2) Any tree, grove of trees or shrubs having horticultural or ecological significance:

a. Long-lived species such as oak, hickory and white pine are especially desirable for this designation;

b. No species of tree or shrub listed in Section 59-36 may gain the heritage designation;

c. A distinctive specimen in size or structure for its species (determined by comparing the tree or shrub to average trees and shrubs of its species in the Village);

d. A rare or unusual species for the McFarland area (to be determined by the number of similar trees of the same species within the Village);

e. Trees or shrubs providing valuable habitat; or

f. Trees or shrubs identified by the Village Board via a Village-wide survey as having significant arboricultural value to the citizens of the Village.

(3) For a tree or shrub to meet the heritage tree designation, it must be of sound health and have been tagged by the Village Forester or designated representative as meeting the heritage tree criteria described in this Section, and cannot be a species listed in Section 59-36.

No heritage tree may be removed without written permission from the Village Forester. If a removal permit is granted, the person responsible for its removal may be required to remediate the trees removed by replanting. No replacement is required for removal of dead, diseased, or potentially hazardous heritage trees or those that are listed as nuisance trees in Section 59-36.

(Code 1998, § 6-4-3; Ord. No. 2007-09, § 1(6-4-3), 10-22-2007; Ord. No. 2014-01, § 1, 3-31-2014)

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Sec. 59-22. - Interference with the Village Forester prohibited.

No person shall interfere with the Village Forester or the Village Forester's authorized representative while they are engaged in carrying out any work or activities authorized by this Article.

(Code 1998, § 6-4-4; Ord. No. 2007-09, § 1(6-4-4), 10-22-2007)

Sec. 59-23. - Abatement of tree disease and insect nuisances.

(a) *Insects and pathogens.* The Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal insect infestation and diseases. The Village Board hereby declares its intention to control and prevent the spread of pests and specifically declares oak wilt and the insect vectors of this and other such diseases to be public nuisances. The Village Board also authorizes the Natural Resources Committee to investigate new diseases and nuisances as they come into existence and authorizes said Natural Resources Committee to take actions similar to those described herein for such future diseases and nuisances.

(b) *Treatment.* When made aware that any tree, shrub or part thereof growing on private property is a public nuisance, or which endangers life, health, safety or public property or which is infested with parasites, insect pests or disease that may spread or disperse to public trees and shrubs, the Village Forester shall notify the owner or agent (in accordance with Section 59-21(c)) that the nuisance must be sprayed, removed or otherwise abated as directed within a reasonable period of time as directed by the Village Forester. If the owner fails to comply with the terms of the notice, the Village Forester may perform the necessary remediation and charge the cost thereof to the owner. If the owner fails to pay the cost within 30 days thereof, the Village may place the unpaid amount on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.

(c) *Abatement of nuisances with public and private trees; duty of Village Forester.*

(1) The Village Forester shall order, direct, supervise and control the abatement of public nuisances as defined in Section 59-20 by spraying, removing, burning, quarantining, trenching to sever root grafts or by other means the Village Forester determines to be necessary to prevent as fully as possible the spread of any deleterious or fatal tree disease or insect pest or the vectors known to carry such diseases. The Village Forester shall provide advance notification to adjacent property owners if trees are to be sprayed.

(2) Whenever the Village Forester, after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, the Village Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of any deleterious or fatal tree disease or insect pest or vectors known to carry such disease pathogens.

(3) Whenever the Village Forester shall find, on examination, or is otherwise made aware, that any tree or shrub or part thereof growing or located upon private property is a public nuisance as defined in Section 59-20, or which endangers the life, health, safety, or public property, or which is infested with parasites, insect pests or disease that may spread or disperse to public trees and shrubs, the Village Forester shall notify the owner or agent, by personal service or certified mail, that the nuisance must be sprayed, removed, or otherwise abated as directed in the notice within a reasonable period of time as determined by the

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Village Forester unless the Village Forester shall determine that immediate correction or removal is necessary for public safety. If the owner of such property or agent thereof shall refuse or neglect to comply with the notice, the Village Forester shall cause the nuisance to be abated and shall report the expense thereof to the Village Clerk who shall enter it as a special charge against the property under Wis. Stats. § 66.0627 upon which the tree or shrub is located.

(d) *Oak wilt prevention.* The Village Board has determined that the health of oak trees within the Village limits is threatened by the fatal disease known as oak wilt. The loss of oak trees growing on private and public property substantially depreciates the value of property within the Village and impairs the safety, general welfare and convenience of the public. It is in the public interest for protection of public and private property to control the spread of oak wilt fungus. The spread of oak wilt fungus is believed to be increased by the cutting and pruning of oak trees between April 1 and October 1 of each year. Accordingly, the Village Board hereby declares oak wilt as a public nuisance.

(e) *Oak wilt management.*

(1) Whereas the Village Board recognizes that oak wilt is spread more readily from tree to tree during the spring and summer months than during other times of the year, the Village Board hereby declares its intention to help control the spread of this disease by regulating work on these tree species during this sensitive period.

(2) No removal, pruning or maintenance of any oak tree shall be conducted annually between the dates of March 1 to November 1 without written permission from the Village Forester.

a. The Village Forester may grant an exemption in cases where pruning or removal is necessary to abate an imminent and immediate hazard or in cases of storm-damaged trees.

b. The Village Forester may grant an exemption for public utilities; however, such an exemption shall be stipulated within the work permit issued by the Village to the utility as described in Section 59-24.

In the case of any exemption, all possible precautions shall be exercised in order to limit the infection of these trees, including the application of a sterile wound dressing/paint to pruning wounds created during this time. Such wound dressing should be applied at the time pruning occurs.

(f) *Stump removal.* After the removal of any public tree or shrub, the Village Forester may cause the removal of such public tree or shrub's stump at the Village's expense. If a private tree or shrub is removed for the purpose of abating a public nuisance and at the order of the Village Forester, the Village Forester may also cause the removal of such private tree or shrub's stump if its presence also poses a public nuisance as defined in Section 59-20 and the expense shall be charged to the property pursuant to Wis. Stats. § 66.0627.

(Code 1998, § 6-4-5; Ord. No. 2007-09, § 1(6-4-5), 10-22-2007)

Sec. 59-24. - Permit for planting, maintenance and removal of trees and shrubs.

(a) *Permit required.* No person, except upon order of the Village Forester, shall plant, transplant, move, spray, brace, trim, remove, or perform major pruning as determined by the Village Forester on a tree or shrub in the public right-of-way terrace area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester as herein provided.

The applicant shall comply with the planting standards of Section 59-25. The fee for the permit shall be as established by the Village Board from time to time and provided in Appendix A to this Code.

(b) *Permit exemptions.* No permit shall be required to cultivate, fertilize or water trees or shrubs or for work by Village personnel on park properties. No permit is necessary to plant trees inside the property line.

(c) *Permit requirements and conditions.*

(1) If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Article, taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, the Village Forester shall issue a permit to the applicant. Trees may be planted in the terrace area, but any damage to streets and sidewalks caused by such trees shall be at the cost of the adjacent property owner.

(2) As a condition of granting any permit to remove a public tree or shrub, the Village Forester may require that the permittee replace the one removed; and no permittee under such a conditional permit shall fail, refuse, or neglect to plant trees or shrubs of the type, size, and in the location specified in the permit.

(3) As a condition of granting any permit to maintain a public tree or shrub, the Village Forester may require the work to be performed by a certified arborist according to the most current version of the American National Standards Institute's A300 Standards for Pruning and for Cabling and Bracing (see Public Works Department for more information).

(d) *Permit form; expiration; inspection.* Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Article. Permits issued under this Section shall expire three months after date of issuance. There will be no charge for this permit.

(e) *Permits to public utilities.*

(1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or perform surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.

(2) A public utility may secure an annual working agreement with the Village Forester's office that gives the Village Forester the authorization to supervise and direct work associated with trees and shrubs.

(Code 1998, § 6-4-6; Ord. No. 2007-09, § 1(6-4-6), 10-22-2007)

Sec. 59-25. - Planting of trees and shrubs.

(a)

Purpose. The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.

(b) *Tree planting program.* The Village shall require a diversification of tree species. The Natural Resources Committee shall designate the types of trees to be planted in the planting of public trees. On newly opened streets, the Natural Resources Committee may designate the size, type, or types of trees or shrubs and the manner in which they shall be planted, using the Village of McFarland Landscaping Standards. Developers shall provide a copy of the planting plan to the Village Forester identifying the species to be planted.

(c) *Planting standards.*

(1) The size, genus, species, variety and nursery grade of trees and shrubs to be planted in public areas and boulevards and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work.

(2) The following provisions shall apply:

a. All new street trees must be selected from a list of approved trees compiled by the Natural Resources Committee and described within Section 59-35. New trees must be single stemmed with a minimum trunk diameter of one and one-half inches measured at six inches above ground level.

b. The tree shall be planted in accordance with the planting specifications given in Section 59-34.

c. The tree shall be kept well watered and mulched in accordance with the young tree maintenance specification given in Section 59-34.

d. The good health of all trees planted hereunder shall be guaranteed for two years by the developer, after which time such trees shall become the property of the Village.

(3) On newly opened streets, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two feet from the curb.

(4) Due to the complexities of determining tree placement, exact planting locations shall be selected and staked by the Village Forester prior to planting. Trees may not be planted closer than:

a. Twenty-five feet to a utility or street lighting pole for large and medium growing species and 15 feet for small growing species (see Section 59-35 for species description).

b. Fifteen feet to a driveway or alley.

c. Six feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six feet.

d. Twenty-five feet to the intersection of two streets from either corner measured on the property line.

e. Fifty feet between large and medium growing tree species and 25 feet between small growing tree species (see Section 59-35).

f. Trees and shrubs located within 15 feet of overhead utility wires shall be limited to those with a mature height that is at least five feet less than the height of the wires.

(5) New street trees shall not be planted over an existing tree stump within two years of removal unless the previous tree's stump has previously been removed to a depth of four feet.

(6) The property owner has the responsibility to locate underground utilities before digging.

(7) Only Village-approved, small-growing trees (see Section 59-35 for species description) may be planted where there are overhead utility wires.

(8) Evergreen trees shall not be planted in a terrace area.

(9) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of 18—24 inches in height above the top of the nearest curb.

(d) *Improperly planted trees.* Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Village Forester may be removed. The Village Forester shall notify the abutting owner in writing, listing the improperly planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and charge the costs thereof to the owner pursuant to Wis. Stats. § 66.0627.

(e) *Mulching or framing.* Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, cover the soil surface beneath a tree's crown with mulch and/or surround the same with a box or frame suitable for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

(f) *Approved street trees.* A list of tree types that are approved for planting within Village terraces, including tree genus, species and variety, can be found in Section 59-35.

(g) *Prohibited trees and shrubs.* Various types of trees and shrubs are inappropriate for planting within Village terraces due to their poor structure and/or fruiting characteristics (see Section 59-36). The planting of these tree and shrub species within terrace areas is prohibited.

(h) *Certification.* Following the completion of all plantings of trees in accordance with a landscaping plan by a developer, the developer shall request that the building inspector certify that all plantings have been completed in accordance with the approved landscaping plan. In the event that the plantings are not in compliance with the approved landscaping plan, the building inspector shall specify the necessary additional plantings or revisions of the plan that are necessary in order to comply with the approved landscaping plan. Any security required for the landscaping plan shall not be released by the Village until the building inspector has certified compliance with the approved landscaping plan.

(Code 1998, § 6-4-7; Ord. No. 2007-09, § 1(6-4-7), 10-22-2007; Ord. No. 2010-14, §§ 1—3, 6-28-2010; Ord. No. 2011-06, § 2, 5-23-2011)

Sec. 59-26. - Trimming.

(a) Trees and shrubs standing in or upon any public right-of-way between the lot line and the curb or ledge of the improved street or upon any private premises adjacent to any public street, right-of-way, park, playground, or place shall be kept trimmed by the owner of the premises upon or in front of which such trees or shrubs are standing so that the lowest branches projecting over the public street or right-of-way provide a clearance of not less than 13½ feet and over all other public places of not less than ten feet. The Village Forester may waive the provisions of this Section for

newly planted trees if the Village Forester determines that they do not interfere with public travel, obstruct the light of any street light, or endanger public safety. Further exemptions may be granted for shade trees located in Village Parks.

(b) The Village Forester may determine the necessity of such pruning.

(c) Clearance from sidewalk to lower branches shall not be less than ten feet. All trees standing upon private property in the Village, 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 ten 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 street light.

(d) Trimming or pruning of more than one-quarter of the crown shall be considered to be major pruning and shall require a permit from the Village Forester.

(Code 1998, § 6-4-8; Ord. No. 2007-09, § 1(6-4-8), 10-22-2007)

Sec. 59-27. - Trees and shrubbery obstructing view at intersection or view of traffic signs.

(a) Notwithstanding any other provision of this Article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village any hedge, tree, shrub or other growth that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

(b) 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 that is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

(c) In the case of corner lots, no vegetation shall be grown or permitted to grow between the heights of three feet and ten feet above the curb level or its equivalent within the triangular space formed by two intersecting street lines or their projections and the line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.

(d) Any shrub, tree or other plant that obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub that 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 days of receipt of notice, to take such necessary steps, the Village Forester and/or Director of Public Works shall order Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special charge upon the property pursuant to Wis. Stats. § 66.0627 upon which or in front of which such tree or shrub stands.

(e) Any person who is an owner, occupant, firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (d) of this Section shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-16.

(Code 1998, § 6-4-9; Ord. No. 2007-09, § 1(6-4-9), 10-22-2007)

Sec. 59-28. - Topping.

(a) *Injurious pruning.* The Village has determined that there are many trees growing on public and private premises within the Village, the improper pruning of which would pose future hazard to the safety of public and the long-term health of the tree. The Village also recognizes that the

practice of topping trees, formerly a popular method for reducing tree height, can lead to dangerous regrowth of weakly attached stems and development of crown decay that would pose a potential hazard by weakening the tree.

(b) *Prohibitions.*

(1) No person shall utilize topping techniques on a tree located on Village property or in the public right-of-way terrace area or cause such act to be done by others.

(2) No person shall utilize topping techniques on a tree on private property or cause such act to be done by others where such a tree would pose a future danger to adjacent Village or private property or the life, health, safety or welfare of persons located thereon.

(3) The Village Forester may grant exemptions to these prohibitions for any tree that constitutes a hazard and may also grant possible exemptions, on a case by case basis, for pruning near overhead utilities.

(Code 1998, § 6-4-10; Ord. No. 2007-09, § 1(6-4-10), 10-22-2007)

Sec. 59-29. - Removal of trees and stumps.

(a) *Dangerous, obstructive and infected trees.* In the normal course of business, it is not the duty of the Village Forester to routinely inspect or be responsible for trees on private property. Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester shall give written notice to said owner to remedy the situation, which shall be served personally or posted upon the affected tree. Such notice shall specify a reasonable period of time within which the action must be taken as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limit, the Village Forester shall cause the tree to be removed, treated or trimmed and shall thereupon enter such cost as a special charge against the property pursuant to Wis. Stats. § 66.0627.

(b) *Removal standards.* In cutting down trees located in public and terrace areas, the tree must be removed with the stump and emergent roots grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil. Backfilling should be done by the end of the workday in which the stump is removed. If it is not possible to fill in the hole by the end of the workday, the hole should be staked-off and marked with high visibility paint or flagging to avert accidents.

(c) *Private removal.* No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the Village Forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the Village Forester, because of a public nuisance and/or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state

the premises upon which the tree or shrub stands and the location of the tree thereon. The Village Forester may require submission of professional credentials and evidence of adequate liability insurance coverage.

(d) *Tree preservation.* In the development of commercial property involving previously undeveloped land, the developer will, as part of its development plan identify which trees are to be removed to install the infrastructure for the development. The developer will also provide a plan specifying methods of protecting trees not approved for removal. The developer must ensure that protective structures shall remain in place until on-site construction is complete. The Village Forester, shall review and recommend a tree preservation plan to the Plan Commission. In the development of a new Subdivision involving previously undeveloped land, the developer, as part of the Preliminary Plat, will identify which trees are to be removed to install infrastructure for the development. The developer will also provide a plan specifying methods of protecting trees not approved for removal. The developer must ensure that protective structures shall remain in place until on-site construction is complete. The Natural Resources Committee, after consultation with the Village Forester, shall review and approve a Preliminary Plat tree preservation plan to the Plan Commission.

(Code 1998, § 6-4-11; Ord. No. 2007-09, § 1(6-4-11), 10-22-2007)

Sec. 59-30. - Prohibited acts.

(a) *Damage to municipal trees.* No person shall, without written permits from Village 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, 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) Damage tree roots, through compaction or excavation of the soil, so extensively so as destabilize, make hazardous, damage the health of or necessitate the removal of such a tree.

(4) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub.

(5) Deposit, place or store upon any public place of the Village any stone, brick, dirt, soil, concrete or other materials that may impede the free passage of water, air or nutrients to the roots of any tree on said property, except by written permit by the Village Forester.

(6) 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.

(7) 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 Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.

(8) Erect, alter, repair or demolish any building or structure without placing suitable guards around all nearby public trees or shrubs that may be injured by such operations.

(b)

Excavations and operation of heavy equipment near public trees. No person shall excavate any ditches, tunnels or trenches, drive vehicles, or install pavement within a radius of 15 feet of the outer limit of the canopy of any public tree without a permit from the Village Forester. 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 15 feet from any public tree without a permit from the Village Forester. Any publicly owned trees near any excavation site or site of construction of any building, structure, or street work, shall be guarded with a substantial fence not less than four feet high and eight feet square with the protected tree sited in the center of said fence; or at a distance in feet from the tree equal to the diameter of the trunk in inches at breast height, whichever is greater.

(1) The Village Forester may grant an exemption to any public utility corporation to augur under a public tree or shrub and excavate within five feet of any public tree or shrub, but such public utility shall be liable for any injury or damage caused to any public tree or shrub, and if any public tree or shrub is permanently damaged due to the acts of a public utility corporation, it shall be removed, including the stump, and shall be replaced by a tree at least ten feet tall, or as otherwise approved by the Village Forester, all at the expense of the utility.

(2) The Village Forester may grant an exemption to municipal employees performing their assigned duties and using all due diligence. Utility companies may apply for a written exemption after the fact in the event of responding to an emergency.

(Code 1998, § 6-4-12; Ord. No. 2007-09, § 1(6-4-12), 10-22-2007)

Sec. 59-31. - Penalties.

(a) Any person violating any provision of this Chapter or failing to comply with any order issued pursuant to the provisions of the Chapter shall be subject to a forfeiture pursuant to Section 1-16.

(b) Any person who damages or destroys any tree or shrub located in a public area or Village right-of-way shall be liable for the cost of repairing the damage or replacing the tree or shrub of comparable age and similar species and diameter at breast height up to ten inches in diameter. The parents or parent of any unemancipated minor child who damages or destroys any tree or shrub in a public area or Village right-of-way may also be held liable.

(Code 1998, § 6-4-13; Ord. No. 2007-09, § 1(6-4-13), 10-22-2007)

Sec. 59-32. - Appeal from determinations or orders.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 2, Article XI, and Wis. Stats. Ch. 68, to the Village Board within seven days of receipt of the order and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten days after the hearing has been concluded. The Village Board shall file its written decision with the Village Clerk.

(Code 1998, § 6-4-14; Ord. No. 2007-09, § 1(6-4-14), 10-22-2007)

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Sec. 59-33. - Adoption of Wisconsin Statutes.

Wis. Stats. §§ 27.09, 86.03, and 86.04, are hereby adopted and incorporated herein by reference.

(Code 1998, § 6-4-15; Ord. No. 2007-09, § 1(6-4-15), 10-22-2007)

State Law reference— City forester, duties; tree planting, Wis. Stats. § 27.09; trees adjacent to highways, Wis. Stats. § 86.03.

Sec. 59-34. - Tree planting and maintenance recommendations.

(a) *Planting.*

(1) It is important to plant trees at the correct depth to avoid potential tree health problems. Trees should be planted with the top of their root crown at or slightly above the surrounding soil grade. When planting bare-root trees, the root crown is normally visible as the point where the top-most root emerges from the trunk. However, the root crowns of trees grown in containers or balled in burlap may be buried by nursery soil. To determine where the top of the root crown occurs in these types of nursery stock, you may need to dig into the nursery soil to locate this point (the top-most root can normally be found within the top two inches of the container/root ball). Once the top of the root crown has been located, measure the vertical distance between the top-most root and the bottom of the container, root ball, or lowest root. Dig the hole about ten percent shallower than this depth and at least 1.5 times the diameter of the container, root ball or root system. The root ball should be positioned in the hole so the finished grade of the landscape soil is even with or slightly lower than the point where the top-most root emerges from the trunk.

(2) Place the tree in the planting hole so that the trunk is vertical. Before backfilling, be sure to remove all packaging materials from the root ball including containers, burlap, wire baskets, or any other material that would impede the growth of the tree's trunk or roots.

(3) Be sure that when finished planting, there is "NO LANDSCAPE SOIL" placed over the top of the root ball. Landscape soil (as well as thick mulch layers more than three inches deep spread over the root ball) can prevent water and air from entering the root ball.

(b) *Mulching.* Weed and turf suppression during establishment is essential. Apply a three-inch thick layer (after settling) of mulch around the tree or shrub to help discourage weeds. This area should be maintained during the establishment period at least two feet in diameter for each inch of tree trunk diameter. Avoid piling mulch directly against the tree's trunk in order to keep the trunk dry and allow rainwater, irrigation, and air to easily enter the root ball.

(c) *Staking.* In many instances, if root balls are heavy enough stakes are not necessary. If it is necessary to stabilize a weak tree, the tree should be staked in such a way as to allow for some trunk movement using a material that does not damage the tree's bark. All staking material should be removed within one year after planting.

(d) *Fertilization.* The application of fertilizer is not recommended during the establishment period (approximately one year after planting for a one-inch caliper tree). Afterward, a slow release (or controlled release) fertilizer can be applied on top of the root ball or mulch. All fertilizer should be applied according to the directions on the product to avoid tree damage. Soluble fertilizers should be avoided on newly installed plants as they can burn roots or kill the tree entirely if too much is applied.

(e)

Irrigation. Recently transplanted trees and shrubs establish quickest with light, frequent irrigation. If rainfall is inadequate, trees should receive supplemental irrigation to provide a total of at least one-inch of irrigation per week during the establishment period. Irrigation is most effective when performed during the early morning or evening to minimize evaporation from the soil surface. Consequently, irrigating during this time also conserves water.

(Ord. No. 2007-09, § 1(app. A), 10-22-2007)

Sec. 59-35. - Approved trees in the right-of-way.

No species of tree or shrub shall be planted in Village rights-of-way that have not been approved for planting by the Village Forester. The Village Forester shall not approve any tree for planting that is listed in Section 59-36. The Village Forester, in exercising reasonable discretion under this section, shall consider the susceptibility of the species to disease, maintenance of healthy diversity to the Village tree population, cost of maintenance of the trees and surrounding rights-of-way and any other factor according to professionally accepted forestry practices that furthers the purpose of this Chapter.

(Ord. No. 2007-09, § 1(app. B), 10-22-2007; Ord. No. 2010-14, § 4, 6-28-2010; Ord. No. 2014-01, § 2, 3-31-2014)

Editor's note— Section 2 of Ord. No. 2014-01, adopted March 31, 2014, changed the title of § 59-35 from "List of approved trees in the right-of-way" to read as herein set out.

Sec. 59-36. - List of prohibited trees and shrubs in the right-of-way.

The following list of prohibited trees and shrubs shall apply to this Article:

Common Name	Scientific Name
TREES	
Boxelder	Acer negundo
Maple, Silver	Acer saccharinum
Tree-of-Heaven	Ailanthus altissima
Russian Olive	Elaeagnus angustifolia
Autumn Olive	Elaeagnus umbellata
Mulberry, Red	Morus rubra
Mulberry, White	Morus alba
Poplar, White	Populus alba
Eastern Cottonwood	Populus deltoides

Buckthorn, Common	Rhamnus cathartica
Buckthorn, Glossy	Rhamnus frangula
Willow	Salix spp.
Mountain Ash, European	Sorbus acuparia
Elm, Chinese	Ulmus parviflora
Elm, Siberian	Ulmus pumila
SHRUBS	
Barberry, Japanese	Berberis thunbergii
Barberry, European	Berberis vulgaris
Siberian Pea Shrub	Caragana arborescens
Common Privet	Ligustrum vulgare
Honeysuckle, Amur	Lonicera maacki
Honeysuckle, Tartarian	Lonicera morrowii
Honeysuckle, Morrow's	Lonicera tatarica
Honeysuckle, Bella	Lonicera x bella
Black jet-bead	Rhodotypos scandens
Multiflora Rose	Rosa multiflora
Wayfaring Tree	Viburnum lantana
European Highbush Cranberry	Virburnum opulus
Oriental Bittersweet	Celastrus orbiculatus

(Ord. No. 2005-13, § 1, 6-27-2005; Ord. No. 2007-09, § 1(app. C), 10-22-2007; Ord. No. 2010-14, § 5, 6-28-2010)

Editor's note— Section 5 of Ord. No. 2010-14, adopted June 28, 2010, changed the title of § 59-36 from "List of prohibited trees and shrubs" to "List of prohibited trees and shrubs in the right-of-way."

Secs. 59-37—59-58. - Reserved.

Sec. 20-25. - Destruction of noxious weeds.

(a) The Village shall annually on or before May 15 apprise residents that every person is required by law to destroy all noxious weeds on lands in the Village which they own, occupy or control. A joint notice with other towns or municipalities may be utilized.

(b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Village shall give five days' written notice by certified mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the Village, after the expiration of the five-day period, will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Wis. Stats. § 66.0407. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Village shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

(c) As provided for in Wis. Stats. § 66.0407(1)(a), the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin.

(1) Noxious weeds, as defined in this Section and in Section 20-26, shall include, but not be limited to, the following:

Alliaria petiolata (Garlic mustard)
Amaranthus retroflexus (Pigweed)
Ambrosia artemisiifolia (Common Ragweed)
Ambrosia trifida (Great Ragweed)
Arctium minus (Burdock)
Cannabis sativa (Hemp)
Chenopodium album (Common Lambsquarter)
Cirsium arvense (Canada Thistle)
Cirsium vulgaries (Bull Thistle)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Euphorbia esula (Leafy Spurge)
Lythrum salicara (Purple Loosestrife)
Pastinaca sativa (Wild Parsnip)
Plantago iancellata (English Plantain)
Rhus radicans (Poison Ivy)
Rumex crispus (Curled Dock)
Securigera varia (Crown Vetch)
Toxicodendron diversilobrum (Poison Oak)
Tragopogon dubius (Goat's Beard)
Xanthium strumarium (Cocklebur)

(2) Noxious grasses, as defined in this Section and in Section 20-26, shall include, but not be limited to, the following:

Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
Poa pratensis (Kentucky Blue)
Sorghum halepense (Johnson)
Setaria (Foxtail)

(3) Noxious weeds are also the following plants and other rank growth:

Ragweed
Thistles
Smartweed
Dandelions (over eight inches in height)
Milkweed (over eight inches in height)

(Code 1998, § 8-1-5; Ord. No. 98-10, § 1, 10-12-1998; Ord. No. 2003-05, §§ 26, 27, 3-24-2003)

State Law reference— Noxious weeds, Wis. Stats. § 66.0407.

Sec. 20-26. - Height of grasses.

(a) *Purpose.* This Section is adopted due to the unique nature of the problems associated with lawns, grasses, and noxious weeds being allowed to grow to excessive length in the Village.

(b) *Public nuisance declared.* The Village Board finds that lawns, grasses, or weeds on lots or parcels of land that exceed eight inches at length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass, or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area, or where the land is zoned agricultural.

(c) *Nuisances prohibited.* No person, firm, or corporation shall permit any public nuisance as defined in Subsection (b) of this Section to remain on any premises owned, occupied, or controlled by said person, firm, or corporation within the Village.

(d) *Inspection.* The Village shall cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) of this Section exists.

(e) *Notice to abate nuisance.*

(1) If the Village shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) of this Section exists, the Village shall immediately cause written notice to be served on the owner, occupant, or person in charge of the property that the public nuisance must be removed within five days. This notice shall inform said person that, in the event the public nuisance is not abated within five days, the Village may take such action as prescribed in Subsection (f) of this Section.

(2) The notice may be served by:

a. Personal service.

b. Certified mail.

c. By regular mail to the last known address of the owner, occupant or person in charge if the notice is posted, no later than the same day as mailing, on the front door of the main building, or dwelling on the premises, or if no building or dwelling exists, by posting on the premises in a conspicuous manner.

(f) *Failure to abate nuisance.* If after five days from service of notice to abate under Subsection (e) of this Section the public nuisance is not abated, the Village may:

(1) Cut or cause to be cut all grass and weeds from the subject property so as to conform with this Section and Section 20-25.

a. A fee shall be charged in the amount of the actual cost incurred by the Village for providing said service as established by the Village Board from time to time and provided in Appendix A to this Code. The charges shall be set forth in a statement to the Village Treasurer who in turn shall mail the same to the owner, occupant, or person in charge of the subject premises.

b. If said statement is not paid in full within 30 days thereafter, the Village Treasurer shall enter the charges on the tax roll as a special charge against said lot or parcel of land as

provided by Wis. Stats. § 66.0627.

c. Alternatively, the Village may seek recovery of costs as restitution if the Village proceeds under Subsection (e)(2) of this Section in addition to this Subsection.

(2) Issue a citation or complaint in municipal court for permitting or maintaining the public nuisance. Upon conviction thereof, any person found guilty of violating this Section shall forfeit not less than $50.00 nor more than $100.00. Each day that the public nuisance is proven to exist shall constitute a separate violation beginning with the day notice is served. If, after the nuisance is abated, the nuisance reoccurs on the same property, and second or subsequent notices are issued to the same property owner within one year, the person violating this Section shall forfeit not less than $100.00 nor more than $300.00 if a violation is proven to exist beginning with the day the second or subsequent notice is served.

(Code 1998, § 8-1-6; Ord. No. 2002-06, § 1, 4-22-2002; Ord. No. 2003-02, §§ 133—135, 1-27-2003; Ord. No. 2003-05, § 28, 3-24-2003; Ord. No. 2014-04, §§ 1, 2, 3-31-2014)

State Law reference— Charges for services, Wis. Stats. § 66.0627.

DRAFT
Village of McFarland
Policy for Special Events In Parks

The Village of McFarland Parks are an extensive operation with a variety of parks and park users. The primary mission of the Parks Department is to provide citizens and visitors with open space and facilities for recreation and relaxation. However, special events may be allowed through the permitting process detailed here. Park event permits are intended to regulate and control the use of Village parks so that the safety and general welfare of the public and our parks can be protected and maintained.

What makes a park use request a special event?

Here are a few examples of when a park use request may be considered a special event:

- A large number of participants are expected.
- The event will be promoted to the general public.
- Admission will be charged.
- A park not normally used for events, such as a neighborhood park or beach, has been requested.
- Beer will be sold.
- The purpose of the event is to raise money, whether for a non-profit/charity or as a commercial venture.
- The event will use extensive space in a park.

If you are not sure whether your event qualifies as a special event, contact the Public Works Department at (608) 838-7287.

If your event requires a Park Event Permit:

STEP 1: Planning Your Event.

If the application is for a new event, approval by the Parks, Recreation and Natural Resources Committee (PRNR) and/or the Village Board may be required. In completing your application, please include the requested one page narrative. The application will be reviewed by Parks staff and, if necessary, presented to the PRNR Committee. Applications must be submitted at least two months (60 days) prior to the event to be considered.

Returning Community Events

Approval from the PRNR Committee may also be required if the plans for a returning event differ significantly from previous years' events. Examples of changes that may require Committee approval are: expansion of venue, gated admission, selling beer, additional stages, significantly increased attendance, etc. These applications must also be submitted at least two months (60 days) in advance of the event. If your event has no significant changes, the application must be submitted at least two months (60 days) prior to the event.

Important Considerations

Review the Fee Schedule to estimate the costs for your event (this fee information is only to help you with budgeting). Actual fees will be determined by the Parks Department.

If your event requires a Certificate of Insurance, this document must be received by the Village of McFarland Parks Department 30 days prior to the event.

Contact the Public Works Department at (608) 838-7287 if you have any questions.

STEP 2: Application Requirements

The following information/documents are required of every event applying for a Special Event Permit. Be sure and provide the information and complete the forms as they pertain to your event:

➢ Park Event Schedule

➢ Park Event Site Map

➢ Emergency Action Plan

➢ Park Event Clean-Up and Recycling Plan

➢ Park Event Permit Application

STEP 3: Complete a Park Event Schedule

➢ The schedule begins when event set-up starts and ends when clean-up of the event area is complete, all equipment is removed and the park is available for regular use.

➢ The schedule should encompass all activities planned for the event, such as:

- Vending: When will vendors set-up, hours of operation, tear-down, leave park
- Music/Performances: Stage set-up, performance schedule, tear-down
- Displays, Exhibits, Demonstrations: Set-up, open hours, tear-down, leave park
- Run/Walk/Parade, etc.: When does staging start, start time(s), end time(s)

STEP 4: Complete a Park Event Site Map

To ensure proper review of the event please attach a Park Event Site Map and a route plan (if applicable).

➢ Site plans should include, but are not limited to, the following: location of tents, stages, fencing, vendors, portable toilets, beer gardens, dumpsters, placement of vehicles, exit location for outdoor events that are fenced, clear signage, accessible paths for wheelchairs as well as ample disabled parking, and any other related event components not listed above.

➢ The site plan should also include areas within the requested park that will be used for the event including parking lots, shelters, ball diamonds, soccer fields, ped/bike paths, tennis courts, volleyball courts and any other specific park features that are included in the plans for the event.

➢ A detailed route map should also be provided if the event includes a run, walk, parade or other moving activity. A helpful online resource for route mapping is Map My Run.

➢ If the event includes a run/walk component, the approval of the Parks Department for the use of the park does not imply approval of the proposed route. Routes need to be approved with a Parade Permit.

STEP 5: Safety and Security Plan

➢ Contact the Village of McFarland Police, Fire and EMS for proper forms and/or permits.

STEP 6: Clean-Up and Recycling Plan

➢ Each organization is responsible for clean-up of the event area. In accordance with Park policies, a clean-up deposit may be required.

➢ Include plans for collection and disposal of materials during and after event - number and location of garbage/recycling containers and dumpsters; number/schedule of volunteers/staff assigned to collection and clean-up.

➢ Please provide the name and contact information of the collection agency providing equipment and service for the event.

➢ Any group that leaves an area in a condition that requires special clean-up by Village crews will be charged the full cost of clean-up.

➢ If you need assistance with your clean-up and recycling plan, please contact the Village of McFarland at (608) 838-7287.

STEP 7: Insurance for your Event

➢ Most events will require insurance.

➢ Parks and the Village Administration Staff make the determination as to whether a Certificate of Insurance is required for an event or activity.

➢ The determination is based on the risk level of an event which is determined by such things as the size and nature of the event, activities planned for the event, the anticipated attendance, potential for injury, beer/alcohol, and other considerations.

➢ If a Certificate of Insurance is required, the event organizer will submit a general liability insurance policy certificate in the amount of $1,000,000 naming the Village of McFarland as Additional Insured. Special Event Permits will not be approved without this proof of insurance.

➢ The Village of McFarland Public Works Department must receive this certificate 30 days prior to the event date. This official certificate may be submitted electronically, mailed or faxed.

Indemnification Clause for Permits

The applicant for a Special Event Permit shall agree to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is issued. The organization or person to which a permit is issued will be responsible for the conduct of the event, the condition of the permitted area, and actual fees for services provided. Falsification of information on the application will result in forfeiture of up to $200 per falsified item.

STEP 8: Events with Sound Amplification

➢ Public amplification is not allowed in Village Parks except by permission from the Parks Department, PRNR Committee or Village Board. Permission for amplification does not exempt a group from obeying Ordinance restrictions on the volume of sound. Please be considerate of park neighbors and other park users. Please be sure to include detailed information about any plans you have for amplified sound.

➢ The Police Department is authorized to require the discontinuance of any such system or equipment operating outside the prescribed hours or location.

STEP 9: Vendors at your Event

➢ Special Event Vending Permits are required for anyone who sells anything in a Village Park. If vendors will be selling food, beverages, services and/or merchandise at your event, a Park Event Vending Permit is required. The fee for this license is dependent on the number of vendors at your event.

Food Vendors

➢ If a vendor is selling food, the Village of McFarland also requires a Temporary Food Establishment Permit which is available from the Dane County Public Health Department. They can provide more information on this permit and their requirements for the safe handling of food.

Insurance

➢ All vendors must supply a certificate of insurance for product and premises insurance in the amount of $1,000,000 in the aggregate naming the Village of McFarland as Additional Insured.

Permit Type

➢ Vendor Fee Required (see fee schedule)

* The Event Organizer's insurance must cover all vendors.

STEP 10: Temporary Structures

➢ A temporary structure is defined as anything utilizing stakes or equipment that would penetrate the ground. Because of the increasing frequency of underground utilities and the danger to the public and to property from damaging them, the Parks Department **MUST** be involved when anyone wishes to install any temporary structure that penetrates the ground in a public park. In addition, Wisconsin Statute 182.0175 requires anyone who is responsible for the planning and performance of any type of ground penetration and excavation to provide advance notice to Diggers Hotline.

➢ A permit is required for the placement of any temporary structure as defined above. However, you are only required to contact Diggers Hotline if the ground will be penetrated by stakes, tools, or equipment.

➢ Diggers Hotline is a statewide one-call notification system which provides advance notice to public utilities of intended excavation which may impact underground and overhead utility service.

➢ Prior to installation of any structure which involves ground penetration in public parkland, the following steps must be taken:

- Temporary Structure Permit Application

➢ Diggers Hotline, 1-800-242-8511

➢ Call Diggers Hotline no earlier than 10 days before your event, and no later than 5 working days prior to the event. You MUST meet this timeline. There are no exceptions. They will ask for an address—please also tell them specifically that this is a park and give them the name of the park.

➢ Diggers Hotline will assign you a Ticket Number for each area. You must furnish this number to the Parks Department at least 5 days prior to your event. You may fax or call us. Be sure to give us your name, the park site, and the date that the temporary structure will be installed.

➢Applicants will not be issued a permit form until we receive proof that Diggers Hotline has been contacted.

STEP 11: Beer/Wine Sales at your Event

The Event Organizer must contact the Police Department to obtain permission, forms and/or permits:

NO GLASS CONTAINERS ALLOWED IN THE PARK!

STEP 12: Wavier

➢ The Director of Public Works reserves the right to waive any restrictions as needed.

Village of McFarland

McFarland Parks Department
Monthly Report

March, 2016

The following are items that have been accomplished in the parks over the last month:

McDaniel Park:

- Emerald Ash Boer was discovered in McDaniel Park as they were removing trees for the new Lower Yahara River Trail. The contractor removed additional Ash Trees in the north end of the park.
- Multiple meeting have been held with Dane County and the contractor who is working on the Lower Yahara River Trail Project. The project is slated to start in March of this year and run through June of 2017.
- In order to accommodate the Lower Yahara River Trail and due to safety considerations for people using the trail, some very large cottonwood trees are going to be removed which hang over the new trail.
- With the amount of large construction vehicles which will be supporting the Lower Yahara River Trail Project, options are being evaluated to determine if we want to proceed with the Village's project this year or whether we should push the Village's project to 2017.
- The $64,000 grant the Village received to install the Village's part of the Lower Yahara River Trail Project is valid for the next few years should the Village decide to push our project to 2017.
- The bathrooms will be opened in April / May, weather dependent.

Brandt Park:

- The bathrooms are tentatively scheduled to be opened in either April or May, weather dependent.
- The Village opened bids to replace the water main and re-construct Siggelkow Road between the railroad tracks and Terminal Drive. With the extensive work being done on the Lower Yahara River Trail this year, the Siggelkow Road project may be pushed to 2017.

Indian Mound Park:

- We finally received permission and the weather cooperated so Phase II of the Indian Mound Maintenance commenced. This part of the plan included the removal of small to medium size trees that were either on the mounds or immediately adjacent to the toe of the mounds. Additional weed removal on the mounds will take place in early to mid May.

Arnold Larson Park:

- The park is tentatively scheduled to be opened in April or May, weather dependent.

Street Trees:

- We continued to trim various terrace trees through out the Village as time and weather dictated.
- The Village will again be going out for bids to plant additional terrace trees. This will help off set the amount of ash trees removed due to emerald ash borer.

Lewis Park:

- The Village opened bids and awarded a contract to have the new Lewis Park Shelter built in 2016.
- The hockey boards have been removed and the park is being prepared for the summer and construction season.

Conservancies:

- With spring time approaching, the Village will be watching for the optimal weather to perform prescribed burns through out the Village. The burns usually take place in late April to mid May.

William McFarland Park:

- The bathrooms are tentatively scheduled to be opened in April / May, weather dependent.

Community Garden:

- The water lines are scheduled to be turned back on in May if the weather cooperates.

Juniper Addition Park:

- As warm weather approaches, staff will meet with representatives from Veridian to walk the path and evaluate the bushes and shrubs that were planted last year. We will also evaluate any erosion that took place over the winter.

Dog Park:

- The Public Works Crew continued to monitor the dog park as freeze thaw cycles tend to move the gate and fence posts.