

NATURAL RESOURCES

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**7.01 PARKS AND RECREATION FACILITIES.**

(1) **Purpose.** The purpose of this chapter is to regulate the use of the facilities and property under the jurisdiction of the Village Park, Forestry, Trails, & Recreation Committee. The term "park" as used in this chapter shall include all Village parks, Village boat ramps, and such other facilities and property that is presently or may hereafter be placed under the advisory jurisdiction of the Village Park, Forestry, Trails, & Recreation Committee or Harbor Commission as expressly addressed in Wis. Stats. §30.38.

(2) **General Restrictions.** No person or group using a park shall perform or permit others under their custody or control to perform any of the following acts:

(a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove, any trees, plants, or other natural features,

buildings, bridges, tables, benches, fireplaces, railings, signs, monuments, stakes, posts or other markers, other structures, equipment, facilities, improvements, or park property, or parts or appurtenances thereof whatsoever, either real or personal.

(b) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river, bay, or other body of water or on the ice thereof in or adjacent to any park, any substance, matter, or thing, liquid, or solid which will or may result in the pollution or alteration of the environment of said waters.

(c) Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance or would be offensive or disruptive to other users of the parks.

(d) Endanger the safety of or damage the property of any person by any conduct or act.

(e) Violate any rule for the use of the park established by the Village Park, Forestry, Trails, & Recreation Committee.

(f) Prevent any person from using any park, or any of its facilities, or interfere with such use which is in compliance with this section and the rules applicable to such use.

(g) No person shall pluck or cause injury to any flowers, plants, shrubs, or trees growing in any park.

(h) No person shall mistreat any bird or fowl or injure or remove any nests.

(i) No person shall injure, deface, destroy, steal, take, or carry away any equipment used in or about the parks.

**(3) Hours of Operation.**

(a) All parks shall be closed to the general public from 10 p.m. to 8 a.m. and it shall be unlawful for any person or group to occupy or be present in any park during hours in which the park is not open to the public, except where a special permit or permission in writing has been granted by the Park, Forestry, Trails, & Recreation Committee or Public Works Director for a group to conduct an activity or use specific facilities or buildings for an activity which extends beyond the regular closing hours.

(b) Any park or part thereof may be declared closed to the public by the Park, Forestry, Trails, & Recreation Committee or Public Works Director at any time and for any interval of time, either temporarily or at regular or stated intervals. It shall be unlawful for any person to enter or be present in any park or portion thereof, which has been closed to the public.

**(4) Fires.**

(a) No person or group shall build or maintain a fire in any park, except in grills, fireplaces, or fire rings specifically provided for that purpose.

(b) No person or group shall leave a fire

unattended, and all fires shall be extinguished before leaving the area.

**(5) Refuse.**

(a) No person or group shall bring in, dump or deposit, any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash in any park or leave such materials therein except in receptacles provided for this purpose.

(b) Charcoal residue is to be left in the fireplace or grill or placed in a charcoal disposal container when provided.

(c) Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for its presence.

(d) Where receptacles for rubbish, waste, trash, or other refuse are provided for persons using park facilities, no person shall leave, deposit, or place any such refuse or household garbage not generated by use of the park's facilities, in or near such park receptacles or anywhere on the premises of any park. For purposes of this subsection the term "household garbage" means those discarded materials resulting from the handling, processing, storage, and consumption of food and all other materials produced from community life which have not been generated by the use of park facilities.

**(6) Firearms, Bows, Trapping.**

(a) It shall be unlawful for any person to have in his or her possession or under his or her control any firearm, air-gun, slingshot, bows, or spring-loaded device designed for shooting a projectile unless the same is unloaded and enclosed in a carrying case, or any bow unless the same is unstrung or enclosed in a carrying case, or have in his or her possession a trap(s) which can be used for trapping animals. No person shall take, catch, kill, trap, pursue, or otherwise disturb any wild animals or birds in any park.

(b) In those parks or portions thereof designated by official action of the Park,

Forestry, Trails, & Recreation Committee and properly posted by the Public Works Director where tree stands are allowed, the stands must be removed at the end of each day and no vegetation shall be cut or cleared when erecting or removing such a stand. Tree stands shall bear the name and address of the owner.

(c) Nothing in this section shall prohibit the use of the aforementioned weapons on designated target ranges in parks or other designated areas therein. Further, nothing in this section shall prohibit deer hunting during open seasons in such parks or portions thereof as may be designated by the Park, Forestry, Trails, & Recreation Committee.

**(7) Pets.** Dogs, cats, and other similar domestic pets and exotic animals shall not be permitted in any park area in the Village. No pets shall be allowed in buildings or picnic areas. Certified service animals and police authorized animals are exempt from this section.

**(8) Horses.** No person shall bring a horse into or ride a horse in any park except that horseback riding shall be permitted in areas specially designed for horses.

**(9) Motor Vehicles.**

(a) No person shall drive or park a motor vehicle, including snowmobiles and ATVs, in any park, except on such roads or parking lots specially designated for the use of motor vehicles.

(b) No person shall operate a motor vehicle at a speed in excess of fifteen (15) miles per hour or in excess of any other posted speed limit while in a park.

(c) No person shall operate a motor vehicle in a reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of persons using the parks or property therein.

**(10) Snowmobiles.**

(a) Snowmobiles shall not be operated in any park except on trails specially marked,

opened, and designated for snowmobile use.

(b) Snowmobiles shall not be operated in excess of twenty (20) miles per hour except where other speed limits are posted.

(c) On trails that have been marked and designated for one-way traffic snowmobiles shall be operated only in the direction so designated.

**(11) Off-the-Road Vehicles.** No person shall ride or operate, or permit a child to operate, any bicycle, mini-bike, trail bike, all-terrain vehicle or other vehicle except in areas specially designated for their use.

**(12) Hunting and Fishing.**

(a) Except as herein provided, no hunting shall be permitted in any park.

(b) Fishing shall be permitted, except in such areas as are specially posted as being closed to fishing.

(c) No person shall discard any fish, animal, or part thereof on any park property or in any receptacle located in any park.

**(13) Molesting Animals.** No person shall molest, disturb, chase, or throw objects at any animal or bird within any park.

**(14) Food and Beverages.**

(a) No person or group shall use any portion of the picnic areas or the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons without a written permit.

(b) Employees shall be authorized to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use and enjoyment by the public of such facilities.

(c) Excessive use of alcoholic beverages shall be prohibited in all parks, and any person or group who, in the opinion of authorized park personnel or law enforcement officer, has become intoxicated or has consumed alcoholic beverages to the extent that the person or group interferes with the use of the park by others shall be required to leave the park.

**(15) Group Activities.** Groups and organizations shall obtain a permit from the Clerk to use specific park facilities or buildings for a particular event. The Clerk shall establish such rules and regulations as it deems necessary for the issuance of such permits and may charge a fee or require a deposit as set from time to time by resolution of the Board to ensure the premises are left in good order.

**(16) Other Activities.** No person or group shall engage in ball games or other sport activities, except in such areas as are designed for those purposes or in such areas where such activity will not interfere with the use and enjoyment of the park by others.

**(17) Sales.** No person or group shall vend, sell, or offer for sale any food, beverage, or other commodity or article within any park to the public without written authorization from the Park, Forestry, Trails, & Recreation Committee or the Park Director.

**(18) Signs.** No person or group shall paste, glue, tack, or otherwise post any sign, placard, or advertisement, or distribute any handbills, pamphlets or other materials, or solicit business of any nature in any park without written authorization from the Park, Forestry, Trails, & Recreation Committee or Park Director.

**(19) Camping.** No camping shall be permitted in any park, except as specifically approved by the Park, Forestry, Trails, & Recreation Committee for special events. A fee as set from time to time by resolution of the Board may be associated with the special event to be determined by the needs of the event. The Park, Forestry, Trails, & Recreation Committee shall adopt regulations for the camp ground, and any camper who disobeys these regulations may be required to leave the park.

**(20) Metal Detectors.** No person shall operate a metal detector in any park without a written permit from the Park, Forestry,

Trails & Recreation Committee or Park Director.

**(21) Noise.** No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life, or limb of some person.

**(22) Additional Rules and Regulations.** The Park, Forestry, Trails, & Recreation Committee is authorized to enforce the rules, regulations, and policies of the Board as may be necessary for the management of parks and the uses thereof. It shall also be the duty of the Park, Forestry, Trails, & Recreation Committee to develop and recommend additional rules, regulations, and policies to the Board as may be necessary for the improved management of parks and the uses thereof.

**(23) Trespass.**

(a) The Park, Forestry, Trails, & Recreation Committee, Park Director, or Police Department may eject a person from all Village parks for a period of time if that person violates park rules, Village Code, or state laws in a Village park. Appeals can be made to the Board or its designee.

(b) It shall be unlawful for a person to enter a Village park during the period of ejection under Sub. (a) above.

**(24) Parental Violation.** A parent, guardian, or other person having custody of an un-emancipated minor child, who has been advised of the child's ejection from the Village parks, may be cited if the child trespasses in a Village park in violation of Sub. 23(b) above. Citations may be issued under this subsection regardless of whether the child is cited. "Custody" has the same meaning as in Wis. Stats. §895.035(1)(a) and (b).

**7.02 SUAMICO HARBOR REGULATIONS.**

**(1) Definitions.**

(a) *Board.* The Village Board of the Village of Suamico.

(b) *Harbor.* Suamico River Harbor.

(c) *Harbor Commission.* The body appointed under the Village Charter Ordinance holding all of the powers authorized to Park, Forestry, Trails, & Recreation Committee pursuant to the Village Charter Ordinance.

(d) *Mooring.* Means a mooring anchor and mooring buoy together with attached chains, cables, ropes, and pennants and related equipment, unless the term is qualified or restricted.

(e) *Mooring anchor.* Any anchor or weight which is designed to rest on the bed or to be buried in the bed of navigable water, which is designed to be attached by a chain, cable, rope, or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.

(f) *Nuisance.* Any mooring, mooring anchor, or mooring buoy which is placed or used in violation of this ordinance constitutes a public nuisance. The Village shall remove unlawful moorings as provided under and pursuant to Wis. Stats. §66.0495.

(g) *Pier.* A raised walkway over water supported by piles or floats.

(h) *Power loading.* The practice of putting on or taking off, from a trailer, carriage, or device, a watercraft while under motor power, whether by main, auxiliary, or trolling power devices.

(i) *Suamico River Harbor.* That portion of the Suamico River from the Side Street railroad trestle east to the end of the Federal Channel in the Bay of Green Bay as determined by the U.S. Coastguard Buoy #1. The Inner Harbor is defined as: that portion of the Suamico River from the Side Street railroad trestle east to its confluence with the

Bay of Green Bay as defined by U.S. Coast Guard Buoy #1. The Outer Harbor is defined as: that portion of the Suamico River in the Federal Channel from its confluence with the Bay of Green Bay at U.S. Coastguard Buoy #1, east to the end of the Federal Channel in the Bay of Green Bay as determined by the U.S. Coastguard Buoy #1.

(j) *Unsafe loading practice.* The practice of launching or loading a watercraft that is done in such a manner as to either put participants or others, or the property of participants or others, at risk of injury or damage, and/or such loading procedure is done in such a way that the actions tend to create a disturbance in a public place as is prohibited by appropriate sections of the Suamico Municipal Code.

(k) *Watercraft.* All motorized and non-motorized boats, personal watercraft, hydroplanes, amphibious vehicles, jet skis, sailboats, hovercraft, or any other craft or vehicle used upon the water.

(l) *Wharf.* Is defined as a fixed platform roughly parallel to and alongside navigable water used for mooring and loading purposes.

**(2) Applicability.** This section shall apply to the Suamico River Harbor in its entirety and as authorized by Wis. Stats. §30.772-30.773.

**(3) State Boating and Safety Laws Adopted.** State boating and mooring laws as found in Wis. Stats. §30.50, through and including §30.71 and Wis. Stats. §30.772 are hereby adopted by reference.

**7.03 ESTABLISHMENT OF 40-FOOT FREE ZONE.**

(a) *Policy.* Wis. Stats. §30.772 (3) allows the governing body of a municipality with jurisdiction over navigable waters to adopt local regulations relative to the placement and use of moorings including the distance between moorings, properly

marked and established traffic lanes, the safe distance of moored boats from any other moored boat or structures including piers, rafts, docks, and wharves.

The Board finds that to ensure the freedom of river traffic and navigation a width of forty feet (40'), an area equal in distance from both river banks as defined by the bulkhead line shall remain free of obstructions, both permanent and temporary. However, the width and alignment of said forty-foot (40') free zone may be modified as deemed appropriate by the Harbor Commission.

*(b) Prohibition and Exceptions.*

1. Boats, rafts, and barges affixed to structures abutting the free zone may not extend beyond the end of said structure.
2. Boats, rafts, and barges affixed to the river bank may not extend into the free zone.
3. The free zone may be used for fishing providing the navigation of the river is not blocked.

**7.04 ANCHORING.**

**(1) Dragging Anchors.** No person while operating a boat in the Harbor limits shall permit the boat anchor to drag on the bottom of the Harbor.

**(2) Anchoring in Traffic Lanes.** No person shall anchor any boat in the forty-foot (40') free zone of the Harbor so as to prevent, impede, or interfere with the safe passage of any boat through the anchoring.

**7.05 MOORING PERMIT REQUIRED; LIMITATIONS.** The intent of the Village in establishing an authorized mooring area is to provide safe and healthful beneficial conditions for the enjoyment of aquatic recreation consistent with public rights and interest within the capabilities of the water resource.

**(1)** Any person erecting, installing, maintaining, or exercising control over a freestanding mooring within the Harbor

shall obtain a mooring permit in accordance with Wis. Stats. §30.772-30.773.

**(2)** Any person applying for a mooring permit shall also:

*(a)* Demonstrate to the satisfaction of the Harbor Commission that a need for the mooring exists by:

1. Furnishing the Harbor Commission with proof of boat registration for each mooring requested, or
2. For persons owning boats not requiring registration, proof of boat ownership for each mooring requested; or
3. By showing that circumstances exist which require that a mooring be available for intermittent or temporary use; and
4. By verifying that no other viable and safe alternative exists for securing the boat in question; and
5. Show to the satisfaction of Park, Forestry, Trails, & Recreation Committee that the petitioner has legal access over land to such mooring; and
6. Show to the satisfaction of Park, Forestry, Trails, & Recreation Committee that such mooring will not be sold or leased.

*(b)* Furnish any additional information required by the Harbor Commission to determine that a proposed mooring meets the requirements of this section.

*(c) Duration.* No mooring shall be placed prior to the third (3<sup>rd</sup>) Saturday in April. Moorings must be removed by November 15 of each year, and all moorings not so removed, and any other illegal moorings at any time, will be removed in accordance with Wis. Stats. §30.13(5m).

*(d)* It shall be illegal for a permittee, without approval of the Harbor Commission, to move or cause to be moved a mooring that has been approved in a particular location.

*(e)* The Harbor Commission shall not deny a mooring permit to any person, or place any limitations on the type of craft permitted at a mooring, when reasonable

need exists, there is no opposition from abutters, and there is no evidence that the mooring will not unreasonably obstruct navigation or interfere with the public rights and interests in the navigable waters or with the rights of other riparian owners.

**(3) Prohibited Moorings.** Mooring shall not be permitted:

(a) Within the confines of the Suamico River;

(b) In such a manner that would impinge on the lawful rights or ability of adjacent riparian owners to pursue or engage in activities related to riparian ownership;

(c) To a public wharf or pier for reasons other than loading or unloading.

#### **7.06 ESTABLISHMENT OF PIER**

**HEAD.** In areas where the channel is near one (1) shoreline where boatlifts, piers, docks, or similar structures extend into the channel, the Suamico Harbor Commission shall retain the ability and authority to establish a pier head line(s) in the event that navigation is compromised due to extended periods of low water or as deemed appropriate.

#### **7.07 DAMAGE TO INSTALLATIONS.**

No person shall carelessly, willfully, or negligently operate a boat or permit a boat to be so operated so as to cause it to run into any bridge or bridge abutments, piers, signs, buoys, or docks of the Harbor and waterways of the Village. Any violator of this section, in addition to the penalty imposed for violation in Section 7.99, shall be liable for all resulting damages to such installations.

**7.08 DUTY OF RENDER AID.** Insofar as he or she can do without serious danger to his or her own boat or persons on board, the operator of a boat involved in a boating accident shall stop his or her boat and shall render to other persons affected thereby such

assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident. The boat operator shall give his name and address and identification of his or her boat to any person injured and to the owner of any property damaged in the accident.

#### **7.09 LITTERING AND REFUSE ON**

**WATERS.** No person shall throw or deposit any type of debris or waste material into any portion of the Inner Harbor, Outer Harbor, marina, or any other water of the state.

**7.10 MUFFLERS.** The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which meets Wis. Stats. §30.62(2).

#### **7.11 POWER LAUNCHING.**

(1) It shall be unlawful for anyone to launch, load, or embark a watercraft with either an unsafe loading practice or in using a power loading method of loading or launching the watercraft at any launch site under the jurisdiction of the Harbor Commission.

#### **7.12 SUAMICO RIVER SPEED RESTRICTIONS & POSTINGS.**

Watercraft shall be operated in a manner consistent with the slow no wake and speed regulations as defined and regulated in the most current edition of the Wisconsin State Boating Regulations. Slow no wake means that speed at which a boat moves as slowly as possible while still maintaining steering control. Watercraft speed shall be such that the wake created does not cause undue endangerment to other watercraft nor shall the wake have an unnecessary negative impact on the shoreline, piers, or moorings. Speed shall also be so controlled as to avoid colliding with any object, person, or conveyance lawfully in or on the water.

**7.13 DUTIES.** It shall be the responsibility of the Harbor Commission to maintain a navigable channel free from debris and unauthorized traffic, mooring, dockage, and anchorage. The Harbor Commission shall have the ability to request and utilize assistance and expertise from any other Village department or law enforcement body to aid in upholding the duties described herein.

**7.14 WATER QUALITY.** The Board and Harbor Commission hereby adopt NR 215, Wisconsin Administrative Code 283.13(2)(b) and (c), and 283.21(1)(b) and (d) as well as United States Code 33, 1251 – 1376 to protect the water quality of the Suamico River, Lake Michigan, and Bay of Green Bay.

(1) Fertilizers, pesticides, or any other chemical or substance designated a pollutant by NR 215 shall be utilized within the parameters of current best practices and current technology.

(2) Chemical use by governmental bodies pursuing elimination of invasive species shall be exempt from this section.

**7.15 BULKHEAD.**

(1) **Establishment.** The Village elects to exercise its authority under Wis. Stats. §30.11 (1) and establish a bulkhead line as described;

1. A bulkhead line along the northerly shore of the Suamico River, said bulkhead line being in the Village, Brown County, Wisconsin, more particularly described as follows:

The bulkhead line is located in part of Sections 14, 22, 23, and 24, Township 25 North, Range 20 East, Village, Brown County, Wisconsin described as follows:

Commencing at an existing Brown County monument marking a meander corner on the North line of Section 24,

Township 25 North, Range 20 East, thence S 7Deg-21'-56" E 1,099.95 feet; thence S 68Deg-42'-56" E 193.13 feet to a 2" Iron Pipe; thence continuing S 68Deg-42'-56" E. 31.00 feet to the point of beginning of said Bulkhead Line; thence S 38Deg-57'-19" W 40.68 feet; thence N 74Deg-35'-40" W 172.45 feet; thence N 3Deg-55'-36" W 29.83 feet; thence N 73Deg-49'-00" W 75.36 feet thence; N 56Deg-09'-30" W 64.56 feet; thence N 70Deg-57'-59" W 311.42 feet; thence N 85Deg-08'-53" W 76.40 feet; thence S 82Deg-49'-50" W 234.90 feet; thence S 88Deg-04'-58" W 183.99 feet to a chiseled cross in a limestone rock marking a break point in the Bulkhead Line; thence N 83Deg-42'-30" W 58.54 feet to a chiseled cross in a limestone rock marking the resumption of the Bulkhead Line; thence S 57Deg-17'-37" W 239.90 feet; thence S 40Deg-55'-04" W 237.16 feet; thence S 64Deg-30'-03" W 151.03 feet; thence N 85Deg-32'-45" W 85.82 feet; thence N 75Deg-11'-41" W 31.83 feet to a 1" Iron Pipe marking a break point in the Bulkhead Line; thence N 77Deg-27'-28" W 2,020.17 feet to a 1" Iron Pipe marking the resumption of the Bulkhead Line; thence N 75Deg-25'-16" W 165.21 feet; thence N 65Deg-36'-50" W 99.21 feet; thence N 55Deg-53'-59" W 253.96 feet; thence N 47Deg-18'-52" W 262.98 feet; thence N 47Deg-33'-37" W 96.58 feet; thence N 48Deg-47'-08" W 145.60 feet; thence N 54Deg-33'-46" W 83.16 feet; thence N 56Deg-31'-46" W 110.77 feet; thence N 72Deg-28'-08" W 35.63 feet; thence N 57Deg-29'-07" W 192.39 feet; thence N 70Deg-55'-46" W 110.94 feet; thence S 88Deg-31'-32" W 102.63 feet; thence S 68Deg-36'-11" W 141.63 feet; thence S 52Deg-50'-55" W 166.82 feet; thence S 48Deg-48'-26" W 135.79 feet; thence S 82Deg-37'-11" W 43.65 feet; thence N 19Deg-09'-16" W 61.43 feet; thence N 00Deg-47'-42" W 99.07 feet; thence N

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07Deg-16'-42" E 161.46 feet; thence N 27Deg-53'-25" W 40.33 feet; thence N 57Deg-16'-52" W 111.21 feet; thence S 79Deg-22'-49" W 119.71 feet to a 1-1/2" Iron Pipe marking a break point in the Bulkhead Line; thence S 84Deg-46'-30" W 2,005.06 feet to a 1" Iron pipe marking the resumption of the Bulkhead Line; thence N 46Deg-31'-11" W 161.83 feet; thence N 64Deg-42'-23" W 70.95 feet to a 1" Iron Pipe marking a break point in the Bulkhead Line; thence S 43Deg-43'-49" W 1,776.23 feet to a 1" Iron Pipe marking the resumption of the Bulkhead Line; thence S 30Deg-24'-42" W 158.97 feet; thence S 30Deg-58'-41" W 104.08 feet; thence S 45Deg-59'-42" W 67.79 feet; thence S 70Deg-09'-26" W 79.31 feet; thence S 76Deg-19'-28" W 92.45 feet; thence S 85Deg-39'-50" W 86.50 feet; thence N 85Deg-53'-54" W 98.76 feet; thence N 73Deg-58'-43" W 108.13 feet; thence N 62Deg-09'-20" W 107.60 feet; thence N 60Deg-14'-22" W 104.35 feet; thence N 57Deg-01'-15" W 201.01 feet; thence N 49Deg-41'-14" W 56.48 feet; thence N 42Deg-09'-18" W 111.38 feet; thence N 33Deg-01'-16" W 54.12 feet; thence N 36Deg-12'-58" W 71.04 feet; thence N 32Deg-34'-51" W 87.25 feet; thence N 57Deg-28'-28" W 74.10 feet; thence S 80Deg-00'-28" W 80.81 feet; thence N 81deg-02'-26" W 95.85 feet; thence S 75Deg-59'-18" W 44.48 feet; thence N 85Deg-21'-52" W 43.72 feet; thence S 73Deg-13'-30" W 81.40 feet; thence N 88Deg-51'-45" W 94.93 feet to a point which is S 27Deg-34'-37" W 27.00 feet from a 2" Iron Pipe marking the end of this Bulkhead Line.

2. A bulkhead line along the southerly shore of the Suamico River, said bulkhead line being in the Village, Brown County, Wisconsin, more particularly described as follows:

The bulkhead line is located in part of Sections 14, 22, 23 and 24, Township 25 North, Range 20 East, Village, Brown County, Wisconsin described as follows:

Commencing at an existing Brown County monument marking a meander corner on the North Line of Section 24, Township 25 North, Range 20 East; thence S 7Deg-21'-56" E 1,099.95 feet; thence N 49Deg-03'-31" E 129.85 feet to a 2" Iron Pipe; thence continuing N 49Deg-03'-31" E 36.87 feet to the point of beginning of said Bulkhead Line; thence N 32Deg-50'-33" W 62.45 feet; thence N 56Deg-37'-46" W 177.35 feet; thence N 64Deg-02'-53" W 151.13 feet to the start of an existing established Bulkhead Line; thence N 63Deg-03'-49" W 50.00 feet to the end of the existing Bulkhead Line; thence N 64Deg-09'-56" W 56.28 feet; thence N 78Deg-22'-14" W 63.98 feet; thence S 59Deg-44'-57" W 7.51 feet; thence N 86Deg-09'-43" W 168.43 feet; thence S 87Deg-14'-13" W 218.41 feet; thence N 83Deg-42'-44" W 75.22 feet; thence S 81Deg-00'-17" W 127.45 feet; thence S 43Deg-23'-15" W 197.97 feet; thence S 42deg-34'-27" W 109.90 feet; thence S 50Deg-20'-06" W 84.37 feet; thence S 58Deg-41'-00" W 109.05 Feet; thence S 71Deg-37'-42" W 75.43 feet; thence S 83Deg-31'-55" W 177.42 feet; thence N 79Deg-06'-58" W 67.73 feet; thence N 67Deg-25'-00" W 130.00 feet; thence N 67Deg-17'-58" W 109.59 feet; thence N 39Deg-41'-32" W 101.08 feet; thence N 76Deg-06'-41" W 84.68 feet; thence N 60Deg-30'-42" W 318.47 feet; thence N 73Deg-10'-50" W 193.77 feet; thence N 85Deg-46'-37" W 349.12 feet; thence S 80Deg-06'-50" W 254.24 feet; thence N 82Deg-15'-55" W 180.99 feet; thence N 80Deg-44'-36" W 188.81 feet; thence N 73Deg-48'-29" W 308.32 feet; thence N 58Deg-06'-00" W 379.82 feet to a 1" Iron Pipe marking a break point in the Bulkhead Line; thence N

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47Deg-08'-31" W 509.21 feet to a 1" Iron Pipe marking the resumption of the Bulkhead Line; thence N 48Deg-14'-11" W 127.99 feet; thence N 59Deg-16'-00" W 144.18 feet to the start of an existing established Bulkhead Line; thence N 44Deg-14'-38" W 55.08 feet; thence N 51Deg-51'-54" W 15.00 feet; thence N 76Deg-50'-25" W 105.00 feet to the end of the existing Bulkhead Line; thence S 89Deg-49'-00" W 60.38 feet; thence S 68deg-05'-33" W 199.59 feet; thence S 52deg-44'-48" W 232.40 feet; thence S 76Deg-12'-10" W 148.43 feet; thence N 60Deg-22'-55" W 58.52 feet; thence N 21Deg-01'-27" W 114.61 feet; thence N 10Deg-02'-38" E 47.82 feet; thence N 8Deg-56'-20" E 86.11 feet; thence N 17Deg-27'-13" E 101.03 feet; thence n 62deg-19'-47" W 35.90 feet; thence S 82Deg-41'-32" W 37.47 feet; thence S 58Deg-13'-19" W 175.42 feet; thence S 64Deg-02'-33" W 65.00 feet; thence S 54deg-35'-17" W 94.55 feet; thence S 51deg-11'-26" W 32.98 feet; thence S 77Deg-28'-49" W 60.81 feet; thence N 59deg-54'-47" W 22.53 feet; thence S 73Deg-40'-07" W 59.92 feet; thence S 53Deg-03'-53" W 38.47 feet; thence S 85Deg-04'-53" W 77.12 feet; thence N 77Deg-38'-17" W 190.38 feet; thence S 80deg-33'-31" W 41.38 feet; thence N 71Deg-59'-06" W 116.05 feet; thence N 30Deg-47'-50" W 34.59 feet; thence N 87Deg-11'-00" W 58.27 feet; thence S 18Deg-36'-52" W 76.16 feet; thence S 36Deg-45'-09" W 86.12 feet; thence S 44Deg-31'-02" W 146.71 feet; thence S 50Deg-43'-41" W 99.19 feet to the start of an existing established Bulkhead Line; thence S 58Deg-47'-35" W 87.35 feet; thence S 47Deg-56'-55" W 119.04 feet; thence S 63Deg-53'-26" W 152.00 feet to the end of the existing Bulkhead Line; thence S 59Deg-05'-36" W 36.19 feet to a 1" Iron Pipe marking a break point in the Bulkhead Line; thence S 79deg-56'-06" W

1,068.04 feet to a 1" Iron Pipe marking the resumption of the Bulkhead Line; thence S 48Deg-54'-33" E 156.30 feet; thence S 18Deg-04'-31" E 60.21 feet; thence S 26Deg-46'-41" W 58.31 feet to a 1" Iron Pipe marking a break point in the Bulkhead Line; thence S 71Deg-44'-27" W 1,073.75 feet to a 1" Iron Pipe marking the resumption of the Bulkhead Line; thence S 27Deg-57'-39" W 92.98 feet; thence S 41Deg-24'-26" W 48.67 feet; thence S 65Deg-17'-00" W 127.78 feet; thence S 76Deg-44'-24" W 113.42 feet; thence S 76Deg-41'-45" W 115.86 feet; thence N 78Deg-01'-59" W 198.31 feet; thence N 62Deg-43'-37" W 119.72 feet; thence N 54Deg-25'-30" W 75.56 feet; thence N 56Deg-45'-51" W 238.82 feet; thence N 53Deg-03'-43" W 136.78 feet; thence N 38Deg-20'-35" W 133.22 feet; thence N 40Deg-01'-53" W 122.02 feet; thence N 60Deg-12'-21" W 99.90 feet; thence N 75Deg-22'-11" W 54.60 feet; thence S 85Deg-52'-28" W 140.98 feet; thence S 73Deg-00'-55" W 87.51 feet; thence N 87Deg-52'-26" W 102.88 feet to a point which is N 27Deg-34'-37" E 24.00 feet from a 2" Iron Pipe marking the end of this Bulkhead Line.

**(2) Procedure.** The above described bulkhead line has been established pursuant to the procedure set forth in Wis. Stats. §30.11 (3) which is hereby made a part of this section and is incorporated herein by reference as though fully set forth herein.

**7.16 REGULATING THE PLANTING AND MAINTENANCE OF SUAMICO'S URBAN FOREST.**

**(1) Intent.** It is the intent of this section to exercise jurisdiction in regard to the planting, maintenance and removal of trees, shrubs and vegetation growing in public places in the Village, and to define public nuisances and provide for the abatement of

such nuisances as they would pertain to parks, rights-of-way and forestry.

**(2) Definitions.** For purposes of this section;

*(a) Public Trees, Shrubs, or Vegetation.* Trees, shrubs, or vegetation 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 lots in all boulevards, tree banks and parkways, and in all public parks or grounds belonging to the Village or on any other public right-of-way, property, land lease for public use, or easement of any kind.

*(b) Village.* The Village.

*(c) Forester.* The designated Village Official assigned to carry out the enforcement of this section.

*(d) Clear Vision Triangle.* A triangular-shaped parcel of land established at street intersections wherein no object which exceeds thirty inches (30") above the engineered elevation of the centerline of the road shall be erected, placed, planted, or allowed to exist in such a manner as to limit or obstruct the site distance of motorists, bicyclists, and/or pedestrians entering or leaving the intersection.

*(e) Public Area.* That part of every street, highway, roadway, or alley between the lot line and the curb also known as the right-of-way (ROW) and any other land owned or controlled by the Village.

*(f) Street Tree.* Any tree located in a terrace.

*(g) Terrace.* That part of every street between the lot line and the curb line or paved travel surface.

*(h) Committee.* The Park, Forestry, Trails & Recreation Committee.

*(i) Trunk Diameter.* Tree diameter measured fifty-four inches (54") above the ground level commonly referred to as diameter at breast height (DBH).

**(3) Public Nuisances Defined.**

*(a)* All trees, hedges, or any other obstruction which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

*(b)* All tree limbs which project over and less than nine feet (9') above any public sidewalk, fourteen feet (14') above any street, or impose on the visibility of traffic signage.

*(c)* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

*(d)* Noxious weeds as defined in Wis. Stat. §66.0407(1)(b) and or Section 6.07(1) relating to weed control in the Village.

*(e)* Any pest or disease which causes or has the potential to cause damage to any group or species of tree.

*(f)* Invasive and undesirable tree species shall include buckthorn, box elder, and cottonwood. The same shall not be sold, distributed, planted or cultivated however existing trees of greater than six inch (6") trunk diameter will be grandfathered. Trunk diameter shall be measured fifty-four inches (54") above the ground.

*(g)* The Director of Public Works, Forester, or Police Department is hereby empowered to enter upon private property within the Village for the purpose of inspecting all trees thereon to determine whether any of such trees are infected or diseased or in need of preventative measures; and is further empowered to inspect such private premises to determine the presence of any infected logs, firewood or stumps or the presence of any dead elm trees, elm logs, elm firewood or elm stumps.

**(4) Designation of Authority.** Park, Forestry, Trails, & Recreation Committee, together with the Forester, as appointed by the Board, is granted the authority to administer this code under Wis. Stat. §27.09. The Forester under the auspice of the

Suamico Park, Forestry, Trails, & Recreation Committee shall be responsible for the enforcement of this section and shall have the duty to carry out all of the provisions of this section.

(a) *Village Forester, Powers and Duties.* The Forester is hereby directed and given the right to maintain any tree or shrub in any public place to preserve a function or beauty of such public place in accordance with the art of good arboriculture. The Forester shall have the authority to trim, remove, prune, spray, fertilize or otherwise treat any tree or shrub on any public place when in the opinion of the Forester such treatment will promote the general welfare, improve the appearance of the Village or alleviate unsafe conditions.

(b) The Forester shall have jurisdiction, authority, control and supervision over all trees, shrubs and vegetation growing in public areas to include, but not be limited to, planting, removal, maintenance and protection.

(c) The Forester shall have the authority to grant permits relating to Section 7.04 (5) and Section 7.04 (7), under the provisions of this section and rules and work standards adopted hereunder. He or she shall supervise all work done under any permit issued under the provisions of this section and may void any permit if the provisions of this section are not complied with.

(d) The Forester shall have the authority to cause any public nuisance applicable to Section 7.16 to be abated in accordance with the provisions of this section.

(e) The Forester shall perform such other duties as are provided by the laws, rules or regulations of the state, particularly Wis. Stats. §27.09, and revisions thereof.

**(5) Tree Planting Requirements.**

(a) *Permit Required.* No person shall plant any tree, shrub, or vegetation in a public area without the written permission of the Forester. The permit fee shall be set

from time to time by resolution of the Board.

(b) *Master Street Tree List.* The Park, Forestry, Trails, & Recreation Committee shall prepare a master street tree list consisting of those trees approved for planting in and on public areas along with a determination of site factors to be considered in selecting trees and placement of such trees for planting on a particular street.

(c) *Improper Planting a Public Nuisance.* Any tree planted in violation of this section shall be deemed a public nuisance and subject to immediate removal.

**(6) Tree Planting in New Development.** Residential development shall establish a planting plan requiring the following:

(a) In the event that green space is dedicated it shall require a minimum of eight (8) trees per acre having a minimum trunk diameter of two inches (2") at the time of planting. A density of less than eight (8) trees per acre may be considered if site conditions or planting plans show public equivalent benefit. Location and species of planting shall be specified and or approved by the Forester. The Village reserves the right to increase the planting density or alter the planting plan as deemed appropriate to the development.

(b) Each subdivision shall include in the covenants thereof a requirement of the property owner to plant within one (1) year of occupancy, a minimum of six (6) trees per acre or a minimum of two (2) trees per parcel, whichever is greater. Said trees shall have a minimum trunk diameter of one inch (1") at the time of planting. Credit shall apply for trees existing on a property.

(c) Planting density shall be maintained by the property owner of record by replacement of dead or diseased trees within the seasonal parameters of standard arborist practices.

**(7) Tree Maintenance.**

(a) No permit is required to cultivate, water, fertilize, trim, or prune any public tree or shrub as a means to attain compliance with the provisions of this section. All work shall be in compliance with standard arborist practices relating to pruning and trimming.

(b) Action to guard the public safety or clear the public way in the event of a storm, accident or other emergency shall be considered community service and is to be commended.

(c) Any person desiring to remove any street tree shall apply, in writing, to the Forester for a permit or permission to do such work. The application shall specify the location and description of the proposed work. If the Forester determines that the proposed work is necessary and in compliance with the purposes of this section, the Forester shall issue the permit or grant permission to proceed or cause the work to be done. Any work done under such permit shall be performed in strict compliance with the terms thereof. The Forester shall inspect all work performed. Permits shall expire three (3) months after issuance.

(d) Whenever a public utility, its contractors, or any contractor for the Village must perform work on or about any public tree or shrub necessitating the alteration above or below ground, trimming or removal of such tree or shrub, a written permit from the Forester is required, as provided above. Any person performing work on a tree in a public place, by permit, contract or otherwise, shall assume full responsibility for damage to property and to any person, and shall save the Village harmless from any liability thereof.

(e) All trees and shrubs located upon any public way, or upon any private premises adjacent to the public way, or any private road serviced by the Village or a contractor of the Village shall be kept

trimmed by the property owner so that the lowest projecting branches provide a clearance height of not less than nine feet (9') above any public sidewalk or fourteen feet (14') above any street. The Forester may waive the provisions of this section for newly planted or naturally low-profile trees if the Forester determines that such trees do not interfere with municipal services, public travel, obstruction of light from any street light, obstruct the view of any traffic sign or signal, or endanger public safety. Each year a Class 1 notice shall be published in the Green Bay Press-Gazette informing Village property owners of the requirements of this paragraph. Property owners who do not comply shall be given ten (10) days written notice to trim the offending trees or the Village may perform the work and bill the property owner pursuant to Wis. Stats. §66.0627.

**(8) Protection of Trees.** Except as authorized by written permission from the Forester, it shall be a violation of this section to perform or cause to be performed the following acts in any public place within the Village:

(a) to attach any sign, poster, handbill, electrical installation wire or other device or material to, around or through a tree. This is not to include recommended measures for protection against insects, disease, or deformity.

(b) to permit or cause fire to burn where it may kill or injure any tree or shrub.

(c) to allow any toxic chemical, smoke, oil, gas or other substance that may kill or damage any tree or shrub to come in contact with its leaves or roots.

(d) to use tree spurs or climbers when working on or scaling any healthy tree for any reason or any device which would cause serious injury to a tree to include screw type foot pegs and tree stands of a design which would cause such injury.

(e) to remove any guard, stake, pole or other device intended for the protection or stabilization of a public tree, or close or obstruct any open space around the base of a public tree designed to permit access to air, water, and fertilizer.

(f) to erect, alter, repair, raze, or move any building, structure, or other large object without placing suitable guards around public trees which may be injured by such operations. It shall be the responsibility of the owner thereof to repair or replace any tree injured or killed by such operations.

(g) if it is found that the moving of any tree is necessary to allow for such operations, the cost of the moving or replacement shall be borne by the owner of the project.

(h) to excavate any ditch, tunnel, hole, trench, or place any drive within the radius of five feet (5") from any tree in a public area except by written permit from the Forester or when an emergency or exceptional situation exists.

(i) the Forester may require the posting of an adequate surety bond or other sufficient security by any person proposing to make any such excavation to cover the cost of replacement of any tree destroyed as the direct result of the excavation; as reasonably determined by the Forester.

(j) to damage, injure, remove, or appropriate for one's own personal or private use any tree, shrub, or vegetation procured in whole or in part with public funds, or planted or growing in a public area unless scheduled construction work will destroy the tree, shrub, or vegetation in a project area. Any resident may request permission to remove items from a project area prior to destruction. Rescued items must be utilized by the individual for personal use and not for barter or resale.

(k) to prune, cut, or injure oak trees from April 15 to July 15 as a preventative measure against the oak wilt disease. If an

oak tree is wounded during this time, notification of injury must be made to the Forester immediately.

(l) Topping of trees shall not be considered an acceptable means of pruning or maintenance.

**(9) Obstruction of View at Intersections.** No person shall plant, grow, or maintain any tree, shrub, or other vegetation on any Village street corner lot within the clear vision triangle which may obstruct the vision of the operator of any motor vehicle or pedestrian approaching such intersection. Any tree, shrub, or other vegetation obstructing such view between the heights of two and a half feet (2½') and ten feet (10') above street grade shall be deemed a public nuisance. Special conditions shall not restrict the Forester from deeming a public nuisance for a condition meeting the parameters of this subsection.

(a) The Village adopts Wis. Stats. §195.29(6) to properly and consistently address view restrictions at railroad crossings caused by trees and brush.

**(10) As a Public Nuisance.** Any tree or shrub or vegetation which is specifically designated a public nuisance in this section or part of which is on public property which, by reason of its condition, interferes with the use of any public place; is detrimental to the construction of public improvements; or endangers the life, health, safety, or welfare of the public, or properties thereof. Any tree, or shrub or vegetation which is diseased, infested, considered invasive, or deemed undesirable shall be considered a public nuisance whether publicly or privately owned and is subject to the conditions set forth.

(a) No person shall permit any public nuisance enumerated in this section to remain on any property owned or controlled by them, including public areas.

*(b) Notice of Public Nuisance.*

Whenever the Forester shall find and declare any tree or shrub a public nuisance, he or she shall notify the property owner or his or her agent in writing that the nuisance must be abated and the procedure required for the abatement.

**(11) Abatement of Public Nuisances.**

*(a) Enforcement.* The Police Department, Public Works Director, Zoning Administrator, Fire Chief, Building Inspector, and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices; they shall make periodic inspections upon complaint to insure that such provisions are not violated. No actions shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected, the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.

*(b) Summary Abatement.* If the inspecting officer determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Administrator may direct the proper officer to cause the same to be abated or to remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

*(c) Abatement by Village.* If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Administrator shall direct the

proper officer to cause the abatement or removal of such nuisance.

*(d)* The charge for the abatement or removal shall be as set from time to time by resolution of the Board. If such charges are not paid by November 1 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to ten percent (10%) of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected, and collected in the same manner as are other taxes pursuant to Wis. Stats. §66.98.

*(e) Abatement after Notice.* If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten immediate danger to the public health, safety, peace, morals, or decency, he or she shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Sub. (3).

*(f) Other Methods Not Excluded.* Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

*(g) Court Order.* Except when necessary under Sub. (3), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

**(12) Cost of Abatement.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance, or maintenance of a public

nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

(a) No damages shall be paid to any owner for the destruction or removal of any tree or part thereof or of any shrub, hedge, or plant.

### **7.99 PENALTY, SEVERABILITY, AND ENFORCEMENT.**

(1) **Penalty.** Any person who violates any provision of this chapter or any order, rule, or regulation made hereunder shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two thousand five hundred dollars (\$2,500). Notwithstanding the foregoing, any penalty for violation of Wis. Stats. §30.772 is subject to forfeiture not to exceed fifty dollars (\$50) for each violation. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution; he or she may be imprisoned in the Brown County Jail until said forfeiture and costs are paid, but not to exceed ninety (90) days for each violation. Each day that the violation continues to exist shall constitute a separate offense.

(2) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified

in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) **Enforcement.** Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.