

CHAPTER 10
PEACE AND ORDER

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10.01 State Statutes Adopted.

The following state statutes, together with all amendments thereto as may be enacted from time to time, are hereby adopted and incorporated by reference as if fully set forth in this section.

- 59.54(25)+961.42 Possession of Marijuana; Prohibited Acts-Penalties
- 167.10 Fireworks Regulated
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- 943.21 Fraud on Hotel or Restaurant Keeper (\$500 or less)
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- 943.24 Issue of Worthless Checks (under \$500)
- 943.34 Receiving Stolen Property (value less than \$500)
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948.40 Contributing to the Delinquency of Children
951.1 Crimes Against Animals

10.02 County Code Provisions Adopted.

The following Ordinances of Door County, together with all amendments thereto as may be enacted from time to time, are hereby adopted and incorporated by reference as if fully set forth in this section.

Chapter 31 - Offenses Against Public Peace and Safety
Chapter 31.01 - Disorderly Conduct
Chapter 31.02 - Disorderly Conduct, Firearms, Assault, Trespass
Chapter 31.03 - Theft of Produce and Fruit and Damage to Property
Chapter 31.05 - Conduct on the Shore of Body of Water
Chapter 31.06 - Off-Highway Use of Motor Vehicles, Motorcycles and Snowmobiles
Chapter 31.07 - Carrying a Firearm Where Alcohol Beverages May Be Sold
Chapter 31.08 - Possession of Marijuana
Chapter 31.09 - Sale of Tobacco or Tobacco Products to Minors Forbidden
Chapter 31.10 - Crimes Against Animals
Chapter 31.11 - Battery
Chapter 31.12 - Reckless Use of a Weapon
Chapter 31.13 - Abusive Use of the Telephone
Chapter 31.14 - Carrying a Concealed Weapon
Chapter 31.15 - Alcohol Beverages - Underage Persons and Possession of Alcohol
Chapter 31.18 - Outdoor and Refuse Burning and Fireworks Ordinance
Chapter 31.19 - Animal Regulations
Chapter 31.20 - Shoplifting Ordinance
Chapter 31.21 - 911 Ordinance

Chapter 31.22 - In-Line Skating Ordinance
Chapter 31.23 - Compulsory School Attendance Ordinance
Chapter 31.26 - Graffiti Ordinance
Chapter 31.27 - Issue of Worthless Checks
Chapter 31.28 - Theft
Chapter 31.29 - Fraud on Hotel or Restaurant Keeper or Taxicab Operator
Chapter 31.30 - Receiving Stolen Property
Chapter 31.31 - Resisting or Obstructing Officer
Chapter 31.32 - Damage to Property
Chapter 31.33 - Entry into Locked Coin Box
Chapter 31.34 - Entry Onto a Construction Site or into a Locked Building, Dwelling or Room
Chapter 31.35 - Lewd and Lascivious Behavior
Chapter 31.36 - Bail Jumping
Chapter 31.37 - Carrying a Firearm in a Public Building
Chapter 31.38 - Possession of Synthetic Cannabinoids or Bath Salts
Chapter 31.39 - Nuisance
Chapter 31.40 - Prohibition of Possession, Sale and Use of Toxic Inhalants
Chapter 31.41 - Vehicle Abandonment Prohibited - Removal and Disposal
Chapter 31.42 - Disposal of Abandoned Property
Chapter 31.43 - Unlawfully Obtain or Possess Prescription Drug or Controlled Substance

10.03 Graffiti Vandalism Prohibited/Abatement.

- A. **Purpose and Intent.** Graffiti Vandalism contributes to blight and deterioration of surrounding properties, reduces the physical attractiveness to the neighborhoods, and is detrimental to the Village. Graffiti Vandalism constitutes a public nuisance and must be abated promptly in order to alleviate the detrimental impact it has on the neighborhoods, businesses, surrounding properties, and citizens and the Village in general. The purpose and intent of this section is to prohibit graffiti vandalism and to provide a procedure for removal of unauthorized graffiti from property within the Village.
- B. **Definitions.** For purposes of this ordinance, the following words shall have the following meanings:
1. **"Graffiti"** means any inscription, word, figure or design, marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye, markers or other similar substances, on buildings, fences, structures, signs and other similar places. Graffiti shall not include:
 - i. the placement of temporary and easily removed chalk or water soluble markings on public streets and private walks, driveways or other paved surfaces incident to youth activities
 - ii. ~~the siding on the warehouse building on Anderson dock which is noted as an historical location for graffiti.~~ The only place on Anderson Dock where graffiti is permitted is the siding on the warehouse building exclusive of doors, windows, signs, and plaques.
 - iii. Murals or on premise signs that are authorized by this code.
 2. **"Graffiti Vandalism"** means placing or causing to be placed, Graffiti on any building or structure or real property, except as permitted by the owner of the property, including the Village in the case of public property, or in a manner contrary to law.

C. **Graffiti Vandalism Prohibited.** No person may permit, engage or assist in Graffiti Vandalism in the village.

D. **Graffiti Vandalism Abatement.**

1. **Graffiti Prohibited.** No person, agency, firm or corporation who is the owner of any real or personal property where graffiti exists as defined in 9.04(B) of this chapter, may maintain or allow any graffiti to remain upon the property for a period of more than ten (10) days.
2. **Abatement Notification.** The Zoning Administrator shall, deliberately upon notice of a violation of this ordinance, serve the property owner whose property has been affected by the application of graffiti, a written Notice to abate requiring the property owner to remove, restore, clean up or repair the property within ten (10) days of the date of notice. Personal service shall be attempted but if, after 2 attempts personal service cannot be accomplished, or the owner or in the case of a corporation, the owner's agent does not reside in Door County, service may be accomplished by publication and first class mail.
3. **Content of Notice to Abate.** The notice shall identify the property affected, generally describe the location of the graffiti and direct that the graffiti be removed within ten (10) days of service of the Notice to Abate. The Notice shall also include that if the owner fails to remove graffiti within the time specified in the Notice, the owner may be subject to a forfeiture and that the Village shall enter the property and remove the Graffiti Vandalism, bill the cost of the abatement and if not timely paid, tax the cost against the real estate as a special tax.
 - i. **Abatement Cost.** If, after receipt on Notice to Abate, the property owner or operator fails to timely abate to remove the Graffiti Vandalism and restore the property to a neat and orderly appearance, in addition to the penalties set forth under this ordinance, the Village may cause the removal, restoration, clean up or repair and may pursuant to § 66.60(16) of the Wisconsin Statutes, impose a special charge against the property for the actual costs of graffiti removal.

E. **Penalty.**

1. **Forfeiture.** In addition or in lieu of any other penalty provided in this section, any person who violates subsection 9.04 (C) shall be subject to a forfeiture of not more than \$500 per violation, in addition to any applicable fees, assessments and costs of prosecution. In addition, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property.
2. **Parental Liability.** Pursuant to § 895.035 of the Wisconsin Statutes, the parent(s) of an un-emancipated minor may be liable for the damage of property as provided in this section; the liability shall not exceed the amount specified in SS. 799.01(1) (d).

10.04 Discharge of Weapons.

For the purpose of this section, "firearm" means any rifle, shotgun, handgun, spring gun, pellet gun, air gun, or any other weapon from which a shot is discharged by an explosive or propellant. **

Discharge Prohibited. Except as provided herein, it is unlawful for any person to fire or discharge any type of firearm in the Village.

Exceptions. The provisions of this section shall not apply to:

- A. State local or federal law enforcement officers, when necessary, in the normal course of their employment.
- B. Where the actor's conduct is privileged as self-defense or defense of others as provided by section 939.48 Wis. Stats.
- C. Any bona fide safety training course or practice firing held at a location approved by the Village Board other governmental agency.
- D. The honorary discharge of a firearm that involves the use of only blanks and that is part of any of the following does not apply and may not be enforced:
 1. An event, including a funeral, honoring a current or former member of the military, law enforcement officer, or professional fire fighter.
 2. Military honors provided at a cemetery on Memorial Day or Veterans Day.
 3. Military honors provided at a veterans memorial site.

10.05 Animal Control and Sanitation.

- A. **Animals at large.** No person shall suffer or permit any animal of which he or she is the owner or custodian, to be at large within the village. An animal shall be deemed to be at large unless crated, penned or securely tied or chained in such a manner that such animal cannot proceed beyond the boundaries of the property of the owner or custodian and onto public right-of-way or other private property. Any animal allowed to leave the boundaries of the property of the owner or custodian shall be under the immediate control of a person by means of a rope, chain, cord or leash which is not more than four feet in length, and which is of sufficient strength to control the actions of the animal.
- B. **Animal waste disposal.**
 1. Property of others. Except as provided below, no person who has custody of a dog, cat or other animal shall permit such animal to defecate upon property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excretion from such property. No person who has custody of a cat, dog, or other animal shall walk or escort such animal off the property of the owner or custodian unless the person is in possession of equipment to clean up any excrement which may be deposited by such animal.
 2. Law Enforcement. This provision shall not apply in cases of an animal used by law enforcement while performing law enforcement functions. In such circumstances, removal of such excrement shall be done by such law enforcement agency having ownership of the animal as soon as practicable.
 3. Property of owner or custodian. Animal excrement which has been permitted to be deposited on the property of the owner or custodian of the animal shall be removed within 24 hours of deposit. All droppings are to be deposited according to chapter 82 of this Code.

10.06 Noise Ordinance

A. Definitions.

1. **"ANSI"** means American National Standards Institute or its successor bodies.

2. **“A Bank Level”** means the total sound level of all sound as measured with a sound level meter using the A-weighted network. The unit of measurement is the dB(A).
3. **“Ambient Noise”** means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
4. **“Cycle”** means a complete sequence of values of a periodic quantity that occur during a period.
5. **“Decibel”** means a standard unit for measuring sound pressure levels that is equal to one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten, and the quantities concerned are proportional to power; abbreviated "dB."
6. **“Fluctuating Sound”** means a sound whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.
7. **“Frequency”** means the reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically, this unit will be Hertz (Hz) i.e., cycles per second.
8. **“Impulsive Sound”** means an impulsive sound is characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.
9. **“Intermittent Sound”** means an intermittent sound is a sound which sound pressure level equals the ambient environmental level two or more times during the period of observations. The period during which the level of the sound remains at an essentially constant value different from that of the ambient is on the order of one second or more.
10. **“Lot-line”** means an imaginary line along the ground surface, and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
11. **“Microbar”** means a unit of pressure commonly used in acoustics that is equal to one dyne per square centimeter.
12. **“Nonsteady Sound”** means a sound whose level shifts significantly during the period of observation.
13. **“Period of Observation”** means the period of observation is the time interval during which acoustical data are obtained. The term "period of observation" is determined by the characteristics of the sound being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.
14. **“Periodic Quantity”** means an oscillating quantity, the values of which recur for equal increments of time.
15. **“Sound Analyzer”** means a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

16. **“Sound Level”** meter means an instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound levels in a specified manner.
17. **“Sound Pressure Level”** means the sound pressure level, in decibels of sound, is 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.
18. **“Spectrum”** means a spectrum is a function of time and is a description of its resolution into components, each of different frequency and usually of different amplitude and phase and is also used to signify a continuous range of components each of different frequency and usually of different amplitude and phase. A spectrum is used to signify a continuous range of components usually wide in extent within which waves have some specified characteristics such as audio-frequency spectrum and is also applied to functions of variables other than time.
19. **“Steady Sound”** means a sound whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.

B. Lot line noise regulation.

1. The following noise limitations are established for any premises, measured at the lot line:
 - i. Maximum levels within zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in tables I and II:

Table I

Maximum Permissible Sound Pressure - 7:00 AM - 10:00 PM

Residential A-scale Level 57 dB(A)	Commercial 63 dB(A)	Industrial 72 dB(A)
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(Levels in Decibels re .0002 Microbars)

Table II

Maximum Permissible Sound Pressure - 10:00 PM - 7:00 AM

Residential A-scale Level 52 dB(A)	Commercial 58 dB(A)	Industrial 67 dB(A)
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(Levels in Decibels re .0002 Microbars)

- ii. Maximum levels between zones. No person shall operate or cause to be operated on private or public property any source of sound from a commercial zone into a residential zone which exceeds the limits set for the zone categories in tables III and IV.

Table III
Maximum Permissible Sound Pressure - 7:00 AM - 10:00 PM

Commercial into Residential
61 dB(A)
(Levels in Decibels re .0002 Microbars)

Table IV
Maximum Permissible Sound Pressure - 10:00 PM - 7:00 AM

Commercial into Residential
55 dB(A)
(Levels in Decibels re .0002 Microbars)

- iii. Definitions of zone categories. The following zones are included in the zone categories:
 - a. Residential: Single Family Residential District and Rural Residential District
 - b. Commercial: Commercial District

Regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be regulated according to the adjacent zone. If the neighboring zones are different, they shall be extended to the center of the conservancy for the purposes of this article.

- iv. Measurements. The measurement shall be made at or beyond the property line of the property on which such noise is generated or at or within the property line of the property on which such noise is perceived, as appropriate. Measurement shall be done at a minimum height of four feet above the ground. The measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for sound level meters, Type I or Type II (ANSI S1.4 - 1971) or with an octave band analyzer that meets or exceeds the requirements of (ANSI S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order. When a sound level meter is used, it shall be set to the A-weighted scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth above. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations.

C. General Prohibitions. Notwithstanding and in addition to the foregoing the following loud noises are prohibited in the village

- 1. It shall be unlawful for any person in the Village to engage in unreasonable loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m. A noise shall be presumed to be unreasonably loud and raucous if:
 - i. It is plainly audible within a single family or two-family residence, which is not the building, structure or property from which the sound originates, or from a

distance of fifty (50) feet in the case of noise originating on public property or a public right of way, or from a distance of 50 feet in the case of noise originating inside multifamily residential buildings of three (3) units or more.

2. It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud and raucous:
 - i. The sounding of any horn or noise emitting device on any automobile, motorcycle, bus or other vehicle for more than fifteen (15) seconds or at continuous and frequent intervals.
 - ii. The playing of any loud amplified music or other sound, radio, stereo, musical instrument or other device used for producing or reproducing sound with such volume as to be unreasonable between the hours of 10:00 p.m. and 7:00 a.m.
 - iii. Allowing any animal, bird or fowl to bark, howl or make other noises for more than thirty (30) seconds or at continuous and frequent intervals.
 - iv. The use of an automobile, motorcycle or other vehicle, machinery or equipment so out of repair, or in such manner as to create loud, grating, grinding, rattling or other noises, including unreasonable acceleration, deceleration or racing of motors whether in motion or at rest.
 - v. The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorboat engine or other power device in constant operation, except through a muffler or other device, which will effectively prevent loud or explosive noises.
 - vi. The creation of any unreasonably loud and raucous noise on any street adjacent to any school, retirement facility or church while it is in session, which unreasonably interferes with the workings or sessions.
 - vii. The creation of unreasonably loud and raucous noise in connection with the loading of garbage or trash on a compactor truck or with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or other containers between the hours of 8:00 p.m. and 6:00 a.m.
 - viii. The operation on private property or on a public way in any residential or business district of any power equipment generating unreasonable noise that is used for home or building repair or grounds maintenance, between the hours of 10:00 p.m. and 7:00 a.m. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, electric or chain saws or any power tools or other equipment used for home or building repair or grounds maintenance.
3. It shall be unlawful for any person to make any of the below-listed noises that are unreasonably loud and raucous:
 - i. The Construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m., during weekdays and Saturdays, and 9:00 a.m. and 7:00 p.m. on Sundays and national holidays.
 - ii. Grading, excavation, blasting, demolition, roadway construction or underground utility construction other than between the hours of 8:00 a.m. and 8:00 p.m., during weekdays and Saturdays except in cases of urgent necessity in the interest of public health and safety. If the village Administrator determines that,

the public health and safety will not be impaired by these activities he/she may grant permission for such work to be done during other hours on application being made at the time the permit for the work is awarded or during the progress of the work or during public works response to emergency situations, when the Village Administrator shall be notified however no application will be necessary.

D. Exemptions.

1. The following activities are exempted from regulation under this section.
 - i. Construction sites; public utility projects; public works.
 - a. Construction sites and public utilities projects during the daytime hours from Monday through Saturday, inclusive; provided, however, that noise production shall be minimized through proper equipment operation, maintenance or modifications thereto. Stationary equipment on construction projects lasting more than ten days within residential districts shall be shielded or located so as not to cause unnecessary noise.
 - b. Variance for certain construction sites and utility projects. A construction site or utility project may seek a variance exempting such site/project from the noise limitations if public convenience so requires or if the site/project operations by its nature, extends beyond the time and day limitations of this section, according to the following process:
 - i. Written application shall be made to the director of public works, or designee, at least ten calendar days prior to site/project start; and
 - ii. The director of public works shall, in consultation with the Village Administrator, review the site/project location and the probable noise impact on residential areas; and
 - iii. Applicant shall ensure noise production is minimized through proper equipment operation, maintenance or modifications thereto as required by the director of public works or health director; and
 - iv. The director of public works and/or health director shall place such terms and conditions upon any variance approval as will protect the health and welfare of the public. Failure to abide by such terms and conditions shall result in revocation of the variance; [and]
 - v. Approval and denial of any application shall be in writing; and
 - vi. If the variance is granted, applicant shall notify all property owners as identified by the health director prior to commencement of the site/project; and

- vii. Application denials may be appealed to the board of public works within ten days of the date of denial.
- ii. Public works operation. Village public works maintenance and operations projects; provided, however, that noise production shall be minimized through proper equipment operation and maintenance.
- iii. Emergency operations. Emergency short term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal, snow removal or emergency fuel oil delivery, shall be exempt from the criteria as set forth in section 146-8, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from such operations
- iv. Noises required by law. The provisions of section 146-8 shall not apply to any noise required specifically by law for the protection, health, welfare or safety of people or property.
- v. Lawn mowers; garden tools; powered equipment. Powered equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this article, no person shall operate such equipment, with the exception of snow removal equipment, during the hours of 10:00 p.m. through 7:00 a.m. inclusive.
- vi. Outdoor religious, educational or recreational activities. Reasonable activities conducted on public or private grounds, which are conducted in accordance with the way such spaces are generally used, including but not limited to, religious, educational or recreational activities or events.
- vii. Other outdoor events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- viii. Airplanes. Aircraft operations which are controlled specifically by federal law and enforcement shall be exempted from the provisions of this article.
- ix. Bells and chimes. Bells, chimes and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given one-hour period shall be exempt from the noise limitations.

10.07 Compression Brakes Prohibited

No person shall operate motor vehicle brakes within the Village limits of the Village of Ephraim to cause unreasonable and excessive noise levels or that are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, except under emergency conditions.

10.08 Regulation of Trees and Shrubs.

A. Policy and Applicability

- 1) Intent and Purpose - It is the policy of the Village to regulate and establish policy for

the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all public trees and shrubs within the Village against the spread of disease, insects or pests.

- 2) Applicability - The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas which shall threaten the life, health, safety, or welfare of the public or of any public areas.

B. Definitions - Unless specifically defined below, the words or phrases used in this chapter shall be so interpreted as to give them meaning they have in common law and to give this chapter its most reasonable application.

- 1) **“Person”** a person shall mean person, firm, association or ~~corp~~
- 2) **“Village”** a Village is the Village of Ephraim, Wisconsin.
- 3) **“Public Areas”** includes all public parks and other lands owned, controlled or leased by the Village.
- 4) **“Public Trees and Shrubs”** means all trees and shrubs located or to be planted in or upon public areas
- 5) **“Public Nuisance”** means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or public property.
- 6) **“Tree Management Plan”** the Village Tree Management Plan consists of a Village wide, street-by-street written evaluation of all public rights-of-way and public areas space and site factors which will aid in the determination of the tree genus and species and variety best suited to a particular planting site in regard to growth habits, shape, form, health, disease, insect and pest resistance, conflict with wires, lights, pavement, traffic, pedestrians, sidewalk, environmental pollution, sewers and space availability.
- 7) **“Administrator”** means the village administrator or designee.

C. Authority of Village to Preserve or Remove Trees and Shrubs and Abate Public Nuisance.

- 1) Public Trees and Shrubs. The Village Administrator may plant, trim, spray, preserve, renew and remove public trees and shrubs or cause such work to be done as may be necessary to ensure the safety, preserve the beauty of public areas, and to protect public property, sewers and water mains from damage or injury.

D. Abatement of Infectious Tree Insect/Disease Nuisances.

- 1) Whenever the Village Administrator shall find with reasonable certainty on examination or inspection that any public nuisance due to infections, tree insect/diseases nuisances exists within the Village, they 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 determined infectious insects or disease or the insect pests or vectors known to carry such disease.

E. Planting of Public Trees

- 1) Written Permission. Tree planting within any public area is permitted after obtaining written permission from the Village Administrator as herein provided. All work performed under the authorization of the permission shall be at the sole expense of the requester.
- 2) Permissions. Permission shall be required to cultivate, fertilize or water trees or shrubs on public property.
- 3) Requirements and Conditions. If the Village Administrator determines that the proposed tree planting described in the written permit ensures proper tree size, species, shape, location and conditions, taking into account the safety, health and welfare of the public, location of utilities and availability of a tree planting space, they shall grant permission to the application.

F. Injury to Trees and Shrubs Prohibited

- 1) Damage to Trees and Shrubs. No person shall, without written permission from the Village Administrator in the case of a public tree or public shrub do or cause to be done by others any of the following acts:
 - i. Secure, fasten or run any rope, written sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - ii. 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.
 - iii. Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any public tree or shrub, or place cement or other solid substance around the base of the same.
 - iv. Excavate any ditch, tunnel or trench or lay any drive within a radius of four feet from any tree or shrub except those by public utilities under authorization of an annual agreement and/or unless otherwise noted on the Village Administrator permit of excavation to public utilities.
 - v. Erect, alter, repair, raze or excavate without placing suitable guards as approved by the Village Administrator around all public trees or shrubs which may be injured by such operations.
 - vi. Remove any guard, stake, fence 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.
- 2) Utilities. When permission is obtained from the Village Administrator to move over-height and over-width structures or objects the Village Administrator will assist in advising the carrier regarding trees and shrubs on routes. Any damage done to trees and shrubs in the process of such a move shall be the liability of the carrier.
- 3) To top any public tree. Topping is defined as a severe cutback of leaders and main scaffold branches to stubs within the tree so as to remove the normal canopy and

disfigure the tree. Trees damaged by storms when proper pruning practices are impractical may be exempted from the ordinance at the determination of the Village Administrator.

- 4) Removal of Trees and Shrubs from Public Areas. No citizen shall remove or cause to be removed any tree or shrub from any public area without first obtaining permission from the Village Administrator.

G. Transporting Infectious Wood or Brush. No person shall transport into the Village, any infectious tree insect/disease bark bearing wood or brush without securing written permission from the Village Administrator.

H. Planting of Female Cottonwood Trees Prohibited. The planting of Female Cottonwood Trees is prohibited on public lands within the Village of Ephraim. Cottonwood Trees 3" in diameter or less are hereby declared to be a public nuisance.

10.09 Enforcement/ Remedies not Exclusive.

- A. The violation of the provisions of this chapter is punishable as an ordinance violation as provided at Section 25.04 of this code.
- B. In addition to the penalty authorized in Sub A, repeated violations of the provisions of this chapter, including the state statutes and county ordinances adopted at Section 10.01 and 10.02, are a public nuisance and may be abated as provided in Section 9.03 of this code or as otherwise specifically provided in this Chapter.
- C. Prosecution as provided in Sub A or B of this Section shall not prohibit the Village from seeking abatement or injunction relief to the extent specifically provided in the provisions of this Section, or as otherwise provided by law, including civil action to recover damages caused by the violation(s) of this chapter or maintenance of a nuisance activity.
- D. Nothing in this section is intended to affect the Villages right to tax the cost of nuisance abatement to the offending property as a special charge as provided at Section 66.0627 Wis. Stats.