

## CHAPTER 2

### Trees; Mailbox Placement

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
6-2-1	Trees and Shrubbery Obstructing View at Intersection or View Of Traffic Signs; Tree Removal; Fences		
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#### **SEC. 6-2-1 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS; TREE REMOVAL; FENCES.**

- (a) **Obstruction of Intersections.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more roads, streets or alleys in the Town any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) **Obstruction of Signs.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.
- (c) **Abatement Procedure.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Town Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.
- (d) **Trees on and Adjacent to Highway.**
  - (1) Removal of Fallen Trees. If any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. It shall be the duty of every highway patrolman, street commissioner or other officer in charge of the maintenance of streets or highways to remove from any highway any fallen tree or trees therein.
  - (2) Planting Trees and Shrubs in Highway. Any person owning or occupying land adjoining any highway may, with the approval of the Town Board, may plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within ten (10) feet of his land. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.

- (e) **Cutting or Injuring Trees on Highway.** No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owners land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood. After receiving notice that a tree is to be removed, the adjacent property owner shall have fourteen (14) days to remove the tree.
- (f) **Fences.** No person shall build or reconstruct any fence within the thirty-three (33) foot public road right-of-way measured from the center of the road. With the permission of the Town Board, a person owning or occupying land adjoining a highway may build or reconstruct a fence on the side of the highway contiguous to and within ten (10) feet of his land.

State Law Reference: Section 86.03, Wis. Stats.

#### **SEC. 6-2-2 INJURY TO TREES AND SHRUBS PROHIBITED.**

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:
  - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
  - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
  - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
  - (5) Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Town may tie temporary “no parking” signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
  - (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

State Law Reference: Section 86.03, Wis. Stats.

**SEC. 6-2-3 DEPOSIT OF RUBBISH AND STONES ON HIGHWAY RIGHT-OF-WAY.**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Caledonia, without written permission of the Town Board for temporary use.

**SEC. 6-2-4 PLACEMENT OF RURAL MAILBOXES.**

Rural mailboxes are prohibited on the right-of-way of all highways within the Town of Caledonia except as hereinafter provided:

- (a) Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
- (b) Newspaper tubes are permitted only if provided by the newspaper or of a construction or design that will not present a hazard to the public use of the right-of-way. Where the newspaper tube used has not been provided by the newspaper, law enforcement officers shall have authority to approve the tube. If a law enforcement officer refuses to approve the newspaper tube, it must be removed.
- (c) A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.
- (d) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- (e) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or protruding end of the newspaper tube is at least one (1) foot from the paved portion of the highway.
- (f) The owner of each mailbox and/or newspaper tube shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of fifteen (15) feet to each side of said mailbox and/or newspaper tube.
- (g) No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, landscaping boulders or fences may be placed on the right-of-way.
- (h) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Caledonia to locate and remove obstructing mailboxes. The Town of Caledonia is not liable for damage to mailboxes caused by snowplowing.

**SEC. 6-2-5 DEPOSIT OF SNOW ON PUBLIC PROPERTY.**

- (a) **Snow and Ice Not to Encroach.** No person shall push, shove or in any way deposit any snow or ice onto any public street, road, alley, sidewalk or public laid dedicated to public use. Snow shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement, or access. The deposit of any snow or ice upon any sidewalk, road, alley or street of the Town, contrary to the provisions of this Section, is a nuisance; and in addition to the penalty provided for violation of this Section, the Town

- may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.
- (b) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
  - (c) **Expense.** An account of the expenses incurred by the Town to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Town clerk shall enter those charges onto the tax roll as a special tax as provided by the Wisconsin Statutes.
  - (d) **Penalty.** In addition to the provisions set forth in this Section, any person, firm, or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.