

PUBLIC WORKS

Article V. Trees and Shrubs

Sec. 13-126. Trees and shrubs.

- (1) *Purpose.* The intent of this section is to regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the city and to eliminate and prevent conditions which may result in injury to persons using the streets, sidewalks and public areas and property of the city.
- (2) *Application.* This section shall apply to any trees, shrubs or plants growing or to be planted in any premises owned and controlled by the city or upon private premises where they threaten lives, health, safety or welfare of persons or property.
- (3) *Administration.* The director of public works shall administer the provisions of this section.
- (4) *Definitions.* As used in this section:

Director of public works includes any person designated by him to act as his agent.

Private trees and shrubs means all trees or shrubs located or to be planted on any lands which are not owned or controlled by the city.

Public trees and shrubs means all trees or shrubs located or to be planted on any park, playground or other property owned or controlled by the city or on any public street, alley, sidewalk or highway within the public right-of-way.

- (5) *Care of public trees and shrubs.* Care of public trees and shrubs shall be in accordance with the following:

(a) *Permit required.* A permit shall be required as follows:

1. No person shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a public tree or shrub within the city, or cause such acts to be done by others, without first obtaining a written permit from the director of public works or street superintendent.
2. Exceptions. No permit shall be required to cultivate, fertilize or water public trees or shrubs. Authorization may be given to do any work or act described in subsection (5)(a)1 of this section without a written permit whenever it is determined that such work or act will not be detrimental to the public interest and will be in accord with the provisions of this section.
3. Emergencies. If an emergency affects trees or shrubs so that the health, safety or welfare of persons or property is endangered, then whatever immediate action is necessary may be taken. The director of public works shall be notified as soon as is reasonably possible after the emergency has been abated.

(b) *Granting permits.* The procedure for granting permits shall be as follows:

1. If it is determined that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this section, taking into account the safety, health and welfare of the public, location of utilities, public sidewalks, driveways and streetlights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological needs of the species or variety of tree or shrub, a permit shall be issued to the applicant.

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2. The species, location and spacing of public trees and shrubs shall be in accordance with regulations adopted by the director of public works and approved by the council.
 3. As a condition of granting any permit to remove a public tree or shrub, the permittee may be required to plant one or more trees or shrubs in place of the one removed.
- (c) *Form; expiration; inspection.* Permits shall be issued by the director of public works on forms prepared by him and shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in accordance with the terms thereof. Permits issued under this subsection shall expire six months after date of issue.
- (d) *Permits to public utilities.* Whenever a permit is issued under this section to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the director of public works 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, and the expense of such inspection or supervision shall be charged to the utility.
- (6) *Injury to trees and shrubs.* No person shall without the consent of the owner in the case of a private tree or shrub, or without a written permit from the director of public works in the case of a public tree or shrub, do, or cause to be done by others, any of the following acts:
- (a) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (b) Break, injure, mutilate, deface, kill or destroy, or permit any fire to burn where it will injure any tree or shrub.
 - (c) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied on or about any tree or shrub.
 - (d) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured by such operations.
 - (e) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub designed to permit access of air, water and fertilizer.
- (7) *Maintenance of trees and shrubs.* Maintenance of trees and shrubs shall be in accordance with the following:
- (a) *Trees to be kept trimmed over streets, alleys, public lands, sidewalks and multi-use paths and trails.* Trees and shrubs standing upon any private premises adjacent to any public street, alley (where vehicles or trucks may come in contact with over-hanging branches), multi-use path and/or trail, or park, playground shall be kept trimmed by the owner so that the lowest branches projecting over the public area provide a clearance of not less than 13- 1/2 feet. Where a private tree is adjacent to an unopened right of way and/or where a private tree is over a public sidewalk, all over-hanging branches shall be kept trimmed to a minimum of 8 (eight) feet. These provisions may be waived for newly planted trees if it is determined that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety. Any tree or shrub not so trimmed is a public nuisance.
 - (b) *Obstruction of view at intersections prohibited.* Obstruction of the view at intersections is prohibited as follows:
 1. Intersections where traffic devices are not installed. At all intersections where traffic devices are not installed, a sight triangular area at all corners shall be established by measurements along intersecting street centerlines, and within the sight triangular area and within the setback area

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along the street between corners no person shall install, set out, maintain or allow the installation, setting out or maintenance of any hedges, shrubbery, natural growth or fence higher than three feet above the level of the center of the adjacent intersection. This shall not apply to trees trimmed to the trunk to a line at least eight feet above the level of the center of the intersection or saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed cross-view. The triangular area shall be determined by connecting points on the street centerlines which are 90 feet from the intersection of the centerline. For purposes of this subsection, the term "traffic devices" shall include only stop signs and traffic control signals as defined by the Wisconsin Statutes.

2. Intersections where traffic devices are installed. At all intersections where traffic devices are installed, a sight triangular area at all corners shall be established by measurements along intersecting street centerlines, and within the sight triangular area and within the setback area along the street between corners no person shall install, set out, maintain or allow the installation, setting out or maintenance of any hedges, shrubbery, natural growth or fence higher than three feet above the level of the center of the adjacent intersection. This shall not apply to trees trimmed to the trunk to a line at least eight feet above the level of the center of the intersection or saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed crossview. The triangular area shall be determined by connecting points on the street centerlines which are 90 feet from the intersection of the centerline as to through streets. The triangular area shall be determined by connecting points on the street centerlines which are 60 feet from the intersection of the centerline, as to all other streets. For purposes of this subsection, the term "traffic devices" shall include only stop signs and traffic control signals as defined by the Wisconsin Statutes.
 - (c) *Maintenance of public trees and shrubs.* The director of public works shall plant, trim, spray, preserve, renew and remove public trees and shrubs or cause such work to be done as may be necessary to ensure the safety or preserve the symmetry and beauty of public streets or grounds and to protect public sidewalks, streets, sewers and mains from damage or injury.
 - (d) *Regulation of private trees and shrubs.* Whenever any tree or shrub or part thereof growing or located upon private premises is a public nuisance or endangers the life, health, safety or property of the public, or is infested with parasites or insect pests or disease which may spread to public trees and shrubs, the director of public works shall take action to abate such nuisance, pursuant to chapter 11 of this Code.
- (8) *Interference prohibited.* No person shall prevent, delay or interfere with the city or its agents, employees or servants while they are engaged in carrying out any work or activities authorized by this section.
- (9) *Cost of work.* The cost of work done by the city shall be paid as follows:
 - (a) In the case of private trees or shrubs, the entire cost of any work which the city may do or have done in accordance with this section or established policy of the city, or because of an emergency, shall be paid by the property owner.
 - (b) An accurate record of the costs of the work shall be kept and a report made to the director of public works. The property owner shall be billed for such costs and if payment is not made therefor within 30 days, the amount thereof shall be entered in the new tax roll as a special tax against such real estate.

(Code 1982, § 8.10)