



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 17-012

AN ORDINANCE TO AMEND SECTION 90.103(k): PLANTING OF TREES AND SHRUBS.

The Board of Trustees of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Chapter 90.103(k) of the Municipal Code of Ordinance is hereby amended to provide as follows:

Section 90.103: Protection of Trees and Shrubs.

(k) *Planting of trees and shrubs.*

- (1) *Purpose.* The Village Board states its determination that the planting, care and protection of the trees within the Village are desirable for the purpose of beauty, shade, comfort, noise and pollution reduction, storm water control, abatement, and economic betterment and encourages all persons to assist in a program of tree planting, care and protection.
- (2) *Tree planting program.* The Parks and Recreation Committee shall recommend to the Village Board, with approval from the Village Arborist, a program for tree planting, care and protection for the public parks and street right of way. The Village Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
 - a. *General planting techniques.*
 1. *Ball and burlap trees.* When using this type of root stock the wire basket should be removed to prevent girdling in the future width.
 2. *Hole width.* Shall be a minimum of twice the tree's root ball width.
 3. *Hole depth.* Trees shall be planted so the root collar is level with the soil line or slightly higher.
 - b. *Right-of-way landscaping.* Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with the requirements as specified in Section 94.11.02(3)(a) of the Zoning Ordinance.

(3) **Tree types.**

- a. The use of trees listed in Section 94.11.02(5) are prohibited and discouraged species in the public right-of-way.

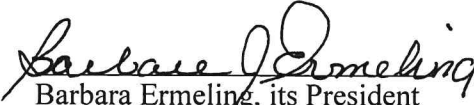
- (4) **Unlawfully planted trees.** Trees, plants or shrubs planted within any right-of-way or vision triangle without the authorization and approval of the Village Arborist may be removed without reimbursement. The Village Arborist shall notify the owner in writing, listing the unlawfully planted trees, plants or shrubs; ordering their removal and establishing a reasonable time within which such removal shall be accomplished. If removal is not accomplished within the 2 weeks specified in writing, the Village may remove such trees, plants or shrubs and assess the costs plus administrative fee thereof to the owner.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

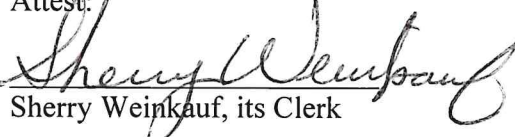
SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 17th day of April, 2017

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 4-17-17

PUBLISHED: 4-19-17

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 04/17/17

FROM: Jennifer Higgins, Director of Planning and Development

DESCRIPTION: Ordinance No. 17-012: An Ordinance to Amend Section 90.103(k) Planting of Trees and Shrubs.

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees approve Ordinance No 17-012 as recommended by the Plan Commission?

BRIEF:

Staff is requesting to modify the Vegetation Ordinance, as during a recent Services Division discussion with Village Arborist Falkowski, we found there to be inconsistencies in regards to street trees and prohibited tree species within this Chapter and the Village Zoning and Subdivision Ordinances.

FISCAL IMPACT: N/A

RECOMMEND: Director recommends approval.

COMMITTEE: Recommendation endorsed by Plan Commission (4/10/2017)

REQUEST: Approve Ordinance #17-012 under Policy Question.

Is there an additional briefer with this agenda item?

Are there additional reference documents which have been attached to this report?

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 17, 2017, the following Ordinances:

- Ordinance No 17-006 An Ordinance to Amend Section 94.11.02: Landscape Requirements to Update a Maximum Percentage of Tree Species Planted and A Municipal Code Reference.
- Ordinance No 17-007 An Ordinance to Amend Section 94.12.06: Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties to Discontinue the Prohibition of Privacy Slats Within Chain-link Fences.
- Ordinance No 17-008 An Ordinance to Amend Section 94.12.08 Access and Driveway Standards to Explicitly Refer the Requirements for Widths of Driveways Connected to A Public Right-Of-Way to Chapter 71.
- Ordinance No 17-009 An Ordinance to Amend Section 94.12.09: Off Street Parking and Traffic Circulation Standards to Provide a Definition of Reconstruction and Maintenance and Their Associated Requirements.
- Ordinance No 17-010 An Ordinance to Amend Section 94.4.05(12) Commercial Animal Establishment Land Use Definition to Prohibit Outdoor and Overnight Activities Within The B-1 And B-2 Zoning Districts And To Amend Figure 3.05 To Allow Commercial Animal Establishments Within B-2 Zoning District As A Permitted Use By Right And Within The B-1 And Li Zoning Districts As A Conditional Use.
- Ordinance No. 17-011 An Ordinance to Amend Chapter 66 Solid Waste, Section 66.115 Exterior Storage Standards for Multiple-Family Dwellings and Non-Residential Facilities and Properties to Explicitly Refer to 94.12.06 Exterior Storage Standards (2) Exterior Storage Standards for Multi-Family Dwellings and Non-Residential Facilities and Properties.
- Ordinance No. 17-012 An Ordinance to Amend Section 90.103(k) Planting of Trees and Shrubs.
- Ordinance No. 17-013 An Ordinance to Amend Section 71.5.01(1) Relating to Width of Access of Driveways.

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Dated this 18th day of April, 2017
Sherry Weinkauff, Village Clerk

Published: 4/19/17

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON

WI 544764333

VOUCHER APPROVAL

Account Number:

10-06-56910 - 321 - 000

Description: WDH publication

Ord 17-006 to 17-013

Approved by [Signature] 5/3/17
initials Date

\$43.95

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-WES425
Order Number: 0002077486
No. of Affidavits: 1
Total Ad Cost: \$43.95
Published Dates: 04/19/17

(Signed) [Signature] (Date) 4/25/17

Legal Clerk



Signed and sworn before me

[Signature]

My commission expires

5-25-18

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Dated this 18th day of April, 2017
Sherry Weinkauff, Village Clerk
RUN: April 19, 2017 WNAXLP

WESTON VILLAGE OF
Re: newly enacted ord.