

## CITY OF TWO RIVERS

### ORDINANCE

**An Ordinance to amend Sections 7-4-2, 7-4-3, and 7-4-6 of the Municipal Code of the City of Two Rivers, Wisconsin, based on the recommendation of the City Manager:**

**WHEREAS**, the City of Two Rivers (the “City”), Section 7-4-3 of the City Code grants the City the authority to abate trees that constitute a public nuisance.

**WHEREAS**, Section 7-4-3(B)(1) of the City Code mandates that the City give property owners a notice to remove trees that constitute a public nuisance and give the property owner at least 30 days to remove said trees.

**WHEREAS**, Section 7-4-3(B)(2) of the City Code provides that if a property owner does not abate a tree that constitutes a public nuisance after the notice period expires, the City forester must abate the nuisance.

**WHEREAS**, the City wishes to amend these regulations to clarify said mandates to abate public nuisances.

**NOW, THEREFORE**, The City Council of the City of Two Rivers, Wisconsin, does hereby ordain as follows:

**SECTION 1.** Section 7-4-2 shall be amended as follows:

Unless specifically defined below, the words or phrases used in this chapter shall be so interpreted as to give them the meaning they have at common law and to give this chapter its most reasonable application:

*City.* The City of Two Rivers, Wisconsin.

*Clear sight triangle.* A triangle formed by the curblines of two intersecting rights-of-way and a third line connecting a full-view zone at corners of streets, alleys and highways.

*Forestry program.* A comprehensive annual plan including maintenance, inventory, new planting and budget, with projections for annual and long-range implementation.

*Major alteration.* Pruning a tree beyond necessary pruning to comply with this chapter.

*Person.* Person, firm, association or corporation.

*Public areas.* Includes all public parks and other lands owned, controlled or leased by the city except the terrace areas.

*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 public property.

*Public trees and shrubs.* All trees and shrubs located or to be planted in or upon public areas.

*Terrace areas.* The land between the normal location of the street curbing and sidewalk.

**SECTION 2.** The City of Two Rivers shall amend Section 7-4-3 of the Municipal Code, as follows:

*B. Authority over private trees and shrubs.*

(1) *Notice to abate public nuisances.* Whenever the city forester finds on examination that any tree or shrub or part thereof growing or located upon private premises is a public nuisance, the city forester shall provide notice to the owner of the private premise that the tree that constitutes a public nuisance must be sprayed, removed or otherwise abated, in no less than 30 days, in the manner directed in the notice, unless the city forester shall determine that immediate action is necessary for public safety.

(2) *Abatement of nuisances.* If the owner of such premises, or his agent, shall refuse or neglect to comply with the notice within the time specified, the city forester may cause the nuisance to be sprayed, removed or otherwise abated and shall report any expense thereof to the city treasurer, who shall

enter it as a charge against the property upon which the tree or shrub is located.

**SECTION 3.** The City of Two Rivers shall amend Section 7-4-6 of the Municipal Code, as follows:

- A. Whenever the city forester shall find with reasonable certainty on examination or inspection that any public nuisance due to infectious tree insect or disease nuisances exists within the city, the forester may cause it to be sprayed, removed or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of determined infectious insects or disease or the insect pests or vectors known to carry such disease.
- B. Before abating any nuisance on private premises, the city forester shall proceed as follows:
  - (1) If the city forester determines that danger to other trees from such a nuisance is not imminent because of tree dormancy, the forester shall make a written report of the findings to the council who shall proceed as provided in Wis. Stats. § 27.09(4).
  - (2) If the city forester determines that danger to other trees within the city is imminent, the forester shall notify the owner or abutting owner of the property on which such nuisance is found, in writing, if the owner can be found and served personally or by mail, otherwise by publication in the official newspaper of the city, that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 30 days from the date of mailing, delivering, or publication of such notice, unless the city forester finds that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limit, the city forester may cause the abatement therefor.
- C. No damages shall be awarded to the owner for destruction of tree, wood, material or any part thereof pursuant to this chapter.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this \_\_\_\_ day of \_\_\_\_\_, 202\_.

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Scott Stechmesser  
President, City Council

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Gregory E. Buckley  
City Manager

Attest:

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Amanda Baryenbruch, City Clerk

Approved as to form and legality:

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Sean P. Griffin  
City Attorney