

8.13 - TREES. (Rep. & recr. #2005-15)

- (1) **PURPOSE.** It is the policy of the City to regulate and control the planting, removal, maintenance and protection of trees and shrubs in the City; to eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the City; to promote and enhance the beauty of the City; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, maintenance and protection practices; and to guard all trees and shrubs within the City against the spread of disease or pests. The provisions of this section shall apply to all trees and shrubs presently or hereafter planted in or upon any public area and to all trees and shrubs presently or hereafter planted in or upon any private premises which shall endanger the life, health or safety of persons or property.
- (2) **DEFINITIONS.**

Maintenance and Protection: Includes all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below ground.

Public Area: Includes all public ways, parks and other lands owned or leased by the City.

Public Way: Includes all public streets, roads, boulevards, alleys and sidewalks.

Trees and/or Shrubs: Includes all woody vegetation presently or hereafter planted on any public area.
- (3) **CITY FORESTER.**
 - (a) Appointment. The Director of Parks, Forestry and Recreation shall be the City Forester.
 - (b) Powers and Duties. The City Forester shall have the following general powers and duties:
 1. To direct, manage, supervise and control the City Street Tree Program to include all planting, removal, maintenance and protection of all trees and shrubs on all public areas [and private areas insofar as it is necessary to carry out purposes set forth in sub. (1) and to supervise Park Department personnel in the planting, removal, maintenance and protection of such trees and shrubs.
 2. To guard all trees and shrubs within the City so as to prevent the spread of disease or pest and to eliminate dangerous conditions which may affect the life, health or safety of persons or property.
 3. The City Forester may plant, remove, maintain and protect trees and shrubs on all public areas as may be necessary to insure safety or preserve the symmetry and beauty of such grounds.
 4. No person shall prevent, delay or interfere with the City Forester or his assistants in the execution or enforcement of this section.
- (4) **DAMAGE TO TREES AND SHRUBS.** No person shall in any public area of the City break, injure, mutilate, kill or destroy any tree or shrub; permit any animal under his control to do so; permit any fire to injure any portion of any tree or shrub; permit any leak to exist in any gas line within the root zone of any tree or shrub; permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub. During building operations, the builder shall erect suitable protective barriers around public trees and shrubs which may be injured, after first giving written notice to the City Forester.
- (5) **FASTENING MATERIALS TO TREES AND SHRUBS.** No person shall fasten any sign, rope, wire or other materials to, around or through any public trees or shrub without obtaining a written permit from the City Forester, except in emergencies, such as storms or accidents.
- (6) **PERMIT TO PLANT OR REMOVE TREES AND SHRUBS.** No person shall plant trees or shrubs in any public area, unless a written permit is first obtained from the City Forester. No person shall remove trees or shrubs in any public area, unless a written permit is first obtained from the City Forester and a license, if required, under §12.15 of this Municipal Code.
- (7) **PUBLIC NUISANCE.** Any tree or shrub or part thereof growing upon private or public property which is interfering with the use of any public area, infected with an infectious plant disease, infested with injurious insects, injurious to public improvements or endangers the life, health or safety of person or property is declared a public nuisance.

(8) ABATEMENT OF NUISANCE.

- (a) Trees and Shrubs on Public Areas. If the City Forester determines with reasonable certainty, upon inspection or examination, any nuisance/hazardous tree or shrub as herein defined exists in or upon any public area in the City, he shall immediately cause it to be treated, trimmed, removed or otherwise abated in such manner as to destroy or prevent the spread of the nuisance/hazard. The manner in which the nuisance/hazard shall be abated shall be determined by the City Forester.
- (b) Trees and Shrubs on Private Premises. If the City Forester determines with reasonable certainty, upon inspection or examination, that any nuisance tree or shrub as herein defined exists in or upon any private premises, he shall in writing notify the owner or tenant having charge of such premises. Within 30 days after the issuance of such notice, such person shall cause the treatment, trimming or removal and destruction of such nuisance tree or shrub as directed in the written notice. No damage shall be awarded the owner for the destruction of trees or shrubs destroyed pursuant to this chapter. If the owner or tenant having charge of such premises refuses or neglects to comply with the terms of the written notice within 30 days after receiving it, the City Forester shall cause the removal, treatment or trimming of such nuisance tree or shrub. In case such nuisance tree constitutes an immediate and serious danger to public safety, it may be removed by the City Forester without a 30-day notice to the owner or tenant having charge of the premises. The expense thereof shall be a charge upon the real property on which such tree or shrub is located pursuant to §27.09(4), (5), (6) and (7), Wis. Stats.

1. *Appeal From Order of City Forester*. A person who receives an order from the City Forester and objects to all or a part thereof may:
 - a. Within 8 days of receipt thereof, notify the City Clerk and the City Forester in writing of the nature of the objection and request a hearing thereon.
 - b. Within 12 days of receipt of such notice of appeal, the City Council shall schedule a hearing before the Board or its designated subcommittee to hear the objection.
 - c. The hearing shall be held within 8 days of notice to the appellant.
 - d. The City Forester shall be present at such hearing.
 - e. The appellant is entitled to representation by counsel.
 - f. Within 8 days after such hearing the City Council shall in writing notify the appellant and the City Forester of its decision.
 - g. The City Council may affirm, cancel or modify the order in its discretion to best conform such order to the intent of this section.

- (9) MASTER STREET TREE PLAN. The master street tree plan shall consist of City-wide, street-by-street written evaluation of all space and site factors on public area which will aid in the determination of the tree species best suited to a particular planting site in regard to growth habits, shape, form, health, disease and pest resistance, conflicts with wires, lights, pavement, traffic, pedestrians, sidewalks, environmental pollution, sewers and space availability. The evaluation of the space and site factors and the species selection for a particular street shall be made by the City Forester.

- (10) ARBORICULTURAL SPECIFICATIONS AND STANDARDS. The following specifications and standards are hereby established for the trimming and removal of trees and shrubs in the streets, parks and public places of the City:

(a) Trimming.

1. All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have such branches trimmed to a nonhazardous height as determined by the City Forester. This height shall be a minimum of 14 feet on State highways and 10 feet on sidewalks. The City Forester may waive the provisions of this paragraph for newly planted trees if he determines they do not interfere with public travel, obstruct the light of any street light or endanger public safety. Any tree or shrub not trimmed as herein provided shall be subject to sub. (9).
2. All dead wood, stubs, broken branches, disease infected and insect infested branches interfering with public travel, lighting, existing buildings and traffic signs shall be removed during the trimming operation, with consideration given to the symmetry and beauty of the tree or shrub.

3. All arboricultural practices occurring on city property shall be in accordance with the following standards:
 - a. American National Standard ANSI Z1343.1-200 (Safety requirements).
 - b. American National Standard ANSI A300 (Tree care operations standard practices).
 - c. American National Standard ANSI Z60.1 (Nursery stock and planting practices).
- (b) Removing. All public trees and shrubs which are marked for cutting shall be completely removed from the growing site and disposed of in an authorized manner. The stump shall be ground out to a depth suitable for future planting of trees or turf.
- (11) **AUTHORITY OF CITY FORESTER TO ENTER PRIVATE PREMISES.** The City Forester or his representatives, after giving advance notice to the owner or tenant having charge, may enter upon private premises at reasonable times for the purposes of examining or inspecting any suspected nuisance tree or shrub. All nuisance trees and shrubs to be removed under the provision of sub. (9) may be appropriately marked by the City Forester.
- (12) **COST OF PLANTING, REMOVING, MAINTAINING AND PROTECTING TREES AND SHRUBS.** The cost of planting, maintaining and protecting trees and shrubs in public areas of the City, when done by the Park Department employees or their contractors at the direction of the City Forester, shall be borne by the City. The cost of tree removal and grinding the stump on all public areas shall be borne by the City in the same manner provided, however, that all other costs of removal, such as root removal, shall be borne by the abutting property owner. When a permit is issued by the City Forester to plant or remove trees and shrubs, pursuant to sub. (6), the permittee shall incur all expenses.