



# City of West Allis

## Legislation Text

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**File #:** O-2019-0027, **Version:** 1

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An Ordinance to Amend Sections 6.03(5)(a) of the West Allis Municipal Code Relating to Diseased and Infected Trees, Hedges, etc.

Now, therefore, the Common Council of the City of West Allis, Milwaukee County, do ordain as follows:

### **Part 1. Code Revision**

Section 6.03(5)(a) of the Municipal Code of the City of West Allis is hereby amended to read as follows:

Inspection by Superintendent of Forestry and Public Grounds; Notice; Removal. The Superintendent of Forestry and Public Grounds (hereafter "the Superintendent") ~~shall~~ may inspect all trees, vines, hedges, plants, logs and branches within the City right-of-way and those trees, vines, hedges, plants, logs, and branches as the Superintendent determines may pose a danger to persons using the City right-of-way in order to determine whether they are healthy or diseased. ~~He shall have the right to enter upon any private property to make such examination.~~ If any such tree, vine, hedge, plant, log or branch is found dead, diseased, infected or infested and, in the opinion of the Superintendent, ~~is liable~~ is likely to spread any disease or is found to harbor destructive insects or, if any tree, vine, hedge, plant, log or branch is dangerous to the public, the Superintendent shall give a ~~seven (7) day~~ a written notice order to the owner, agent or occupant of such premises of such condition and direct that the owner, agent or occupant to remove and destroy the tree, vine, hedge, plant, log or branch. The owner, agent, or occupant of such premises of such condition will have thirty (30) days from the date of the order to correct the defect. The owner, agent, or occupant may request an extension to correct the defects which will only be granted for good cause at the discretion of the Superintendent of Forestry and Public Grounds. The owner, agent, or occupant who received the order may appeal the order to the Administrative Appeals Review Board (hereafter "the Board") by submitting a written objection to the City Clerk's Office within 30 days of the order. Upon receipt of a timely appeal, the Board shall hold a hearing on the appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person. In the event the owner, agent or occupant shall fail to comply with the ~~directions~~ orders given within the time specified, the Superintendent may enter upon and remove or contract for the removal of the diseased, infected or infested trees, vines, hedges, plants, logs or branches or any part thereof.

### **Part 2. Inconsistent Law Repealed**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

### **Part 3. Severability**

The provisions of this ordinance are severable. If any provision of this ordinance is invalid, or if the application of this ordinance to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

### **Part 4. Effective Date**

This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Amend 6.035(a) Diseased&Infected Trees