

10.08 DISEASED AND INFECTED TREE CONTROL. (1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances where they may be found within the Village.

(a) Any living or standing tree or part thereof infected with the Dutch Elm Disease or other tree diseases.

(b) Any dead diseased or infected tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective fungicide or insecticide.

(2) NUISANCES PROHIBITED. No person shall permit any public nuisance, as defined in sub. (1) above, to remain on any premises owned or controlled by him within the Village.

(3) INSPECTION. The Director of Public Works may enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this section.

(4) ABATEMENT OF DISEASE NUISANCES. (a) Whenever the Director of Public Works shall find, with reasonable certainty on examination or inspection, that any public nuisance, as defined in this section, exists within the Village, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of the disease fungus or the insect pests or vectors known to carry such disease.

(b) Before abating any such nuisance on private premises or in any terrace strip between the lot line and the curb, the Director of Public Works shall proceed as follows:

1. If the Director shall determine that danger to other trees from said nuisance is not imminent, he shall make a written report of his findings to the Village Board, who shall proceed as provided in §27.09(4), Wis. Stats.

2. If the Director shall determine that danger to other trees within the Village is imminent, he shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if he can be found, otherwise by publication in a newspaper of general circulation in the Village that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 10 days from the date of such notice unless the Director shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limit, the Director shall cause the abatement thereof.

(c) No damage shall be awarded to the owner for destruction of any tree, wood or material or any part thereof pursuant to this section.

(5) ASSESSMENT OF COSTS OF ABATEMENT. (a) The entire cost of abating any public nuisance, as defined in sub. (2) above may be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with §66.0627, wis. Stats.

(b) The Director of Public Works shall keep strict account of the costs of work done under this section and shall report monthly to the City Clerk all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The Clerk shall include in his report to the Village Board the aggregate amounts chargeable to each lot or parcel so reported, and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.