

MEMO

TO: Public Safety Committee

FROM: Dan Koski, PE, Director of Public Infrastructure

DATE: August 26, 2016

RE: Trees on Private Property

Members of the Public Safety Committee:

At last month's Committee Meeting, I was asked to look into what other cities are doing in regard to trees on private property that could potentially have a negative impact on either health and safety, or on adjacent properties.

I researched the ordinances of several cities in Wisconsin and found that many, but not all, do incorporate some sort of language into their ordinances which would allow city personnel to cause them to remove problem trees if necessary.

The following are excerpts a few ordinances from neighboring cities that deal with problem trees on private property:

Sheboygan:

- **Sec. 126-65. - Notice to abate public nuisances.**

Whenever the city forester shall find on examination that any tree or shrub or part thereof growing or located upon private premises is a public nuisance as defined in this chapter, he shall notify the owner or his agent in writing that the nuisance must be sprayed, removed or otherwise abated as directed in the notice within the time specified, which shall not be less than 30 days unless the city forester shall determine that immediate action is necessary for public safety.

(Code 1975, § 39-65)

- **Sec. 126-66. - Abatement by city.**

Pursuant to [section 126-65](#), if the owner of premises upon which a public nuisance is found to exist or his agent shall refuse or neglect to comply with the notice to abate the nuisance within the time specified, the city forester shall cause the nuisance to be sprayed, removed or otherwise abated and

shall report the expense thereof to the city finance director/treasurer who shall enter it as a charge against the property upon which such nuisance existed.

(Code 1975, § 39-66)

Green Bay:

25.21 URBAN FORESTS. (Cr. GO 2-07)

(1) PURPOSE. It is the purpose of this ordinance to promote, maintain, and improve the urban forest by addressing the planting, maintenance, and removal of trees within the City of Green Bay. This ordinance provides full power and authority over all public trees, plants, and shrubs and to trees, plants, and shrubs located **on private property that constitute a hazard or threat as described** herein.

(d) Hazard. Any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety.

2. The City shall have the right to prune or cause the pruning of any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or sight triangle at intersections, or interferes with the passage of pedestrians or vehicles in the public right-of-way.

3. The City shall have the right to treat or cause the treatment of any diseased or infested trees on private property when such trees constitute a potential threat to the urban forest.

4. The City shall have the right to remove or cause the removal of any dead, diseased, infested, or structurally damaged tree, or portion of tree, on private property when such tree constitutes a potential hazard to life and property within the right-of-way or on public property or constitutes a threat to the urban forest.

Two Rivers:

Sec. 4-2-1 Statement of Policy and Applicability of Chapter

(a) INTENT AND PURPOSE. It is the policy of the City to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the City to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, or other public areas; to promote and enhance the beauty and general welfare of the City; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the City against the spread of disease, insects or pests.

(b) The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any **private premises which shall threaten the life, health, safety, or welfare of the public or of any public areas.**