CHAPTER 4

Trees and Shrubs

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SEC. 5-4-1 DEFINITIONS.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

(a) **Person** shall mean person, partnership, corporation or association.

(b) **Public Areas** includes all public parks and other lands owned controlled or leased by the City except terrace areas.

(c) **Public Trees and Shrubs** means all trees and shrubs located or to be planted in or upon public areas.

(d) **Public Nuisance** means any tree or shrub or part thereof that interferes with the use of any public area, is infected with a plant disease, is infested with injurious insects or pests, or endangers the life, health, safety or welfare of persons or property.

(e) **Boulevard, Terrace, or Terrace Areas** means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk or curb and gutter, the area four feet from the curb line shall be deemed a boulevard, terrace or terrace area.

(f) **Major Alteration** means trimming a tree beyond necessary trimming to comply with the requirements of this Chapter.

(g) **Shrubs** shall mean any woody vegetation or woody plant, having multiple stems and bearing foliage from the ground up.

(h) **Tree** shall mean any woody plant normally having one stem or trunk and bearing its foliage or crown well above ground level to heights of sixteen feet or more.

(i) **Evergreen Tree** shall mean any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

SEC. 5-4-2 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

(a) **Permit Required.** No person shall plant or remove, or perform major alterations as determined by the Public Works Director on a tree or shrub in the public terrace area or park or cause such act to be done by others without first obtaining a written permit for such work from the Public Works Director as herein provided.

(b) **Permit Exemptions.** No permit shall be required to cultivate, fertilize or water trees or shrubs or for work by City personnel on park properties. No permit is necessary to plant trees inside the property line.

(c) **Permit Issuance.** If Public Works Director determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter, taking into account the directives of the City Tree Board, 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, he may issue a permit to the applicant.

(d) **Permit For; Expiration; Inspection.** Every permit shall be issued by the Public Works Director 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 the 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 Chapter. Permits issued under this Section shall expire six (6) 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 Public Works Director 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 of supervision shall be charged to the utility at the usual City rate.

(2) A public utility may secure an annual working agreement with the Public Works Director's office which gives the Public Works Director the authorization to supervise and

direct work associated with trees and shrubs.

Cross Reference: Section 5-4-1 for definition of terrace area.

SEC. 5-4-3 TRIMMING.

(a) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet.
(b) The Public Works Director shall determine when pruning is necessary. The Public Works Director may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
(c) Clearance from sidewalk to lower branches shall not be less than eight (8) feet. All trees standing upon private property in the City, 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 eight (8) 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 street light.
(d) Trimming or pruning of more than two-thirds (2/3) of the crown of a tree shall be considered to be a major alteration and shall require a permit from the Public Works Director.

SEC. 5-4-4 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

(a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the City any hedge, tree, shrub or other growth which 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 which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
(c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Public Works Director

may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which 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 (10) days of receipt of notice, to take such necessary steps, the Public Works Director and/or Common Council shall order city employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.

(d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Public Works Director as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-7 of this Code of Ordinances.

SEC. 5-4-5 PROHIBITED ACTS.

(a) **Damage to Public Trees.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Public Works Director 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, unprotected 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.

(3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.

(4) 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.

(5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, roper, nails, screws or other device to any tree; except that the City may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.

(6) Cause or encourage any fire or burning near or around any tree or shrub.

(b) **Excavations.** 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 ten (10) feet from any public tree without a permit from the Public Works Director.

(c) **Interference With Public Works Director.** No person shall:

(1) Interfere with or prevent any acts of the Public Works Director or his agents or employees while they are engaged in the performance of duties imposed by this Section.

(2) Refuse to permit the Public Works Director or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this Section.

(d) **Refusal to Abate Nuisance.** No person shall permit any public nuisance to remain on any premises owned or controlled by him when ordered by the Public Works Director to abate such nuisance.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.