

ORDINANCE NO. 2021-04

An Ordinance Creating Section 6-4-16 Violations and Penalty

SEC. 6-4-16 VIOLATIONS AND PENALTY

WHEREAS, the City of Cedarburg recognizes its trees and shrubs as contributing to the quality of life and visual aesthetic of the City of Cedarburg and wishes to protect public trees and shrubs by creating a monetary penalty for damage;


Therefore, The Common Council of the City of Cedarburg, Wisconsin, hereby ordain as follows:

SECTION 1. Any person, firm or corporation violating any of the provisions of this ordinance may be subject to a forfeiture of up to \$500.00 per violation together with the costs of such action. In addition to the forfeiture the City may require restitution for the appraised value of the tree(s) and /or shrub(s) which were damaged or destroyed as result of violation of this ordinance. If, as a result of the violation of any provision of this ordinance, the injury, mutilation or death of a City-owned tree or shrub is caused, the cost of repair, replacement, and the appraised value shall be borne by the party in violation. The appraised value of trees and shrubs shall be determined by the City Forester or a Certified Arborist in accordance with the latest revision of the Council of Tree & Landscape Appraisers Guide for Plant Appraisal, as published by the International Society of Arboriculture; or the Consumer Price Index (CPI) Method as it applies to the cost per diameter inch of recently planted trees; whichever is in the best interest of the City. The party in violation shall pay all fees associated with the Certified Arborist's appraisal. Each day during which any violation of the provisions of this ordinance shall occur or continue, shall be a separate offense.

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity of constitutionality shall not affect the other provisions of this ordinance.

SECTION 3. This ordinance shall take effect upon publication as provided by law.

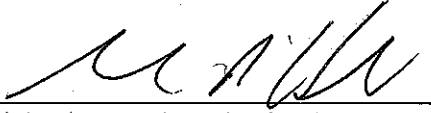
Passed and adopted this 11th day of January 2021.


Michael O'Keefe, Mayor

Attest:


Tracie Sette, City Clerk

Approved as to form:

A handwritten signature in black ink, appearing to read 'M. P. Herbrand', written over a horizontal line.

Michael P. Herbrand, City Attorney