

ORDINANCE NO. 58

AN ORDINANCE TO REGULATE THE REMOVAL OF TREES AND RELATED EROSION CONTROL IN THE TOWN OF GENEVA WALWORTH COUNTY, WISCONSIN

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain as follows:

Section 1. Removal of Trees and Cover

A. Applicability. This article applies to the removal of trees and vegetation on properties located within the Town of Geneva. Before any trees or brush are removed from a potential building site, a building permit must first be applied for with the Town of Geneva Building Inspector.

B. Permitting Requirements.

1. General.

- a. All tree cutting exceeding the limitations of Section C. requires a Permit from the Town of Geneva Planning Commission.
- b. Tree cutting on more than one acre in an area also requires that the owner provides notice to the Town of Geneva Planning Commission.

2. Exceptions.

- a. This Ordinance shall not apply where governmental bodies perform cutting.
- b. Public or Private Utilities are required to inform the Town of Geneva Building Inspector previous to initiating any trimming or tree removal in the Town of Geneva.
- c. This Ordinance shall not apply to removal of dead, dying or diseased trees or shrubbery.

C. Limitations on Removal of Trees and Cover.

1. Preservation of Trees and Vegetation. Except as set forth in this section, natural shrubbery, trees and undergrowth shall be preserved as far as practicable, and if removed, it shall be replaced with vegetation that is equally effective in meeting the objectives of the Ordinance.

2. Prohibition of Clear Cutting. Clear cutting of trees shall be prohibited other than for the following areas and purposes, all of which must be described to the Town of Geneva Building Inspector on a drawing previous to start of clearing:

- a. For the placement and maintenance of a building within thirty feet (30') of each exterior wall,
- b. For the installation of a private septic system,
- c. A twenty foot (20') wide (or width as allowed by other regulation) path for construction of a roadway from a public road or easement to the principal,

d. For the recreational area described in this section.

3. Creation of a Recreational Area. One or more recreational area(s) is/are allowed on each parcel with a total recreational area no larger than 500 square feet per 10,000 square feet of lot area. Select cutting of trees and shrubbery is permitted to create a recreational area if one does not exist naturally.

3. Adherence to Sound Forestry Practices. Recommendations as published by the UW-Extension Office or other recognized arborist authorities on when and how to cut and prune specific species of trees and plants are to be strictly adhered to.

D. Alternative Tree Removal and Cover Limitations.

1. General. A special cutting plan allowing cutting greater than that set forth in Section C may be permitted by the Town of Geneva Planning Commission by issuance of a Special Permit.

2. Application Requirements. In applying for such a permit, the parcel owner shall provide the Town of Geneva Planning Commission a scaled drawing which includes the following information:

- a. Name,
- b. Address of site and contact information,
- c. Legal description,
- d. Directions to site,
- e. Location of parking/landing areas,
- f. Topography of the Land including a proposed drainage plan,
- g. Existing Vegetation, wetlands, buildings and structures,
- h. Proposed Cutting,
- i. Proposed Replanting.

3. The Committee may grant a permit with alternative limitations only if it finds that such special cutting plans:

- a. Will not cause undue erosion or destruction of scenic beauty,
- b. Will provide substantial screening of dwellings, accessory structures and parking areas.

4. The Committee may require replacement plantings, and the submission of a bond that guarantees the establishment and maintenance of the planned tree or shrubbery planting by the parcel owner.

E. Severability. This Ordinance does not replace or restrict the Walworth County Zoning Ordinance that shall apply in all cases. In the event that this Ordinance requires additional restrictions, the owner must comply with this Ordinance as well as the Walworth County Zoning Ordinance. In the event any provision hereof is found to be unenforceable, such provision only shall be unenforceable, the balance of this Ordinance shall remain in full force and effect.

Section 2. PENALTY.

Any person who violates any provision of this Ordinance may be required, upon conviction thereof, to forfeit not more than One Thousand Dollars (\$1,000.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs may be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days.

Section 3. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and publication, as provided by law.

Passed and adopted by the Town Board of the Town of Geneva, Walworth County, Wisconsin, this the _____ day of _____, 2001.

Joseph F. Kopecky, Chairman

Merle L. Loomer, Supervisor

Charlotte Peterson, Supervisor

Mary Van Lue, Supervisor

Robert McLernon, Supervisor

ATTEST:

Warren Schinke, Clerk

Date Adopted: _____

Date Posted: _____