



City of Lake Geneva, 626 Geneva St, Lake Geneva, WI 53147- 262.248.3673- www.cityoflakegeneva.gov

CITY OF LAKE GENEVA TREE BOARD
TUESDAY, JANUARY 24, 2023 - 4:00 PM
LAKE GENEVA CITY HALL; CONFERENCE ROOM 2A (UPPER LEVEL)

Members:

AGENDA

1. Call to Order
2. Roll Call
3. Comments from the public limited to 5 minutes, limited to items on this agenda
4. Approval of the November 1, 2022 Tree Board minutes as prepared and distributed
5. Lake Geneva Museum Christmas Tree Parade Review
 - a. Plan for 2023 Parade
6. Published Article on Central Denison Tree Planting Project
7. Arborist Report: List of Trees, Forestry Plan, and Municipal Code Review- Jon Foster
8. Hillmoor
9. 2023 Budget
10. Next Meeting Date & Time
11. Adjournment

*This is a meeting of the Tree Board.
No official City Council action will be taken; however, a quorum of the Council may be present.*

City of Lake Geneva Tree Board Meeting Minutes
Tuesday November 1, 2022-4:00 pm
Lake Geneva City Hall

The Tree Board was called to order at 4:04 pm. In attendance: Candy Kirchberg, Chairperson, Cindy Yager, Alderperson, and Mayor Charlotte Klein. Sonya Dailey was absent. Also in attendance: City Arborist Jon Foster, Assistant Arborist Morgan Shephard, and Susan Cardiff.

- Audience members: Mary Jo Fesenmaier, Dennis Hines, and Jeff Kelly
- Minutes were approved by (I did not get the approval and second: help!)

Public Comments: Limited to five minutes per individual

Dennis Hines Comments: Address 336 Laurie Street

Dennis Hines said that in his opinion, the city will need between \$200,000-\$250,000 over the next seven years to take down all the blue spruce trees that will die from Rhizosphaera needle cast disease. Dennis uses Sulphur Funganal to treat his trees, and said that to be effective, you need a sprayer that will reach 60' in the air. Dennis sprays his trees three times a year: spring, mid-summer, and fall.

He also said that there are seven pine trees that need to come down on the corner of Eugene and South Shore Drive. The trees are 35' high, and he estimated that the cost to take them down could be between \$5,000-\$6,000.

Clarification needed:

- Have Jon clarify which species are at risk for the Rhizosphaera disease.
- Is that disease a pine needle disease.
- Are the blue spruce trees also susceptible?
- Does blowing out the pine needles under trees help reduce the spread?

Jon can't touch any tree in the city that is on private property. He said that some homeowners are afraid that when other people are spraying chemicals nearby, there may be a potential danger of spreading airborne particles. Jon also said that Dennis needs to be careful when he sprays his trees, as he could be liable if there was a risk that people or pets in the vicinity could inhale the chemical particles.

Dennis told the board that he has a lot of pull with the media and could do PR for a campaign to promote more trees in the city. He also suggested stronger regulations for taking down a tree, even on private property.

Mary Jo Fesenmaier Comments: Address: 1085 South Lake Shore Drive

Mary Jo attended a recent DPW meeting. At the meeting, there was discussion about starting a new tree program in the city. If a homeowner agreed to plant, water, and care for a tree that was going to be planted on the terrace, the city would give the homeowner the tree. Hopefully this would encourage more residents to do the same. No further action was taken.

Jeff Kelly Comments: No address given

Jeff is a grad student at the State Urban Forestry program in Oregon, Wisconsin.
I didn't write anything else down about Jeff....

Tree Board and Park Board Managers for 2023

The Tree Board and Park Board would like to create two positions in 2023 for separate managers. Right now, employees are pulled in many different directions, and it is often frustrating and non-productive. Job duties should be clearly defined so everyone understands what needs to be done, when, and by whom.

Creating a Director of Public Works position was also discussed, but no action was taken.

Jon told the group that the budget for trees in 2023 went up. There will be \$15,000 for replacement trees in the budget, and \$15,000 to install the iron rings that protect the vulnerable trees along the main streets in the downtown area.

Arbor Day Foundation Award

As was reported during the last meeting, The City of Lake Geneva was one of 70 schools nationwide and one of only three schools in Wisconsin to be recognized as a K-12 Tree Campus School from the Arbor Day Foundation. Members of the Lake Geneva Tree Board presented the school with a plaque and a K-12 Tree Campus Flag at the November 2nd ceremony.

Each year, the city honors somebody in Lake Geneva on Arbor Day and this year it was dedicated to the second-grade students in Central Denison Elementary School, and to Principal Becky Buhler. "For a long time, the tree board has wanted to partner with the schools," said Sonya Dailey, a City of Lake Geneva Tree Board Member. "We finally thought of an activity that might be doable." Buhler had her students collect as many maple seeds as possible, and they came up with a total of 2,000 seeds, according to Dailey.

"All the kids worked on the project. They had enough seeds, so we were able to share them with the other schools," Dailey said. "The kids also got a handout of how to plant the seeds. But even if they didn't know how to do it, they know there is such a thing as planting a tree and in second grade, that's a great foundation to build upon. We can always use more trees!"

As part of the overall project, the 100 children involved each created their own separate Arbor Day page. The pages were then made into a book, and the book is now on display at the Lake Geneva Library.

Lake Geneva Museum: Parade of Trees

The parade of trees starts on November 19th. My notes show that Jon is the one that oversees getting the tree. (I need clarification). Discussion was held on what kind of tree the Tree Board should get, possibly a pre-lit tree, and then the board would decorate it with natural elements. Another suggestion was to reach out to Nine Lives and possibly buy a tree for \$100.00, but no decision was reached. Plans are to decorate the tree on November 16th or 17th.

Cindy Yager: Internship Ag Programs for High School & Colleges

Cindy provided the board members with an overview of internship programs that are managed by the State Education program and developed for high school and technical colleges. Currently there are students in the ag program that are active in both the parks and recreation programs. These internship programs allow students to potentially get high school and college credits. Additionally, some students in the program can get paid at the same rate as beginning workers.

The first step to getting into a program is to talk with the school district to see if the student would be a good fit. This is done before anyone sits down to talk with a potential candidate. As part of the overall process, whoever is overseeing the program must review all the requirements that each student needs to do, and then determine if they can achieve what is required and if the program is a good fit for the student.

Cindy said that students in the program must complete 40 scholastic hours in one school year, and then they can be minimally hired for 40 hours (I am assuming that the student would be paid for these hours?). Additionally, there is specific criteria and strict regulations that must be followed in terms of what the students are able to learn and do. For instance, if a student is under 18, they may not be able to do specific tasks, like operate a chain saw. However, under careful supervision, students can get opportunities to learn how to use other types of equipment.

Many elements go into making these programs successful. Ideally, students would be juniors when they start their two-year internship program, and they would already have a potential career in mind. If they complete the two years of internship, they would be guaranteed to receive 15 hours of college credit for those two years. Cindy said that the interns need to realize they are there to work! It's important to keep them busy and learning as much as possible while they are in the program. ***As a side note, she said that in the next five years, 60% of workers in the trades will retire!***

During the internship, there is at least one “check-in” appointment to review how things are going and deal with any issues that need to be addressed. The appointment can be done through email, text, in person, or on the phone.

Cindy will get in touch with Tom regarding this project.

The meeting was adjourned at 4:50 pm, with a motion to adjourn by Candy Kirchberg, and seconded by Cindy Yager.

The next meeting is December 13th at 4:00 pm.

Minutes submitted by Susan Cardiff. *Please send me any corrections!*

AVAILABLE TREES 2023

1. **London Plane tree-** A densely branched, upright pyramidal tree when young, the Exclamation London Planetree develops its attractive exfoliating bark when young. Tolerant of the toughest conditions and resistant to disease, the Exclamation London Planetree is a terrific choice for a fast growing street tree. **Not native**
2. **Espresso Kentucky Coffee tree-** The Espresso Kentucky Coffeetree is a grafted male selection. Essentially, it's your typical Kentucky Coffeetree, but there's no seed pods. A coarse, upright branching habit in youth, this tree shines with age. Great for urban spaces! **Not native**
3. **Northern Catalpa-** Northern Catalpa is a tall shade tree with large, heart-shaped leaves and gorgeous, fragrant white flowers. Long, cigar-like pods persist through winter. This tree could have been the inspiration for the story Jack and the Bean Stalk! Although it has been naturalized in many areas of Wisconsin, Northern Catalpa is **not native** to our state.
4. **Chinkapin oak-** Chinkapin Oak loves alkaline soil! This tree is a reliable grower, even in the poorest of sites. The small, sweet acorns are possibly the most preferred by wildlife. The chestnut-like leaves and bright fall colors make Chinkapin Oak a bold statement in any landscape. May also be known as Chinquapin Oak, Yellow Oak. **Native**
5. **Bur Oak-** The iconic oak of Wisconsin! Bur Oak is one of the toughest oaks, tolerant of highly alkaline soils and drought. Most have interesting corky bark on young branches. The acorns make it an excellent plant to attract wildlife. Use where space is not limiting as Bur Oak is large at maturity and long-lived. May also be known as Blue Oak, Mossycup Oak. **Native**
6. **Swamp White Oak-** Oak genetics are amazingly diverse and there seems to be an oak tree adapted for almost every situation. The Swamp White Oak is no exception – it's not only native to our local ecosystem but can also adapt to different soil conditions. This is a striking large tree with attractive peeling bark, and a great choice for a shade or street tree. **Native**
7. **Katsura Tree-** Katsura Tree is a first-rate landscape plant with four-season interest and a fine texture. In spring, minute inconspicuous flowers bloom just before the foliage emerges with a reddish-purple color, maturing to a cool-blue green. The heart-shaped leaves turn a spectacular display of yellow and apricot in fall. As the foliage ages, it gives off a subtle, sweet aroma likened to cotton-candy or cinnamon. Winter months show off its fine branch texture and fissured bark. **Not Native**
8. **Shawnee Brave Bald Cypress-** Shawnee Brave Baldcypress is a lofty, deciduous conifer with a slender, pyramidal habit. A stately specimen in any landscape, with nearly horizontal branches, fine-textured needles, and distinctive character. Selected by Earl Cully. **Not Native**
9. **Autumn Brilliance Serviceberry-** An upright, heavily branched tree, the Autumn Brilliance® Serviceberry provides four seasons of interest with its showy flowers, edible fruits, fall color, and bark. It's a great choice for spaces requiring a smaller stature plant and is available as a single stem or multi-stem tree or shrub-form tree. **Not Native**
10. **Japanese Lilac Ivory Silk-** A small stature tree with beautiful late spring blooms. Creamy white flowers stand out against its dark green foliage. Incredibly fragrant blooms are sure to fill your landscape with a lovely aroma. Ivory Silk Japanese Tree Lilac is hardy for Wisconsin landscapes as they can be established up to Zone 3. **Not Native**
11. **Autumn Fantasy Maple-** Autumn Fantasy Maple is a Freeman Maple cultivar with rapid growth, good branch angles, consistent red fall color, and a wide site tolerance. This selection can be considered an improvement on Autumn Blaze® Maple due to its improved branching habit and more rapid growth. In fall, the medium green leaves of Autumn Fantasy® Maple turn to a vibrant ruby-red. **Not Native**
12. **Hackberry-** Common Hackberry is a large, Wisconsin native shade tree with a vase shape canopy. It tolerates tough sites and excels in urban plantings. Hackberry has characteristic wart-like bark and dark-red to purple fruits, lending itself well to bird-centric landscapes. **Native**
13. **Fall Fiesta Sugar Maple-** Compact and sturdy when young, the Fall Fiesta® Sugar maple matures to a symmetrical, full-sized tree with thick, dark green foliage. It truly shines in autumn, its leaves turning a brilliant mix of red, orange and yellow color! **Not Native**

14. **State Street Miyabe Maple-** has a uniform, broad-pyramidal shape with excellent branching characteristics. Thick, clean dark green foliage holds its color late in the season then rapidly turns a pleasing soft yellow in autumn. **Not Native**
15. **Crimson Sunset Maple-**(Norway Maple) Burgundy colored leaf during growing season dense crown.
16. **Early Glow Buckeye-** Beautiful yellow-green flowers in spring, early bright red fall color on scorch-resistant foliage and a near-seedless nature make Early Glow™ Buckeye a revolutionary plant for those seeking ornamental interest and street tree utility in one package. Selected by Mike Yanny in 1981, the original tree has a similar habit and growth rate of other Buckeye seedlings but with improved foliage quality and flowers that set very little fruit. Early Glow™ Buckeye was formerly known as Sunset Buckeye. **Not Native**
17. **River Birch-** Excellent for wet soil conditions. Beautiful exfoliating cinnamon-brown bark exposes the pink inner bark. Resistant to bronze birch borer. River birch is also known as Black Birch, Red Birch, and Water Birch. **Native**
18. **Shag Bark Hickory-** I'll give you one guess why it's called Shagbark Hickory- and it's not because it was the inspiration for 1970's flooring. Its characteristic peeling, platy bark gives this tree four season interest no matter the location. Strong wood for timber and sweet nuts for wildlife make this tree a historic and contemporary staple of eastern North America. Seed-grown trees are notoriously difficult to transplant but our stock is specially trained and treated to develop a fibrous, easily transplanted root mass. **Native**
19. **Magyar Ginkgo** is an excellent choice for parkways, as a street tree, as well as a lawn/shade tree. One of the best performers in our fields, this hardy tree will provide longevity in your landscape. Tolerant of compact soils, heat, air pollution, and salt it is suitable for a wide variety of sites. With vibrant yellow fall color and a branch structure that creates winter interest, this is a great choice for a shade tree. Plus, it's a living fossil! May also be known as Maidenhair Tree. **Not Native**
20. **Shade Master Honey Locust-** Filtered shade with tiny leaves, very hardy in urban environments. **Native**
21. **Tulip tree-** native to north eastern us. **Not Native**
22. **Quaking Aspen-** Quaking Aspen is a fast-growing, narrow-oval to pyramidal, Wisconsin native tree with lustrous dark green foliage that shimmers in the slightest breeze. This pioneer species is quick to colonize open spaces, especially where there is bare soil. Its creamy white bark and rapid growth make a striking contrast to evergreens where Paper Birch will not grow. In fall, the foliage turns a beautiful golden yellow. An excellent adaptable species where it has room to grow. **Native**
23. **Flowering Pear Cleveland Select-** Compact flowering pear with white blossoms and red berries, columnar shape and dense glossy foliage. **Not Native**
24. **Red Oak-** A monarch of our climax forests in Wisconsin! Red Oak shines as a specimen tree with its brilliant red fall color and deep green leaves in summer. It is the fastest growing native oak in Wisconsin and its silvery smooth bark provides excellent winter interest when young. Do not prune in spring, summer, or fall to prevent Oak Wilt. May also be known as Northern Red Oak, Gray Oak. **Native**
25. **Niobe Willow-** Golden yellow color and weeping branching. **Native**
26. **Boulevard American Linden-** Large leaves lots of shades fragrant flowers, fast growing **Native**
27. **Sterling Silver Linden-** Dense foliage heart shaped leaves fragrant flowers, fast growing **Not Native**
28. **New Harmony American Elm-**
29. **Triumph Elm-** Cultivar of American elm, Dutch elm disease resistant. **Not Native**
30. **Dawn Redwood-** Dawn Redwood is a deciduous, coniferous tree that has an upright, pyramidal form slowly reaching heights of up to 100 feet. New foliage emerges light green in spring and turns into an appealing red-bronze color in fall. This conifer is deciduous, meaning it sheds its soft, feathery foliage before winter. This tree also features beautiful exfoliating bark which becomes the star of the show in winter after the foliage drops. **Not Native**

Chapter 82 VEGETATION*

***Cross references:** Nuisances, ch. 46.

State law references: Local health officials generally, W.S.A., § 251.001 et seq.; communicable diseases generally, W.S.A., § 252.01 et seq.

Article I. In General

[Sec. 82-1. Control of weeds and grasses.](#)

[Sec. 82-2. Penalty for violation of chapter.](#)

[Sec. 82-3. Regulations for lawn fertilizer application and sale.](#)

Secs. 82-4--82-30. Reserved.

Article II. Tree Diseases

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[Sec. 82-32. Oak Wilt Disease.](#)

[Sec. 82-33. Emerald Ash Borer.](#)

Secs. 82-34--82-60. Reserved.

Article III. Forestry

[Sec. 82-61. City forester.](#)

[Sec. 82-62. Forestry permit.](#)

[Sec. 82-63. Trees in lawn parks and public rights-of-way.](#)

[Sec. 82-64. Public nuisances on private premises.](#)

[Sec. 82-65. Injury to trees.](#)

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[Sec. 82-68. Special assessment.](#)

ARTICLE I. IN GENERAL

Sec. 82-1. Control of weeds and grasses.

(a) *Mowing required.* No person owning, leasing or otherwise controlling property within the city shall permit to grow noxious weeds and grasses as defined in W.S.A., § 66.96. To prevent such growth and pollination, every property owner, lessee or person in control of property shall mow or cause to be mowed upon such premises all grasses or weeds exceeding one foot in height, regardless of such weeds' nature or effect on the environment.

(b) *Mowing by city; costs; collection.* The weed commissioner shall enforce this section, and if any person fails to comply, the commissioner shall after five days' written notice to the owner, lessee or person in control of such property cause the premises to be mowed and report the cost in writing to the city clerk in the manner provided in W.S.A., § 66.98. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes, unless such lands are exempt from taxation.

(Code 1992, § 15.10)

Sec. 82-2. Penalty for violation of chapter.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in section 1-12.

(Code 1992, § 15.15)

Sec. 82-3. Regulations for lawn fertilizer application and sale.

(a) *Authority.* This chapter is recommended by the Geneva Lake Environmental Agency and is adopted by the city under the authority of W.S.A. § 62.04.

(b) *Purpose and intent.* The city finds that Geneva Lake and its streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The city further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the surface waters will improve and maintain lake and stream water quality.

(c) *Applicability.* This section applies in all areas of the City of Lake Geneva.

(d) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Agricultural use* means beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain; mint and seed crops; raising of fruits; nuts berries, sod farming and vegetable raising.

(2) *Fertilizer* has the meaning set forth in W.S.A., § 94.64(1)(e).

(3) *Lawn fertilizer* means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant applications.

(e) *Regulation of the use and application of lawn fertilizer.*

(1) Effective January 1, 2008, no person shall apply any lawn fertilizer within the city that is labeled as containing more than zero percent phosphorus or other compound containing phosphorus, such as phosphate, except as provided in the exemptions in this section.

(2) No lawn fertilizer shall be applied when the ground is frozen.

(3) No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(f) *Exemptions.* The prohibition against the use of fertilizer under subsection (e) shall not apply to:

(1) Newly established turf or lawn areas during their first growing season.

(2) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

(3) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

(4) Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(g) *Sale of fertilizer containing phosphorus.*

(1) Effective January 1, 2008, no person shall sell or offer for sale any lawn fertilizer within the city that is labeled as containing more than zero percent phosphorus, or other

compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in the exemptions of this section.

(2) Effective January 1, 2008, no person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by the exemptions of this section.

(3) Effective January 1, 2008, a sign containing the regulations set forth in this section and the effects of phosphorus on Geneva Lake and its streams must be prominently displayed where lawn fertilizers are sold.

(h) *Enforcement.* Violations of this section will be enforced by the city building inspector or code enforcement officer.

(i) *Penalty.* Any person who violates this section in the application of fertilizer at his or her residences shall be subjected to a forfeiture of \$25.00 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates subsection (e), and any person who violates subsection (g) shall be subject to a forfeiture of \$50.00 for the first violation within a 12-month period, \$150.00 for the second violation within a 12-month period, and \$300.00 for the third and each subsequent violations within a 12-month period.

(j) *Severability clause.* If any section, provision or portion of this section is ruled invalid by a court, the remainder of the section shall not for that reason be rendered ineffective or invalid.

(Ord. No. 07-10, 9-10-07)

Secs. 82-4--82-30. Reserved.

ARTICLE II. TREE DISEASES

Sec. 82-31. Dutch Elm Disease.

The city council, having determined that the health of the elm trees within the city is threatened by a fatal disease known as Dutch elm disease, hereby declares the following to be public nuisances:

(1) Any living or standing elm tree or part of an elm tree infected with Dutch elm disease fungus or which harbors any of the elm bark beetles *Scolytus multistriatus* (Eichh) or *Hylurgopinus rufipes* (Marsh).

(2) Any dead elm tree or part of a dead elm tree, including logs, branches, firewood, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying pesticide.

(Code 1992, § 10.06(1); Ord. No. 08-05, § 1, 4-28-08)

Sec. 82-32. Oak Wilt Disease.

Oak Wilt Disease, defined as follows:

(1) Any living or standing tree or part thereof in the Red Oak family (*Quercus rubra*) including Pin Oak, Northern Pin Oak, Scarlet Oak, and Black Oak colonized to any degree with the Oak Wilt Fungus (*Ceratocystis fagacearum*).

(2) Any living or standing tree in the White Oak family (*Quercus alba*) including Burr Oak, Bicolor Oak, colonized to any degree by the Oak Wilt Fungus, that poses a threat of transmission of the Oak Wilt Fungus to other trees of the same species through root graftin.

(3) Any parts of colonized oaks that do not have bark removed, including logs, branches, stumps, and firewood.

(Ord. No. 08-05, § 1, 4-28-08)

Sec. 82-33. Emerald Ash Borer.

Emerald Ash Borer infestation defined as follows:

(1) Any living or standing Ash tree species or cultivars of these species; including Green Ash (*Fraxinus pennsylvancia*), White Ash (*F. Americana*), Black Ash (*F. Nigra*), and Blue Ash (*F. Quadragulata*) infested with Emerald Ash Borer (*Agrilus palnipennis*) or the larva of, as evidenced by D-shaped exit holes in the bark and/or die back in the branches and epicormic growth along its trunk.

(2) Any parts of infested Ash trees that do not have bark removed, including logs, branches, and firewood.

(Ord. No. 08-05, § 1, 4-28-08)

Secs. 82-34--82-60. Reserved.

ARTICLE III. FORESTRY

Sec. 82-61. City forester.

(a) *Designation.* The city may employ a city forester, or designate its street superintendent to perform the duties thereof, who, under the supervision of the director of public works and utilities and the park board or its designated tree board committee, shall exercise designated powers and duties. City forester selection shall be based upon skills and certifications as set forth in the most recent job description for the position. The city forester shall generally receive direction from the street superintendent where the city forester is different than the street superintendent.

(b) *Duties.* The city forester shall have the following duties:

(1) Exercising the duties conferred in W.S.A., § 27.09.

(2) Administering and enforcing this article.

(3) Preparing an annual forestry plan to be submitted to the board, and implementing such program as adopted and amended from time to time. The forestry program shall include a comprehensive plan including maintenance, inventory and new planning with budget projections for annual and long range implementation.

(4) Supervising subordinates, overseeing other employees and administering contracts related to the forestry program and this article.

(5) Conducting or authorizing inspections, tests, planting, replacements, pruning, emergency removal, treatments and maintenance, and issuing permits as necessary to implement the forestry program and this article. Inspections of private property, defined as lands not owned, controlled or leased by the city, shall be at reasonable times with the consent of the owner or person in charge or by special inspection warrant. The annual tree removal list shall be subject to approval of the park board.

(6) Assisting any person having a permit to move a building, structure or oversized load upon a public right-of-way, defined as the part of every street between the lot line and the curb, pavement or street line, and shall include sidewalks and lawn parks, in selecting a route which will cause minimal potential damage to trees.

(7) Promulgating written guidelines for permitted work, to be filed in the department of public works and utilities.

(c) *Plan.* The city forester, under the direction of the director of public works and utilities, shall prepare a forestry plan which shall include one or more of the following programs: A city lawn park beautification program to provide for tree plantings and replacement in lawn parks. The program shall provide for the cost of tree planting to be borne jointly by the abutting property owner and the city, as determined by the board.

(Ord. No. 97-7, § 34.03, 5-27-97)

Sec. 82-62. Forestry permit.

(a) *Required; associated costs.* No person shall plant, replace, prune, alter, do surgery on a tree or disturb the land within the dripline of any tree on public property, defined as public rights-of-way, city lawn parks, boulevards, parks and other lands owned, controlled or leased by the city, or cause such work to be done by others, without first obtaining a written permit for such work from the city forester as provided in this section. The permit holder shall be responsible for paying for the cost of all work performed, unless acting under contract with the city or its subunits.

(b) *Exemptions.* No person shall be required to obtain a permit to fertilize, water or mulch trees in a lawn park, defined as the area of public right-of-way between the street and sidewalk or private property line if a sidewalk doesn't exist, abutting their property.

(c) *Application.* Any person who applies for a permit shall make the application in writing, on city forms.

(d) *Issuance, fee.* When the city forester determines that any proposed work described in an application for a permit is in accordance with the provisions of this article, taking into account the public health, safety and welfare, the location of utilities above and below ground, public sidewalks, driveways, street lights and signs, the general character of the area in which the tree is located or proposed to be located, the type of soil, the characteristics and physiological need of the genus, species and variety of the tree, then a permit may be issued or denied as appropriate under the circumstances, with conditions or limitations, without a fee therefor. The applicant shall contract Digger's Hotline prior to causing any excavation.

(e) *Description of intended work; duration.* Every permit issued by the city forester shall include a description of the work to be done and shall specify, in the case of plantings, the genus, species and variety, size, nursery grade and location of trees to be planted. Any work done under such permit issued under this section shall expire nine months after the date of issuance.

(f) *Permit violation.* It shall be a violation of this article for any person to perform work under a permit contrary to the permit terms and provisions of this article. A permit violator shall be responsible for the repair and replacement of any tree, defined as tree or shrub, damaged or destroyed due to defective work or noncompliance with this article for two full growing seasons following performance of work.

(g) *Annual public utility and contractor permits.* Public utilities and contractors shall apply for and, if approved, may obtain, in accordance with this article, an annual forestry permit subject to the following additional conditions, unless waived for just cause by the city forester:

(1) Provide the city forester with 15 days' advanced, written notice of work to be performed.

(2) Perform the work in conformance with this article and written guidelines and directives of the city forester.

(h) *Revocation.* Any permit granted under authority of this article may be revoked by the city forester for just cause upon ten days' advanced, written notice and an opportunity to be heard. The revocation of any permit may be appealed to the board within ten days of receipt of written notice of revocation.

(Ord. No. 97-7, §§ 34.04, 34.07, 5-27-97)

Sec. 82-63. Trees in lawn parks and public rights-of-way.

The following regulations respecting trees in lawn parks and public rights-of-way shall apply, unless a variance is granted for just cause by the city forester:

(1) *Genus, species, variety, size and manner of planting.* The city forester shall approve the genus, species, variety, size and manner of planting of trees planted in any lawn park or public right-of-way. All trees shall be selected, cared for, and planted in accordance with ANSI A300-1995, NAA standards, and all other standards as applicable. All trees, shrubbery and planting material set out or planted in lawn parks and public rights-of-way shall be under the order, direction and supervision of the city forester.

(2) *Tall growing trees under utility wires.* Planting of tall growing tree species under utility wires is hereby prohibited. Tall growing trees are any tree that may grow larger than 20 feet in height. A determination as to the anticipated size of a tree species can be made by comparing mature trees of the same species within the city area and review of the city forester's low-growing tree approval list.

(3) *Minimum size.* The minimum size of any tree planted in a lawn park or public right-of-way shall be 1 1/2 inches in caliper measured at six inches above the ground.

(4) *Distance limitations.* No tree shall be planted in a lawn park or public right-of-way within 15 feet of a street corner, alley, street light, traffic sign or traffic signal or within 30 feet of another tree located in the lawn park or public right-of-way. No more than one tree shall be planted in a lawn park or public right-of-way abutting a lot having a frontage at the street of less than 75 feet, unless specifically approved by the city forester.

(5) *Required pruning.* Trees planted within any lawn park or public right-of-way shall be trimmed so that any branches or foliage projecting over any public right-of-way which is the subject of vehicular traffic provide a clearance of not less than 12 feet from the pavement and any branches or foliage projecting over any public right-of-way which is the subject of pedestrian traffic provide a clearance of not less than eight feet from the pavement or ground. This work shall typically be performed by the city. Trees shall be pruned in such a manner as to preserve their health and maintain a natural shape.

(6) *Visual clearance.* Visual clearance, as defined in the zoning ordinance, shall be maintained.

(7) *Tree removal.* The park board or director of public works and utilities, on approval from the board, shall approve all nonemergency tree removals. Trees which are cut down shall be removed with the root stump grubbed or ground out to a depth at least nine inches below grade. Surface roots beyond the main stump are to be removed to a depth at least five inches below grade. All wood and debris shall be removed from the site and no wood or debris shall be permitted to remain on the street or sidewalk when work on any day is concluded. Holes must be safeguarded by a barricade if not immediately filled. The city will fill holes as soon as practicable, which shall be topped with a minimum of two inches of topsoil and seeded. The site shall be barricaded to protect the public at any time work is in progress. A permit may be issued by the board or the director, with concurrence of the board chairman, to an abutting property owner to remove a lawn park tree having a diameter in excess of six inches measured 54 inches from grade, shall also be conditioned upon proof of liability insurance covering death and personal injury and property loss or damage in the amount of \$250,000.00. Trees shall be dropped away from the parkway or street to protect all other public trees. A permit may be issued by the city forester without proof of insurance for removal of trees less than six inches in diameter.

(8) *Sidewalks.* Sidewalks, paving and other surfaces impervious to water shall not be constructed within two feet of the base of any tree without approval of the city forester. It is the property owner's responsibility to maintain sidewalks adjacent to trees.

(9) *Roots.* Roots greater than two inches in diameter shall not be severed without the permission of the city forester. When removed from "live" trees, all roots shall be cut cleanly. The city may grind roots interfering with sidewalk replacement upon seven days'

advanced notice. The critical root zone, defined as 12 times the tree diameter at breast height (DBH), shall also be protected from activity which could result in damage. This includes heavy vehicle and construction equipment traffic. Protection may include placement of 12 inches of mulch or other measures as required by the city forester.

(10) *Boring.* Boring shall be done under a tree only when necessary, and at a minimum depth of 30 inches below grade to avoid the roots of trees. Refer to the city construction manual for additional information.

(11) *Sidewalk excavation.* Sidewalk excavation shall be allowed to a maximum depth of six inches.

(12) *Curb excavation.* Curb excavation shall be allowed to a maximum depth of 18 inches.

(13) *Notice of planting and removal.* Whenever the city forester proposes the planting or removal of any tree, he shall give two weeks' advance written notice to the owner of record or person in charge of the lot or parcel of land adjacent to the land on which such tree stands or will stand. The written notice shall advise that written, detailed objections may be sent or served upon the city forester within the two-week period. The notice shall specify in detail the street, avenue or boulevard from which trees are proposed to be planted or removed and the general nature and character of the changes and improvement contemplated. After reviewing any written objections which may be submitted, the city forester may modify planting plan or forward objections to removals to the board for final decision. No prior notices by the city forester are required for the trimming of living trees or for the emergency removal of dead or dangerous trees. The absence of a timely notice shall not render any work performed invalid.

(14) *Sanitary sewers clogged with tree roots.* Abutting property owners shall be responsible for cleaning and repairing sanitary sewer laterals which are clogged with the roots from lawn park trees. The abutting property owner, when performing any work within the dripline of a healthy tree, shall take such measures as directed by the city forester to protect trees from injury and damage, up to and including tunneling. Cost for removal of any tree to accommodate a sanitary sewer repair shall be the property owner's responsibility.

(Ord. No. 97-7, § 34.05, 5-27-97)

Sec. 82-64. Public nuisances on private premises.

(a) *Notice to abate public nuisance.* Whenever the city forester shall find that any tree or part thereof growing or located upon private property, defined as a private tree, is a public nuisance, defined as any tree or part thereof which by reason of its condition interferes with the use of any public area including as defined in subsection 82-63(5) for public trees; or which is infected with a plant disease, or which is infested with injurious insects or pests which threaten public or private property, particularly Dutch Elm Disease, Oak Wilt Disease, and Emerald Ash Borer infestation, or which endangers the public health, safety and welfare, he shall notify the owner thereof, in writing, that the nuisance must be abated as directed in the notice the time specified, which time shall not be less than 30 days, unless the city forester shall determine that immediate action is necessary to preserve the public health, safety and welfare, in which event a lesser period of time for abatement shall be provided.

(b) *Service of notice.* Notice shall be served on the owner of record of the lot identifying those conditions which constitute a public nuisance and demanding abatement by a time certain in the manner and to the extent prescribed by the notice. Service shall be by personal service or by certified mail-return receipt. If the owner cannot be served or if there is no certified mail-return receipt, the order may be served by posting it on the main entrance of the building or structure, if any, or where no

building or structure is present, by posting a sign on each side of the lot, and by publishing as a class 1 notice under W.S.A., ch. 985.

(c) *Failure to abate.* If the owner fails to remedy or improve the public nuisance described in the written notice, then the city forester shall, after the expiration of the period specified in the written notice, cause the nuisance to be abated.

(d) *Abatement by city.* The abatement may be performed by city personnel or by a contractual agreement with others entered into by the city and cost charged to the owner as described under section 82-68.

(e) *Hearing.* The owner, upon written request to the city forester, served and postmarked during the notice period, shall be granted a hearing before the city forester. Where possible, the hearing should be within ten days following the request therefor. The hearing shall give the owner the opportunity to contest the existence of facts sufficient to form the basis for the finding of a public nuisance as described in this section. Following the hearing, a written statement of the findings of the city forester shall be sent by regular mail to the owner at the address given by the owner at the hearing. The city forester may, for good cause, extend the period of time for abatement of the nuisance.

(f) *Appeal.* The written order of the city forester, where a hearing has been held, may be appealed to the park board upon written request to the city forester, served or postmarked within ten days of the date of the written order. Where possible, the appeal should be heard at the next scheduled meeting of the board, provided that the request for review is received by the city forester at least seven days prior to the next scheduled meeting of the board.

(g) *Special assessment.* Following abatement of the public nuisance, the city forester shall bill the owner for the cost of abatement. If such bill is not paid within 30 days, the bill shall be processed as a special assessment against the property.

(h) *Emergency procedure.* The notice procedure specified in subsection (b) of this section does not apply when circumstances arise which require immediate action to protect the public from imminent harms, such as sickness, disease or personal injury. In determining imminent harm, there must be a balancing of the rights of the landowner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action. However, where possible, the landowner should be given a minimum of 24 hours' written or oral notice prior to city abatement action. This article shall otherwise apply, except for the notice and appeal procedures, which shall be as stated in this section.

(Ord. No. 97-7, § 34.06, 5-27-97; Ord. No. 08-05, § 1, 4-28-08)

Sec. 82-65. Injury to trees.

No person, upon public property, shall:

(1) Injure, destroy, damage, mutilate, top, deface or commit any act which will prevent the growth or cause the death of any tree.

(2) Secure, attach, fasten, nail or run through any rope, cable, wire, sign or fixture to, around or through any tree.

(3) Deposit, place or permit the deposit of any toxic or hazardous substance on or about any tree. This includes construction-related activity which could adversely impact upon public trees, either chemical in nature or placement of poles of excavated material, topsoil, etc., within the critical root zone.

(Ord. No. 97-7, § 34.09, 5-27-97)

Sec. 82-66. Administrative remedies.

Until the provisions of this article, including the conditions on any permits issued pursuant to this article, have been fully met, the city shall withhold issuance of any conditional use permit, building permit, certificate of occupancy or inspection required under the current city building code or issue stopwork orders for any land development or activity involving tree removal.

(Ord. No. 97-7, § 34.11, 5-27-97)

Sec. 82-67. Penalty for violation of article.

(a) Any city department which observes a violation of this article shall bring the violations to the attention of the city forester.

(b) Any person who by himself or by his/her agent or employee shall violate any of the provisions of this article shall be subject to penalty as provided in section 1-12. A separate offense shall be deemed to have been committed on every day on which a violation occurs or continues.

(Ord. No. 97-7, § 34.12, 5-27-97)

Sec. 82-68. Special assessment.

(a) Pursuant to W.S.A., § 27.09(5), the entire or any part of the costs of forestry for trees and shrubs in front of each lot or parcel of land abutting may be chargeable to and assessed upon such lots or parcels of land.

(b) Prior to assessment, a public hearing shall be held on the proposed assessment and notice given by publication of a class 2 notice under W.S.A., ch. 985.

(Ord. No. 97-7, § 34.13, 5-27-97)

LAKE GENEVA CITY FORESTRY PLAN 2023

1. **Planting** list for the fall of 2023 will include replacement tree sites in city terraces and parks and in White River Frisbee golf park. Hoping to plant around 100 trees this year with the 15,000\$ budgeted monies to be used for natives and some non-natives that thrive in the city terrace making sure we have enough diversity and durability to keep our urban vibrant and healthy for years to come.
2. **Pruning** street trees and park trees for structural defects, dead wood removal, aesthetic appearances, clearances for streets, street lights and sidewalks.
3. **Removals** of all dead, diseased and hazardous trees on terraces and parks which may include some of the newly acquired Hillmoore property.
4. **Tree Inventory/GIS** maintenance is a continual process as new subdivisions are added and new plantings put in. Almost every public tree within the City limits is on our City GIS map with a location mark, for purposes of identification, condition report including heights and DBH for reference and tree maintenance. Looking at updating all the new subdivision like Symphony Bay, Stone Ridge and Edgewood Vista.
5. **City Code** chapter 82 Vegetation under Article III Forestry could use some updating, attached is the current city code with a copy of the proposed revision.

MUNICIPAL CODE REVISION (NEW)

Chapter 82. Vegetation

Article III. Forestry

Sec. 82-61. City Forester.

[Ord. No. 97-7, § 34.03, 5-27-1997]

(c) Plan. The City Forester, under the direction of the Director of Public Works, shall prepare a forestry plan which shall include one or more of the following programs. A city lawn park beautification program to provide for tree planting and replacement in lawn parks and public right of ways. The program shall provide for the cost of tree planting. After review by the Tree Board, the Park Board shall make a recommendation of the plan to the City Council. This plan shall be reviewed and updated as necessary.

Sec. 82-63. Trees in lawn parks and public right-of-way.

Ord. No. 97-7, § 34.05, 5-27-1997]

(7) Tree removal. The city forester shall submit to the Director of Public Works and the Tree Board, a list of non-emergency trees to be removed along with a brief description of the location, species and need/cause for removal. This list shall be compiled when necessary. Trees which are cut down shall be removed with the root by a stump grinder at least nine inches below grade. All wood and debris shall be removed from the site and no wood or debris shall be permitted to remain on the street or sidewalk when work on any day is concluded. Holes must be safeguarded by a barricade if not immediately filled. The city will fill holes as soon as practical with organic fill and dressed with top soil and grass seeded. The site shall be barricaded to protect the public at any time work is in progress. A permit may be issued to an abutting property owner to remove a lawn park/terrace tree upon approval by the City Forester and the Tree Board or the Director of Public Works in concurrence with the Park Board. The reason shall be included in the permit application. The permit shall be conditioned upon proof of liability insurance covering death and personal injury and property loss or damage in the amount of \$250,000. Trees shall be removed without damage to the neighboring trees, asphalt or curb & gutter. Property owners who removed terrace trees without a permit may be subject to fines including replacement costs. Private removals shall abide by the same rules listed in article (7).

(13) Notice of planting and removal. Whenever the City Forester proposes the planting or removal (except emergency removals) of any tree he shall give two weeks advance written notice by way of door hanger flyer with the address, tree identification of the planted/removed tree and the reason for removal. White paint marks on the tree to be removed or on the ground where tree is proposed to be planted will also be used. The notice will include a phone number and email address for the City Forester. Questions concerning the work must be submitted to the City Forester within two weeks of the date of the served notice. After reviewing any questions submitted, the City Forester may modify planting plan or forward objections to removals to the Tree Board or Director of Public Works for final review. No prior notices by the City Forester are required for trimming or pruning or for the emergency removal of dead or dangerous or diseased trees. The absence of a timely notice shall not render any work performed invalid.