

**PERSONNEL
COMMITTEE**

Monday, October 5, 2020

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/89180801802>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 891 8080 1802

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Village Board. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding minutes of the meeting held August 3, 2020.
4. BUSINESS.
 - a. Discussion and action to make a recommendation to the Village Board regarding Use of Social Media Policy as Chapter 33 of the Personnel Policy Manual.
 - b. Discussion and action to make a recommendation to the Village Board regarding the creation of Chapter 36 and revision of Chapter 25 of the Personnel Policy Manual as it relates to a light duty.
 - c. Discussion and action to make a recommendation to the Village Board regarding the appointment of the Village Forester.
5. SCHEDULE NEXT MEETING DATE.

- a. Monday, November 2, 2020 at 6:30 pm.

6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, October 5, 2020

SECTION: Business

DEPARTMENT: Communications & Technology

CONTACT:

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Use of Social Media Policy as Chapter 33 of the Personnel Policy Manual.

PREVIOUS ACTION:

ISSUE SUMMARY:

Chapter 33 of the Personnel Policy has not been updated since 2014. Over the past six years, a lot has changed regarding social media interfaces, standards, policies, etc. When this policy was made, the Village had yet to even obtain its official social media pages. Due to this, this chapter is in need of updates.

The currently modified version of Chapter 33 provided in your packet shows recommended revisions from staff and the Communications and Technology Committee. It provides updates regarding who is in charge of social media sites and best practices. Also sections 33.04 & 33.05 are suggested for addition to address use of social media by staff both personally and professionally. Both of these topics should be considered for this chapter to maintain the standards of the Village and Village employees.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. CHAPTER 33 Social Media Polcy - DRAFT 10.02.2020



CHAPTER 33 - POLICY ON USE OF SOCIAL MEDIA

33.01 Purpose

This policy provides guidelines and procedures to Village staff in determining the proper utilization of social media. Social media consists of networks and online publications that enable individuals and groups to communicate between one another for different purposes. Examples of these online tools include Facebook, Instagram, Twitter, LinkedIn, YouTube, blogs and several others. The Village may use certain social media sites in order to reach out to the public and educate individuals on events, activities, awards, and other news releases. Social media can help the Village and its departments to connect in different ways with other organizations and businesses in the community. This policy outlines the proper content and uses for social media since the Village has a significant interest and expectation in regulating the content that is posted on its sites.

33.02 General Village Use of Social Media Policy

(1) In order for any Village department to establish a social media site, the request must first be approved by the Administrator and ~~Clerk/Deputy Treasurer~~ Communications and Technology Director Requests for social media sites must include a plan that assigns certain individuals (department head or designees) to regularly update and monitor the sites. The request must also explain the ways that the department plans to utilize its social media site.

(2) All social media sites must be monitored and ~~posts should be done regularly according to best analytic practices for each platform as directed by the Communications and Technology Director, updated each week day.~~

(3) Each social media site must clearly state that it is Village-operated and maintained by Village staff. Sites must also include the Village of McFarland logo as well as any other branding or logos that identify the involved party.

(4) All social media sites should include a link back to the Village of McFarland website: www.mcfarland.wi.us.

(5) All Village staff must adhere to the Policy on Use of Technology Resources along with any other related federal, state, or local regulations.

(6) The Village reserves the right to take down any abusive or inappropriate posts that violate this policy. ~~Any post that is taken down from the site must be documented by the department responsible for the social media site. Documentation must include a copy of the post, time of post, date of post, name of the individual responsible for the content, and any other information that is relevant to the situation.~~

(7) Village of McFarland social media sites are subject to State of Wisconsin public record laws. Any content on these sites related to Village business is considered public record. All social

Comment [CS1]: In general this section is meant to address Village Departments that feel they cannot provide their message through the Village's social media page. Current examples of departments with their own social media pages include McFarland Fire & Rescue, E.D. Locke Public Library, and the McFarland Police Department.

Comment [CS2]: This recognizing the shifting of duties regarding social media/the website to the Communications & Technology Department/Communications & Technology Director.

media sites maintained by the Village shall have archival technology to retain all posts to maintain compliance with public records law.

Content can range from messages, list of subscribers, images, videos and any other content that exists. The department that creates a social media site is responsible for responding to any public records request in coordination with the Clerk/Deputy Treasurer. If possible, each social media site should remind its viewers through a disclaimer that content on the site is considered public record.

(8) Employees maintaining-managing social media sites are representative of the Village and are expected to conduct themselves accordingly. All posts by employees must be completed in a professional manner that is strictly used for informative purposes related to Village business. Employees who fail to conduct themselves in an appropriate manner may be subject to disciplinary action.

(9) The Village encourages all departments and staff to adopt and use the following disclaimer for their department social media sites:

“The Village of McFarland encourages all viewers to use proper content. Any abusive or inappropriate content that violates the Village of McFarland Policy on Use of Social Media will be removed from the site. All information posted on this site is subject to public record.”

33.03 Comment Policy

(1) Any comment posted by a resident or member of the public is solely an individual’s opinion. Allowing posts by the public does not imply that the views or opinions expressed are representative of or endorsed by the Village of McFarland. Comments and posts created by Village staff may only provide information regarding Village business.

(2) The Village reserves the right to remove any inappropriate or abusive content. This includes but is not limited to content ~~that~~which:

- (a) Discriminates against others based on race, creed, color, sex, gender, national origin, religion, age, sexual orientation, marital status, or mental or physical disability;
- (b) Makes threats towards an individual or organization;
- (c) Supports or opposes a political campaign or ballot measure;
- (d) Solicits commerce;
- (e) Violates any federal, state, or local law;
- (f) Encourages illegal activity;

Comment [CS3]: Staff discussed this section internally at length. The Village needs a policy governing issues of this nature, but staff wanted to bring forth discussion on whether or not the personnel policy manual is the appropriate place for this section.

- (g) Contains sexual content (including links);
- (h) Contains profane or abusive language and/or images;
- (i) Violates the legal ownership interest (such as copyright) of any party;
- (j) Or any other comments that do not relate to the original topic.

(3) The Village reserves the right to remove or block any members of the public who repeatedly violate this policy.

(4) If content is removed, Village staff must document the violation while notifying the involved party / individual that their content was removed. The following message should be sent out to any members of the public that violate the policy:

“The Village of McFarland removed your recent content from its social media site because it was in violation of the Village’s Policy on Use of Social Media. Please avoid from posting any inappropriate content in the future. If you do not refrain, the Village of McFarland reserves the right to remove you as a member of this group. Thank you for your cooperation.”

(5) All sites must have one or more staff designated to update content on the site, respond to any requests or questions asked by the public, and monitor regularly the content posted on their social media sites.

33.04 Personal Use of Social Media

(1) The Village recognizes employees may choose to have their own personal social media sites and accounts unrelated to their capacity as an employee of the Village. These sites, as applicable, are private and are intended to share their own personal information as the employee elects to regarding nonwork related information.

(2) Village employees are prohibited from use of their Village account or password for a personal social media account.

(3) Village encourages employees to share village related events or items as part of their personal accounts to help create brand awareness.

33.05 Professional Use of Social Media

(1) Only individuals authorized by the Village may publish content on behalf of the Village in their capacity as a Village employee. Permission to create accounts/sites to publish content on behalf of the Village shall be approved by the Village Administrator. All approved social media sites shall identify themselves as approved accounts of the Village of McFarland.

Comment [CS4]: This section is inserted to provide a general segregation regarding employee’s personal social media. The main concern is ensuring that Village employees are not engaging in discussion in their capacity as Village employees on personal accounts. There are several reasons for this including the unified voice we have discussed that everything should flow through the Village’s social media site, and it also allows for more controls to ensure public records compliance.

Comment [CS5]: The Comm & Tech committee weighed in and felt it was beneficial to have this section included so there are rules and parameters should professional use of social media be desired, however, the Committee was not sure it was best practice for Village employees to be engaging in dialogue in their professional capacity on social media. They felt the nature of social media is one where often times people need space to vent. They recommended if there were situations in which a response from the Village was desired and necessary, it should come from the Village’s page as a unified message. There were also concerns that engaging in dialogue on social media, also could create the false impression that their opinions provided on social media are heard by the Village officials as they make decisions. Overall, the section is left in so that in the case this is necessary or desired, there is a policy to ensure best practices regarding records retention are followed.

Comment [CS6]: This provides a process by which accounts are approved. The Communication and Technology Committee also recommended their be some sort of language identifying approved accounts to prevent imposters or fraud.

(2) Employees approved to publish content on behalf of the Village shall create a new account with their Village email address and ensure the account is linked to the Village's electronic archival software to ensure compliance with public records law.

(3) All posts or communications must maintain a high level of ethical conduct and professional decorum. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, avoid jargon, obscure terminology or acronyms. Failure to do so may be grounds for revocation of authorization to hold a Village social media account.

(4) Posts that are for political purposes or any private related activities or transactions are prohibited.

(5) Inappropriate usage of a Village social media account shall be grounds for disciplinary action and/or removal of the account under the discretion of the Village Administrator.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, October 5, 2020

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding the creation of Chapter 36 and revision of Chapter 25 of the Personnel Policy Manual as it relates to a light duty.

PREVIOUS ACTION:

At the August 3, 2020 Personnel Committee meeting the committee reviewed and suggested revisions to the light duty draft policy.

ISSUE SUMMARY:

Currently the Village does not have a policy regarding light duty assignments. Generally light duty is requested when an employee as a result of injury or illness is unable to perform some their job duties. Historically the Village has allowed light duty work for both on-duty and off-duty related injuries where possible based on the restrictions allowed by the employees physician and the availability of meaningful light duty work within the department. Staff would like to add a policy to the personnel policy manual to outline the procedure for light duty assignments and how the Village will handle them to provide continuity and clarity and a process for Departments to follow.

Based on feedback at the last Personnel Committee meeting, staff has worked with the labor attorney to make updates and revisions to the policy. One of the biggest issues identified by the Committee was the challenge in writing one light duty policy that addresses both worker's compensation related illness/injury and non worker's compensation related illness/injury. Based on this, the policies have been split. The proposal is to revise the already existing Chapter 25 policy on worker's compensation to include light duty, and to create section 36 to address non worker's compensation related illness/injury. Additional revisions and follow up comments from the last meeting are included in the two revised attached drafts.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A



ORDINANCE REFERENCE:

N/A

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Submitted for review and recommendation.

ATTACHMENTS:

1. PPM Chapter 36 - Light Duty - DRAFT 10.02.2020 Version
2. CHAPTER 25 Workers Compensation - DRAFT 10.02.2020

CHAPTER 36 – Light Duty Policy ~~for Non-Worker’s Compensation Related Illness/Injury~~

Comment [CS1]: Title Updated per Attorney recommendation

36.01 Policy/Purpose

It is in the best interest of the Village and its employees to have injured or ill employees return to work as soon as they are physically capable to temporarily perform meaningful beneficial assignments as they are available. This policy is not a long-term employment commitment and is designed to provide opportunities for limited or episodic work, as available, and for limited durations of time not to exceed 30 days in duration from beginning to end.

36.02 Applicability

This policy shall be applicable ~~for both on-the-job injury/illness and~~ off-the-job injury/illness for an employee who is deemed to be capable of working at some level and capacity other than his/her normal capacity. The employee may be assigned such work as may be beneficial to the Village. An employee who, because of a temporary medical restriction, is unable to perform his/her regular job duties may be assigned to temporary light duty status. Light duty may consist of a change in job assignment, modification of job duties, and/or a combination of these changes.

(a) 36.03 Procedures

(a) ~~Employees seeking light duty status shall~~ ~~The employee shall~~ submit the request for light duty to the employee’s Department Head in writing as soon as the need for light duty is known and at least 24 hours before the expected start of light duty. The Department Head shall forward the request to the Village Administrator. }

Comment [CS2]: Policy updated to make clear employees must apply for light duty if they are interested.

(b) A licensed physician shall be provided a copy of the Village’s job description for the employee and provide a clear outlining of all job restrictions, the duration of restrictions, and job duties that cannot be performed by the employee as a result of the temporary medical condition. Failure to provide the required information to a satisfactory level may result in a delay of starting light duty assignment or denial of assignment. The Village shall not be liable for lost wages during this delay.

(c) ~~Any medical~~ information received that relates to medical history or disabilities must be treated as confidential medical records and should be provided directly to the Village Administrator or the Administrator’s designee. The Department Head or Supervisor may be informed about the necessary restrictions or accommodations. Medical information may ~~be~~ shared as permitted by applicable law.

Comment [CS3]: There was a concern from the committee on this statement and the possibility the Village will receive very limited information in the case of a non-worker’s comp related injury. In almost every case, all the Village is looking for is return to work information with specific detailed restrictions. The nature of the injury/illness is often protected information, but not what is intended by this section. However, there are cases in which an injury/illness request for light duty may require an ADA accommodation. In these cases more information would be shared. Again this is just meant to be a catch all statement that provides a clear process and segregation for how medical information is shared. The Labor Attorney agreed this is recommended from a best practice standpoint.

(d) After reviewing the information received from the physician, the Department Head shall make a decision in consultation with the Village Administrator as to whether to classify the employee in light duty status. The determination of whether to put an employee on light duty status shall be made based on whether there is meaningful assignments

available that fit within the restrictions provided. Work assignments must adhere to the physical restrictions provided to avoid reinjuring or aggravating the condition.

- (e) Once an employee is authorized and assigned light duty status, they shall continue in their status as an employee of the Village with the same wages and fringe benefits as previously assigned based on the hours worked by the employee and paid time off used, if applicable. ~~For employees working light duty due to off-duty injuries, (the Village reserves the right to modify an employee's pay during any light duty assignment to be commensurate with the work performed.)~~ The Village may alter the employees work hours based on the time light duty is performed. ~~Failure to report for or to carry out the assignments of light duty status shall be grounds for termination of light duty status and discipline depending on the circumstances. considered misconduct resulting in discipline up to and including discharge~~
- (f) An employee may request to be removed from light duty status at any time as long as they provide at least 48 hour notice.
- (g) It is the employee's responsibility to provide timely medical information regarding their continued need for light duty or any changes to their condition and/or restrictions as applicable. Failure to provide documentation may result in the termination of light duty status.
- (h) Employees are expected to follow all restrictions as outlined by their physician and make the supervisor aware of any job duties that conflict with those restrictions.
- (i) Employees working light duty due to worker's compensation-related injuries shall receive preference for light duty due to non-work related injuries. The Village reserves the right to offer or deny light duty assignments based on various factors including quality of performance, skills, ability, compensation of the individual performing the light duty, and other legitimate nondiscriminatory reasons.

36.04 Other Provisions and Limitations

- (a)
 - (a) Nothing in this policy shall constitutes continued employment for any duration, a guarantee of work or pay in lieu of work during the period of temporary disability, or any other rights.
 - (b) Light duty assignments shall be based upon existing work, which meets the employee's job restrictions and does not interfere with the Village's normal operations. Additionally, the Village does not guarantee light duty work will provide continuity of schedule or

Comment [CS4]: The Committee requested pros and cons of reduced wages for light duty from the Village Attorney:

Pros – Wage modification for light duty provides incentive for the employee to return to work faster and prevents the Village from paying top dollar for low wage tasks.

Cons – Based on the episodic sporadic nature of light duty work, it may be challenging to determine appropriate wages for work. Also the same incentive to bring employees back to work faster, may also run the danger of employees returning to soon and seeing re-injury.

In practice, the Village has never implemented a reduced wage for light duty work and based on the pros and cons, staff would recommend removal of the clause.

Comment [CS5]: The Committee was concerned with being able to enforce and carry out discharge of an employee for failure to carryout light duty work, especially if there is no job description. As discussed, light duty (where available and meaningful) is beneficial to the Village in being able to get additional work completed, and to the employee as they do not need to use leave time or go on ICI coverage at a reduced wage. It is much cleaner and easier to remove employees from light duty status than try to carryout discharge.

Comment [CS6]: The creation of (f) just memorializing the point that employees can request to be removed from light duty work. The 48 hour provision just helps provide notice and provide opportunity to wrap up projects.

number of hours worked per week. An employee must use accrued sick leave, vacation or compensatory time to supplement a part-time schedule.

- (c) The purpose of this policy is to help an employee return to the role of a productive work during a period of temporary disability. In no case, will a light duty assignment become a permanent position. Light duty assignments will generally not extend beyond thirty days. The employee must make a new request for light duty upon expiration of the authorized assignment.
- (d) Light duty assignments may span across different Village Departments. Employees should not expect light duty assignment within the Department worked by the employee.
- (e) Employees working light duty must meet all performance expectations of the light duty assignment.
- (f) Light duty assignments may be modified or withdrawn by the Village at any time
- (g) Light duty may not be offered to an employee where the employee's temporary restrictions so impact the employee that nondisciplinary medical separation is considered. Light duty may not be offered to an employee where the employee's permanent restrictions so impact the employee that nondisciplinary medical separation is considered. A medical leave of absence may also be requested as outlined in the personnel manual. Appropriate time limits under these documents will be applied.

CHAPTER 25 - WORKER'S COMPENSATION ~~AND WORKER'S COMPENSATION~~ LIGHT DUTY

Comment [CS1]: Title change to reflect segregation of policies, and incorporate suggested language from Labor Attorney.

25.01 Policy

Village employees may be covered by applicable provisions of the Wisconsin Worker's Compensation laws. These laws generally provide medical and financial benefits for employees who, while performing duties within the scope of their employment, become temporarily or permanently disabled or die as the result of a job-related injury or disease.

25.02 Requirements

(1) Any employee who is injured on the job, no matter how minor the injury, is required to report the incident as soon as possible to the immediate supervisor. The supervisor should then notify the Department Head and the Village Administrator or designee without delay so that the proper reports can be submitted in a timely manner to the insurance carrier and the State.

(2) The Village may require any employee who wishes to file a Worker's Compensation claim to be examined initially by a physician that it designates.

(3) Employees who are absent and receiving Worker's Compensation benefits will be required to furnish a physician's certificate before returning to duty if they are absent three (3) or more consecutive days. Unless directed differently, employees who are absent for an extended period will also be required to furnish a physician's certificate every fourteen (14) days or as recommended by the physician. The cost of any required physical examinations or doctor's visits not covered by the employee's health insurance will be paid by the Village.

(4) Employees who are eligible for worker's compensation benefits from a work-related injury or illness should expect the Village to consider light duty to return the employee to work. The Village reserves the right to determine the assignment of light-duty status based on existing work, which meets the employee's job restrictions and does not interfere with the Village's normal operations for employees with work related injuries.

Comment [CS2]: This section is put forth is a recommendation from the Village Labor Attorney just to have basic parameters on light duty.

(a) The purpose of this policy is to help an employee return to the role of a productive work during a period of temporary disability. In no case, will a light duty assignment become a permanent position.

(b) Light duty assignments will generally not extend beyond thirty days, as light duty work is generally episodic, temporary, and nonrecurring in nature. The Village will evaluate the continuation of light duty based on the needs of the Village and the employee's work restrictions. The Village does not guarantee light duty work will provide continuity of schedule or number of hours worked per week. Employees working light duty must meet all performance expectations of the light duty assignment, and the assignment may be modified or withdrawn at any time. Light duty may not be offered to an employee where the employee's

temporary or permanent restrictions so impact the employee that nondisciplinary medical separation is considered.

(c) Employees are expected to follow all restrictions as outlined by their physician and make the supervisor aware of any job duties that conflict with those restrictions.

(d) Employees working light duty due to worker's compensation-related injuries shall receive preference for light duty due to non-work related injuries. The Village reserves the right to offer or deny light duty assignments based on various factors including quality of performance, skills, ability, compensation of the individual performing the light duty, and other legitimate nondiscriminatory reasons.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, October 5, 2020

SECTION: Business

DEPARTMENT: Public Works

CONTACT: Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding the appointment of the Village Forester.

PREVIOUS ACTION:

The Parks, Recreation, and Natural Resources Committee reviewed this appointment at its meeting on September 24, 2020 and recommended approval.

The Village Board considered the recommendation of the Parks Committee at their meeting on September 28th and requested the item be reviewed by the Personnel Committee.

ISSUE SUMMARY:

Section 59-21 of the Village Code of Ordinances provides the duties of the Village Forester. Pursuant to 59-19(4)(d) the Parks, Recreation and Natural Resources Committee is provided the power and duty to make recommendation to the Village Board regarding the selection of the Village Forester and the hiring and retaining of urban forestry contractors to assist with Village Tree Management.

The Village Forester is charged with a variety of duties outlined in the attached ordinance. The reason this item is brought forth for consideration is the Village does not currently have an appointed Village Forester. Many of these duties fall within the duties already designated within the job description of the Parks Superintendent. The ordinance also provides the Village Forester additional powers and duties to address trees on both public and private property that are a nuisance or potential safety hazard. The Village from time to time runs into private property disputes between neighbors in which a shared tree has potentially become hazardous. The ordinance clearly provides it is not the duty of the Village Forester to routinely inspect or be responsible for trees on private property, but does provide the authority to intervene when a tree has become hazardous or a nuisance that endangers the public, other trees, or other public improvements. In the event there was concerns regarding a hazardous tree that potentially needed to be removed, it would be done so by the Village Forester with consultation of a certified arborist.

The Parks, Recreation, and Natural Resources Committee has already made its recommendation to the Village Board to authorize this appointment. The Village Board has requested the



Personnel Committee also consider and make a recommendation on the topic. Enclosed is the ordinance outlining the duties of the Forester provided by code and the existing job description of the Parks Superintendent position. We will review this information as part of our work to make a recommendation to the Village Board.

FINANCIAL/BUDGET IMPACT:

Likely there is no changes to the classification for this position that would necessitate a budgetary or fiscal impact. The Park Superintendent position is already classified as a higher responsibility position given its current listing of essential job functions such as supervision, management, financial, tree planting, etc.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Village Code of Ordinances Sections 59-21 through 59-33.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended to appoint Village Forester as Parks Superintendent.

ATTACHMENTS:

1. Village Forester - Chapter 59
2. 04.08.2019 - Parks Superintendent Job Description

Sec. 59-21. - Duties of Village Forester.

- (a) In addition to other duties specified in this Article, the Village Forester shall inspect and maintain the inventory list of trees on Village property and inspect trees for health. The Village Forester shall notify landowners of trees hanging over the public right-of-way that require trimming and provide contact information at the UW Extension for residents requiring answers to tree and shrub questions.
- (b) If the Village Forester becomes aware of a potential public nuisance through the normal conduct of Village business or receives a report of a potential public nuisance:
 - (1) The Village Forester may only enter private property in compliance with the following procedure and only if public safety requires intervention. The Village Forester shall first make visual inspection from off the property; second, the Village Forester will inform the property owner in writing of the need for an inspection of a tree or shrub; third, the Village Forester shall gain consent from the property owner; and fourth, the Village Forester shall make an inspection and report to both the property owner and the Parks Manager on the findings. If a property owner refuses entry on their property, the Village Forester may obtain a special inspection warrant pursuant to Wis. Stats. § 66.0119 from the municipal court prior to inspecting the property.
 - (2) In the event of an emergency requiring immediate access to the property, the Village Forester may enter the property after reasonable efforts to contact the property owner.
- (c) The Village Forester or authorized representative may, after making a reasonable attempt to notify the homeowner, enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Article.
- (d) The Village Forester is charged with making the determination of a heritage tree designation. Any tree, grove of trees, shrub or group of trees, growing on public property within the Village limits, which meets any of the following criteria may have the heritage designation.
 - (1) Any tree, grove of trees or shrubs that may have historical significance, including those that were/are:
 - a. Planted as a commemorative;
 - b. Planted during a particularly significant historical era; or
 - c. Marking the spot of an historical event.
 - (2) Any tree, grove of trees or shrubs having horticultural or ecological significance:
 - a. Long-lived species such as oak, hickory and white pine are especially desirable for this designation;
 - b. No species of tree or shrub listed in Section 59-36 may gain the heritage designation;
 - c. A distinctive specimen in size or structure for its species (determined by comparing the tree or shrub to average trees and shrubs of its species in the Village);
 - d. A rare or unusual species for the McFarland area (to be determined by the number of similar trees of the same species within the Village);
 - e. Trees or shrubs providing valuable habitat; or
 - f. Trees or shrubs identified by the Village Board via a Village-wide survey as having significant arboricultural value to the citizens of the Village.
 - (3) For a tree or shrub to meet the heritage tree designation, it must be of sound health and have been tagged by the Village Forester or designated representative as meeting the heritage tree criteria described in this Section, and cannot be a species listed in Section 59-36.

No heritage tree may be removed without written permission from the Village Forester. If a removal permit is granted, the person responsible for its removal may be required to remediate the trees removed by replanting. No replacement is required for removal of dead, diseased, or potentially hazardous heritage trees or those that are listed as nuisance trees in Section 59-36.

(Code 1998, § 6-4-3; Ord. No. 2007-09, § 1(6-4-3), 10-22-2007; Ord. No. 2014-01, § 1, 3-31-2014)

Sec. 59-22. - Interference with the Village Forester prohibited.

No person shall interfere with the Village Forester or the Village Forester's authorized representative while they are engaged in carrying out any work or activities authorized by this Article.

(Code 1998, § 6-4-4; Ord. No. 2007-09, § 1(6-4-4), 10-22-2007)

Sec. 59-23. - Abatement of tree disease and insect nuisances.

- (a) *Insects and pathogens.* The Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal insect infestation and diseases. The Village Board hereby declares its intention to control and prevent the spread of pests and specifically declares oak wilt and the insect vectors of this and other such diseases to be public nuisances. The Village Board also authorizes the Natural Resources Committee to investigate new diseases and nuisances as they come into existence and authorizes said Natural Resources Committee to take actions similar to those described herein for such future diseases and nuisances.
- (b) *Treatment.* When made aware that any tree, shrub or part thereof growing on private property is a public nuisance, or which endangers life, health, safety or public property or which is infested with parasites, insect pests or disease that may spread or disperse to public trees and shrubs, the Village Forester shall notify the owner or agent (in accordance with Section 59-21(c)) that the nuisance must be sprayed, removed or otherwise abated as directed within a reasonable period of time as directed by the Village Forester. If the owner fails to comply with the terms of the notice, the Village Forester may perform the necessary remediation and charge the cost thereof to the owner. If the owner fails to pay the cost within 30 days thereof, the Village may place the unpaid amount on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.
- (c) *Abatement of nuisances with public and private trees; duty of Village Forester.*
- (1) The Village Forester shall order, direct, supervise and control the abatement of public nuisances as defined in Section 59-20 by spraying, removing, burning, quarantining, trenching to sever root grafts or by other means the Village Forester determines to be necessary to prevent as fully as possible the spread of any deleterious or fatal tree disease or insect pest or the vectors known to carry such diseases. The Village Forester shall provide advance notification to adjacent property owners if trees are to be sprayed.
 - (2) Whenever the Village Forester, after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, the Village Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of any deleterious or fatal tree disease or insect pest or vectors known to carry such disease pathogens.
 - (3) Whenever the Village Forester shall find, on examination, or is otherwise made aware, that any tree or shrub or part thereof growing or located upon private property is a public nuisance as defined in Section 59-20, or which endangers the life, health, safety, or public property, or which is infested with parasites, insect pests or disease that may spread or disperse to public trees and shrubs, the Village Forester shall notify the owner or agent, by personal service or certified mail, that the nuisance must be sprayed, removed, or otherwise abated as directed in the notice within a reasonable period of time as determined by the Village Forester unless the Village Forester shall determine that immediate correction or removal is necessary for public safety. If the

owner of such property or agent thereof shall refuse or neglect to comply with the notice, the Village Forester shall cause the nuisance to be abated and shall report the expense thereof to the Village Clerk who shall enter it as a special charge against the property under Wis. Stats. § 66.0627 upon which the tree or shrub is located.

- (d) *Oak wilt prevention.* The Village Board has determined that the health of oak trees within the Village limits is threatened by the fatal disease known as oak wilt. The loss of oak trees growing on private and public property substantially depreciates the value of property within the Village and impairs the safety, general welfare and convenience of the public. It is in the public interest for protection of public and private property to control the spread of oak wilt fungus. The spread of oak wilt fungus is believed to be increased by the cutting and pruning of oak trees between April 1 and October 1 of each year. Accordingly, the Village Board hereby declares oak wilt as a public nuisance.
- (e) *Oak wilt management.*
- (1) Whereas the Village Board recognizes that oak wilt is spread more readily from tree to tree during the spring and summer months than during other times of the year, the Village Board hereby declares its intention to help control the spread of this disease by regulating work on these tree species during this sensitive period.
 - (2) No removal, pruning or maintenance of any oak tree shall be conducted annually between the dates of March 1 to November 1 without written permission from the Village Forester.
 - a. The Village Forester may grant an exemption in cases where pruning or removal is necessary to abate an imminent and immediate hazard or in cases of storm-damaged trees.
 - b. The Village Forester may grant an exemption for public utilities; however, such an exemption shall be stipulated within the work permit issued by the Village to the utility as described in Section 59-24.

In the case of any exemption, all possible precautions shall be exercised in order to limit the infection of these trees, including the application of a sterile wound dressing/paint to pruning wounds created during this time. Such wound dressing should be applied at the time pruning occurs.
- (f) *Stump removal.* After the removal of any public tree or shrub, the Village Forester may cause the removal of such public tree or shrub's stump at the Village's expense. If a private tree or shrub is removed for the purpose of abating a public nuisance and at the order of the Village Forester, the Village Forester may also cause the removal of such private tree or shrub's stump if its presence also poses a public nuisance as defined in Section 59-20 and the expense shall be charged to the property pursuant to Wis. Stats. § 66.0627.

(Code 1998, § 6-4-5; Ord. No. 2007-09, § 1(6-4-5), 10-22-2007)

Sec. 59-24. - Permit for planting, maintenance and removal of trees and shrubs.

- (a) *Permit required.* No person, except upon order of the Village Forester, shall plant, transplant, move, spray, brace, trim, remove, or perform major pruning as determined by the Village Forester on a tree or shrub in the public right-of-way terrace area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester as herein provided. The applicant shall comply with the planting standards of Section 59-25. The fee for the permit shall be as established by the Village Board from time to time and provided in Appendix A to this Code.
- (b) *Permit exemptions.* No permit shall be required to cultivate, fertilize or water trees or shrubs or for work by Village personnel on park properties. No permit is necessary to plant trees inside the property line.
- (c) *Permit requirements and conditions.*
 - (1) If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Article, taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological

need of the genus, species and variety of tree or shrub, the Village Forester shall issue a permit to the applicant. Trees may be planted in the terrace area, but any damage to streets and sidewalks caused by such trees shall be at the cost of the adjacent property owner.

- (2) As a condition of granting any permit to remove a public tree or shrub, the Village Forester may require that the permittee replace the one removed; and no permittee under such a conditional permit shall fail, refuse, or neglect to plant trees or shrubs of the type, size, and in the location specified in the permit.
 - (3) As a condition of granting any permit to maintain a public tree or shrub, the Village Forester may require the work to be performed by a certified arborist according to the most current version of the American National Standards Institute's A300 Standards for Pruning and for Cabling and Bracing (see Public Works Department for more information).
- (d) *Permit form; expiration; inspection.* Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Article. Permits issued under this Section shall expire three months after date of issuance. There will be no charge for this permit.
- (e) *Permits to public utilities.*
- (1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or perform surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
 - (2) A public utility may secure an annual working agreement with the Village Forester's office that gives the Village Forester the authorization to supervise and direct work associated with trees and shrubs.

(Code 1998, § 6-4-6; Ord. No. 2007-09, § 1(6-4-6), 10-22-2007)

Sec. 59-25. - Planting of trees and shrubs.

- (a) *Purpose.* The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (b) *Tree planting program.* The Village shall require a diversification of tree species. The Natural Resources Committee shall designate the types of trees to be planted in the planting of public trees. On newly opened streets, the Natural Resources Committee may designate the size, type, or types of trees or shrubs and the manner in which they shall be planted, using the Village of McFarland Landscaping Standards. Developers shall provide a copy of the planting plan to the Village Forester identifying the species to be planted.
- (c) *Planting standards.*
 - (1) The size, genus, species, variety and nursery grade of trees and shrubs to be planted in public areas and boulevards and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work.
 - (2) The following provisions shall apply:
 - a. All new street trees must be selected from a list of approved trees compiled by the Natural Resources Committee and described within Section 59-35. New trees must be single stemmed with a minimum trunk diameter of one and one-half inches measured at six inches above ground level.
 - b. The tree shall be planted in accordance with the planting specifications given in Section 59-34.
 - c. The tree shall be kept well watered and mulched in accordance with the young tree maintenance specification given in Section 59-34.

- d. The good health of all trees planted hereunder shall be guaranteed for two years by the developer, after which shall become the property of the Village.
- (3) On newly opened streets, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two feet from the curb.
 - (4) Due to the complexities of determining tree placement, exact planting locations shall be selected and staked by the Village Forester prior to planting. Trees may not be planted closer than:
 - a. Twenty-five feet to a utility or street lighting pole for large and medium growing species and 15 feet for small growing species (see [Section 59-35](#) for species description).
 - b. Fifteen feet to a driveway or alley.
 - c. Six feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six feet.
 - d. Twenty-five feet to the intersection of two streets from either corner measured on the property line.
 - e. Fifty feet between large and medium growing tree species and 25 feet between small growing tree species (see [Section 59-35](#)).
 - f. Trees and shrubs located within 15 feet of overhead utility wires shall be limited to those with a mature height that is at least five feet less than the height of the wires.
 - (5) New street trees shall not be planted over an existing tree stump within two years of removal unless the previous tree's stump has previously been removed to a depth of four feet.
 - (6) The property owner has the responsibility to locate underground utilities before digging.
 - (7) Only Village-approved, small-growing trees (see [Section 59-35](#) for species description) may be planted where there are overhead utility wires.
 - (8) Evergreen trees shall not be planted in a terrace area.
 - (9) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of 18—24 inches in height above the top of the nearest curb.
- (d) *Improperly planted trees.* Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Village Forester may be removed. The Village Forester shall notify the abutting owner in writing, listing the improperly planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and charge the costs thereof to the owner pursuant to Wis. Stats. § 66.0627.
 - (e) *Mulching or framing.* Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, cover the soil surface beneath a tree's crown with mulch and/or surround the same with a box or frame suitable for protection, but all such work shall be performed under the supervision and direction of the Village Forester.
 - (f) *Approved street trees.* A list of tree types that are approved for planting within Village terraces, including tree genus, species and variety, can be found in [Section 59-35](#).
 - (g) *Prohibited trees and shrubs.* Various types of trees and shrubs are inappropriate for planting within Village terraces due to their poor structure and/or fruiting characteristics (see [Section 59-36](#)). The planting of these tree and shrub species within terrace areas is prohibited.
 - (h) *Certification.* Following the completion of all plantings of trees in accordance with a landscaping plan by a developer, the developer shall request that the building inspector certify that all plantings have been completed in accordance with the approved landscaping plan. In the event that the plantings are not in compliance with the

approved landscaping plan, the building inspector shall specify the necessary additional plantings or revisions of the plan that are necessary in order to comply with the approved landscaping plan. Any security required for the landscaping plan shall not be released by the Village until the building inspector has certified compliance with the approved landscaping plan.

(Code 1998, § 6-4-7; Ord. No. 2007-09, § 1(6-4-7), 10-22-2007; Ord. No. 2010-14, §§ 1—3, 6-28-2010; Ord. No. 2011-06, § 2, 5-23-2011)

Sec. 59-26. - Trimming.

- (a) Trees and shrubs standing in or upon any public right-of-way between the lot line and the curb or ledge of the improved street or upon any private premises adjacent to any public street, right-of-way, park, playground, or place shall be kept trimmed by the owner of the premises upon or in front of which such trees or shrubs are standing so that the lowest branches projecting over the public street or right-of-way provide a clearance of not less than 13½ feet and over all other public places of not less than ten feet. The Village Forester may waive the provisions of this Section for newly planted trees if the Village Forester determines that they do not interfere with public travel, obstruct the light of any street light, or endanger public safety. Further exemptions may be granted for shade trees located in Village Parks.
- (b) The Village Forester may determine the necessity of such pruning.
- (c) Clearance from sidewalk to lower branches shall not be less than ten feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public street light.
- (d) Trimming or pruning of more than one-quarter of the crown shall be considered to be major pruning and shall require a permit from the Village Forester.

(Code 1998, § 6-4-8; Ord. No. 2007-09, § 1(6-4-8), 10-22-2007)

Sec. 59-27. - Trees and shrubbery obstructing view at intersection or view of traffic signs.

- (a) Notwithstanding any other provision of this Article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village any hedge, tree, shrub or other growth that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) 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 that is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) In the case of corner lots, no vegetation shall be grown or permitted to grow between the heights of three feet and ten feet above the curb level or its equivalent within the triangular space formed by two intersecting street lines or their projections and the line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
- (d) Any shrub, tree or other plant that obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub that unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten days of receipt of notice, to take such necessary steps, the Village Forester and/or Director

of Public Works shall order Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special charge upon the property pursuant to Wis. Stats. § 66.0627 upon which or in front of which such tree or shrub stands.

- (e) Any person who is an owner, occupant, firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (d) of this Section shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-16.

(Code 1998, § 6-4-9; Ord. No. 2007-09, § 1(6-4-9), 10-22-2007)

Sec. 59-28. - Topping.

- (a) *Injurious pruning.* The Village has determined that there are many trees growing on public and private premises within the Village, the improper pruning of which would pose future hazard to the safety of public and the long-term health of the tree. The Village also recognizes that the practice of topping trees, formerly a popular method for reducing tree height, can lead to dangerous regrowth of weakly attached stems and development of crown decay that would pose a potential hazard by weakening the tree.
- (b) *Prohibitions.*
- (1) No person shall utilize topping techniques on a tree located on Village property or in the public right-of-way terrace area or cause such act to be done by others.
 - (2) No person shall utilize topping techniques on a tree on private property or cause such act to be done by others where such a tree would pose a future danger to adjacent Village or private property or the life, health, safety or welfare of persons located thereon.
 - (3) The Village Forester may grant exemptions to these prohibitions for any tree that constitutes a hazard and may also grant possible exemptions, on a case by case basis, for pruning near overhead utilities.

(Code 1998, § 6-4-10; Ord. No. 2007-09, § 1(6-4-10), 10-22-2007)

Sec. 59-29. - Removal of trees and stumps.

- (a) *Dangerous, obstructive and infected trees.* In the normal course of business, it is not the duty of the Village Forester to routinely inspect or be responsible for trees on private property. Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester shall give written notice to said owner to remedy the situation, which shall be served personally or posted upon the affected tree. Such notice shall specify a reasonable period of time within which the action must be taken as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limit, the Village Forester shall cause the tree to be removed, treated or trimmed and shall thereupon enter such cost as a special charge against the property pursuant to Wis. Stats. § 66.0627.
- (b) *Removal standards.* In cutting down trees located in public and terrace areas, the tree must be removed with the stump and emergent roots grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil. Backfilling should be done by the end of the workday in which the stump is removed. If it is not possible to fill in the hole by the end of the workday, the hole should be staked-off and marked with high visibility paint or flagging to avert accidents.

- (c) *Private removal.* No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the Village Forester. Such permit shall be issued when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the Village Forester, because of a public nuisance and/or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state the premises upon which the tree or shrub stands and the location of the tree thereon. The Village Forester may require submission of professional credentials and evidence of adequate liability insurance coverage.
- (d) *Tree preservation.* In the development of commercial property involving previously undeveloped land, the developer will, as part of its development plan identify which trees are to be removed to install the infrastructure for the development. The developer will also provide a plan specifying methods of protecting trees not approved for removal. The developer must ensure that protective structures shall remain in place until on-site construction is complete. The Village Forester, shall review and recommend a tree preservation plan to the Plan Commission. In the development of a new Subdivision involving previously undeveloped land, the developer, as part of the Preliminary Plat, will identify which trees are to be removed to install infrastructure for the development. The developer will also provide a plan specifying methods of protecting trees not approved for removal. The developer must ensure that protective structures shall remain in place until on-site construction is complete. The Natural Resources Committee, after consultation with the Village Forester, shall review and approve a Preliminary Plat tree preservation plan to the Plan Commission.

(Code 1998, § 6-4-11; Ord. No. 2007-09, § 1(6-4-11), 10-22-2007)

Sec. 59-30. - Prohibited acts.

- (a) *Damage to municipal trees.* No person shall, without written permits from Village Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, 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) Damage tree roots, through compaction or excavation of the soil, so extensively so as destabilize, make hazardous, damage the health of or necessitate the removal of such a tree.
 - (4) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub.
 - (5) Deposit, place or store upon any public place of the Village any stone, brick, dirt, soil, concrete or other materials that may impede the free passage of water, air or nutrients to the roots of any tree on said property, except by written permit by the Village Forester.
 - (6) 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.
 - (7) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (8) Erect, alter, repair or demolish any building or structure without placing suitable guards around all nearby public trees or shrubs that may be injured by such operations.
- (b) *Excavations and operation of heavy equipment near public trees.* No person shall excavate any ditches, tunnels or trenches, drive vehicles, or install pavement within a radius of 15 feet of the outer limit of the canopy of any public

tree without a permit from the Village Forester. 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. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of 15 feet from any public tree without a permit from the Village Forester. Any publicly owned trees near any excavation site or site of construction of any building, structure, or street work, shall be guarded with a substantial fence not less than four feet high and eight feet square with the protected tree sited in the center of said fence; or at a distance in feet from the tree equal to the diameter of the trunk in inches at breast height, whichever is greater.

- (1) The Village Forester may grant an exemption to any public utility corporation to augur under a public tree or shrub and excavate within five feet of any public tree or shrub, but such public utility shall be liable for any injury or damage caused to any public tree or shrub, and if any public tree or shrub is permanently damaged due to the acts of a public utility corporation, it shall be removed, including the stump, and shall be replaced by a tree at least ten feet tall, or as otherwise approved by the Village Forester, all at the expense of the utility.
- (2) The Village Forester may grant an exemption to municipal employees performing their assigned duties and using all due diligence. Utility companies may apply for a written exemption after the fact in the event of responding to an emergency.

(Code 1998, § 6-4-12; Ord. No. 2007-09, § 1(6-4-12), 10-22-2007)

Sec. 59-31. - Penalties.

- (a) Any person violating any provision of this Chapter or failing to comply with any order issued pursuant to the provisions of the Chapter shall be subject to a forfeiture pursuant to Section 1-16.
- (b) Any person who damages or destroys any tree or shrub located in a public area or Village right-of-way shall be liable for the cost of repairing the damage or replacing the tree or shrub of comparable age and similar species and diameter at breast height up to ten inches in diameter. The parents or parent of any unemancipated minor child who damages or destroys any tree or shrub in a public area or Village right-of-way may also be held liable.

(Code 1998, § 6-4-13; Ord. No. 2007-09, § 1(6-4-13), 10-22-2007)

Sec. 59-32. - Appeal from determinations or orders.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 2, Article XI, and Wis. Stats. Ch. 68, to the Village Board within seven days of receipt of the order and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten days after the hearing has been concluded. The Village Board shall file its written decision with the Village Clerk.

(Code 1998, § 6-4-14; Ord. No. 2007-09, § 1(6-4-14), 10-22-2007)

Sec. 59-33. - Adoption of Wisconsin Statutes.

Wis. Stats. §§ 27.09, 86.03, and 86.04, are hereby adopted and incorporated herein by reference.

(Code 1998, § 6-4-15; Ord. No. 2007-09, § 1(6-4-15), 10-22-2007)

State Law reference— City forester, duties; tree planting, Wis. Stats. § 27.09; trees adjacent to highways, Wis. Stats. § 86.03.

Parks Superintendent

POSITION DESCRIPTION

Position Title: Parks Superintendent	FLSA: Non-Exempt
Department: Public Works	Represented: No
Reports to: Public Works Director	Employment Status: Full-Time

POSITION SUMMARY

Distinguishing Characteristics of the Class

This position is responsible for managing and supervising the operations of the Parks Division. This is also a hands-on position that performs critical and routine direction to ensure the Village park system is properly funded, maintained, and necessary capital improvements are properly planned. Key responsibilities include: plan development for maintenance activities, land management activities, maintain inventory, program development, customer service, marketing, revenue development, budgeting, forestry, planning, meeting management, and other related tasks to support the operations of the Department and Division.

Supervision Received

Performs under the direction and general supervision of the Public Works Director, but exercises considerable independent judgement in establishing work priorities and managing day to day operations of the Village park system.

Supervision Exercised

Provides direct supervision to the Parks Crewperson(s) and Seasonal Parks employees as applicable. Provides indirect supervisions of all full-time Public Works Crewpersons, part-time, and other seasonal employees when assigned to work within the Village park system.

DESCRIPTION OF WORK

Essential Duties and Responsibilities

- Prepares, implements and oversees a standard plan for annual maintenance of all Village Parks including recreational facilities, passive recreation areas.
- Performs land management activities for village properties to include tree planting, and invasive species control as needed for Village property.
- Maintains the inventory of parks amenities, equipment and vehicles in order to recommend replacement within the 5 year capital improvement plan.
- Responsible for the developing of programming related to Village Park offerings to help support their utilization.

- Keeps staff and elected officials informed of new developments or trends in park management.
- Provides effective and efficient customer service as well as promotes and maintains responsive community relations.
- Creates and implements a local and regional marketing program for the McFarland Park System.
- Prepares and manages grant applications for local, state, federal, and other aids for development and maintenance of parks and trail facilities.
- Participates in the planning and coordination of prescribed burns as it affects park and recreational lands in the Village.
- Oversees and performs grounds maintenance activities including, but not limited to, mowing, snow removal/plowing, trail maintenance/grooming, park equipment maintenance, use area maintenance, herbicide application, hazardous tree removal, brush removal, and establishing/maintaining the ice skating rink.
- Reviews opportunities to integrate the Lower Yahara River Trail into the community.
- Oversees the implementation of the Indian Mound maintenance program for all mounds in the Village.
- Evaluates and recommends use of Park impact fees throughout the Village.
- Oversees the forestry duties of the Village including tree trimming and emerald ash borer response plan.
- Assists in administering the annual operating budget and monitoring revenues and expenditures in assigned areas to assure sound fiscal control.
- Maintains compliance with the parks and open spaces plan and works with Community Development to provide updates to the plan when necessary.
- Liaison to the Parks, Recreation, and Natural Resources Committee.
- Maintains relationships with School District, local recreation groups and other community organizations to help manage utilization of Village park facilities.
- Performs other related duties as assigned.

Equipment Used

Personal computer with various software office applications including GIS mapping. Also may use printer, copy/fax machine, calculator, GPS devices, phone, adding machine, vehicle, hand tools, power tools, radio, pagers, audio-visual equipment, and light/medium/heavy duty equipment as applicable.

Work Environment and Working Conditions

Works in normal office setting with moderate noise level and under uncontrolled field conditions. Hours beyond normal work week and weekend work required; attendance at evening meetings required. Subject to 24-hour emergency call-in and exposure to extreme weather conditions.

TECHNICAL REQUIREMENTS

Knowledge of

- Current principles and practices of parks and urban forestry administration, development, maintenance, and construction as well as the ability to keep abreast of future developments in these fields.
- Pertinent federal and state laws, regulatory codes, and municipal ordinances and the ability to interpret and apply them in a variety of situations.
- The measures and standards by which the efficiency, effectiveness, and quality of park services can be evaluated.
- Methods, techniques, materials, and equipment used in general maintenance of facilities, grounds, parks, recreational facilities, playgrounds, natural areas, and storm water management areas.
- Occupational hazards, safety equipment, and the standard working practices associated with parks and urban forestry functions.

Ability to

- Plan, organize, direct, and evaluate the work of subordinate personnel.
- Create standard plans for annual park maintenance needs.
- Establish and enforce standard departmental policies and procedures as they related to the Village park system.
- Read and interpret maps, graphs, charts, blueprints, and construction plans and specifications and prepare technical reports, specifications, and bid proposals, coordinate the activities of multiple contractors, and ensure adherence to construction plans and specifications.
- Maintain a valid Wisconsin driver's license with applicable CDL endorsements.
- Establish effective working relationships with co-workers and other contacts.
- Effectively communicate both orally and in writing.
- Maintain excellent relations with the public.

GENERAL COMPETENCIES

While performing the duties of this job, the employee is required to accomplish all of the tasks routinely associated with the combination of office type functions and general field operations. The employee must be able to frequently lift and/or move up to 25 pounds, and occasionally lift and/or move up to 75 pounds. In addition, the employee must be able to satisfy the following competency requirements.

- ◆ **ANALYTICAL SKILLS:** Identify problems and opportunities; review possible alternative courses of action before selecting one; utilize information resources available when making decisions.
- ◆ **COMMUNICATION SKILLS:** Communicate ideas and information effectively in both written and oral form.
- ◆ **PROBLEM-SOLVING SKILLS:** Develop feasible, realistic solutions to problems; recommend actions designed to prevent problems from occurring; refer problems to supervisor when necessary.
- ◆ **ORGANIZATIONAL SKILLS:** Establish systematic methods of accomplishing goals.
- ◆ **READING ABILITY:** Effectively read and understand information contained in memoranda, reports, ordinances, codes, regulations, technical manuals, bulletins.
- ◆ **TECHNICAL COMPREHENSION:** Ability to learn, adopt, and apply new technology, computer systems and software programs.
- ◆ **ABILITY TO COMPREHEND AND FOLLOW INSTRUCTIONS:** Effectively follow verbal or written instructions from supervisor.
- ◆ **MATHEMATICAL ABILITY:** Calculate basic arithmetic problems (addition, subtraction, multiplication, division) without aid of a calculator.
- ◆ **TIME MANAGEMENT SKILLS:** Set priorities in order to meet assignment deadlines.

REQUIRED MINIMUM QUALIFICATIONS

A high school diploma or equivalency required with the minimum of an Associates Degree preferred in the fields of parks, land management, urban forestry, or related field. A minimum of three (3) years of progressively responsible experience in the fields of parks, land management, urban forestry, or related field. Any combination of education and experience which in the sole discretion of the Village would demonstrate the Employee's ability to meet the required knowledge, skills, and abilities for the position may also be considered.

NOTES

1. The job duties listed herein are intended only as illustrations of the types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.
2. The work environment characteristics and physical demands described herein are representative of those that the employee encounters or must meet while performing the essential functions of this job. In compliance with the Americans with Disabilities Act, the Village will provide reasonable accommodations to qualified individuals with disabilities. The Village is an Equal Opportunity Employer.
3. The job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer as the needs of the employer and requirements of the job change. The Village retains and reserves any and all rights to change, modify, amend, add to, or delete from any section of this position description.

I hereby acknowledge that I have received a copy of and do understand the requirements of this position description with the Village of McFarland.

Dated this ____ day of _____, 20__.

Employee Signature

Department Head Signature

Created: April 8, 2019

Amended: None.