

ORDINANCE NO. 576

**AN ORDINANCE TO AMEND SECTION 2.165 of CHAPTER TWO
(2) of the GENERAL ORDINANCES OF THE VILLAGE OF RIVER
HILLS REGARDING HAZARDOUS TREES**

The Village Board of the Village of River Hills, Milwaukee County, Wisconsin, does ordain as follows:

Section I. Section 2.165 **CONTROL OF ASH TREES** of Chapter 2 of the General Ordinances of the Village of River Hills is hereby amended to read as follows:

“Section 2.165. CONTROL OF HAZARDOUS TREES.

(1) Hazardous Trees. Any tree or part thereof, whether on public or private property, that may be by reason of its condition due to it being dead, dying, weather damaged, infected by disease, pests or insects, such that the tree endangers the life, health, safety or welfare of persons or property including other trees is a hazardous tree. A hazardous tree is a public nuisance subject to the provisions of this section of the Village ordinances.

(2) Duties of Village Manager. The Village Manager of the Village of River Hills is hereby invested with the power and authority to carry out the terms and provisions of this section of the Village ordinances in such manner as in their discretion they believe to be most appropriate and equitable, including the power to retain additional Village employees if that is found to be necessary, the power to delegate to the Superintendent of Public Works the carrying out of the terms and provisions of this section of the Village ordinances and the further power to determine whether any or all work to be done hereunder shall be performed by Village personnel or independent contractors. The exercise of these powers is subject to review at all times by the Village Board.

(3) Inspection and Reports. The Village Manager is to cause periodic inspections and reports to be made of all hazardous trees within fifty (50') feet of the public right-of-way and/or the boundaries of property within the Village for the purpose of discerning wherever possible the existence of infected, diseased or dead hazardous trees. The Superintendent of Public Works or any other Village employee designated by the Village Manager shall have the authority to enter upon private property at reasonable times for the purpose of carrying out any of the provisions of this section of the Village ordinances.

(4) Removal of Hazardous Trees. The Village Manager, with the aid and assistance of the Superintendent of Public Works, shall direct, supervise and control the removal of hazardous trees found within the Village by removal, burning, or by any other means determined to be necessary to prevent as fully as possible the spread of disease or the insect pests or vectors known to cause such infestation.

(5) Removal of Hazardous Trees on Private Property. Whenever the Village Manager or the Superintendent of Public Works determines with reasonable certainty that hazardous trees exist upon private premises within fifty (50') feet of the public right-of-way and/or the boundaries of the property, they are authorized to serve or cause to be served personally or by certified mail upon the owner of such property, a written notice of the existence of such nuisance and of the action necessary to be taken to abate such nuisance. Such notice shall describe the nuisance and recommend procedures for its abatement and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice within thirty (30) days after service of such notice, the Village Manager shall proceed to abate the nuisance and cause the full cost thereof to be assessed against the property in accordance with the procedures provided in this section of the Village ordinances. Notwithstanding the requirement to remove hazardous trees from the property, if a hazardous tree is not within fifty (50') feet of the public right of way and does not constitute a danger of spreading disease or infestation to other trees, the action necessary to abate the nuisance may allow the remnants of the tree to remain on the property cut to lay

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flat to the ground and to not block storm water drainage. The Village Manager may extend the time allowed the property owner for abatement work, an additional thirty (30) day period.

(6) Cost of Tree Care; Special Assessments.

[a] The Village's full costs of abating such nuisance shall be charged to the property on which such nuisance tree or wood is located as follows:

(1) The Village Manager shall keep a strict account of the cost of such work and the amount chargeable to each parcel and shall report such work, charges, descriptions of the lands to which charged and the names and addresses of the owners to the Village Clerk as the work is completed.

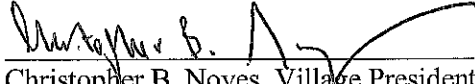
(2) The Village Clerk shall thereupon mail notice of the amount of such costs to each owner of property charged at his last known address, stating that unless paid within thirty (30) days of the date of notice, such charges shall bear interest at the rate of six (6%) percent per annum from the due date and shall be entered on the tax roll as a delinquent tax against the property and all proceedings for delinquency in relation to the collection and return of real estate taxes shall apply.”

Section II. If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Section III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

Section IV. This ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 15th day of November, 2023.



Christopher B. Noyes, Village President

Countersigned:



Tammy LaBorde, Village Clerk