

FREQUENTLY ASKED QUESTIONS (FAQ)

CITY OF SOUTH MILWAUKEE URBAN FORESTRY PROGRAM

Q: Why has the city adopted a new policy regarding trees? **A:** The city has not had a forestry program in recent history. In 2013, the city was awarded an urban forestry grant through the Wisconsin Department of Natural Resources to inventory and evaluate all public trees, and to establish a program to address ash trees that are affected by Emerald Ash Borer. The new ordinance and policy was adopted following completion.

Q: How will the new program be funded? **A:** The initial funding for tree removals and pruning was budgeted with the city's operating and capital improvement budgets. A forestry department has not been established. With Council approval, funding for a program will be established to maintain public trees and to plant new trees.

Q: What is a public tree or shrub? **A:** Trees or shrubs located between the curb and sidewalk. If there is no sidewalk, trees within 4 feet of the curb can be considered public trees.

Q: What is considered a private tree or shrub? **A:** Trees or shrubs located behind sidewalk, or within area not considered to be private. Also, any private tree that has not been planted as part of a city planting plan or development plan previously approved by the city.

Q: What criteria is used to determine if a street tree needs to be removed? **A:** Trees that are dead, dying, diseased, infested with damaging insects or pests, or are considered hazardous due to extensive crown decay, die back, trunk decay, cracks or dead limbs.

Q: If I have a street tree that does not appear healthy, and it is not on the city's schedule for removal, can I arrange for removal at the city's cost? **A:** Possibly. The owner should request an evaluation by the city. Requested removals will be considered on a case by case basis depending on the condition of the tree.

Q: If the city removes a street tree adjacent to my property, will I be charged for the cost? **A:** No. If a public tree is removed by the city, the adjacent owner will not be assessed costs for such removal.

Q: Can a property owner request that a street tree be removed? **A:** Yes. However, based on the number of trees in the city, and limited budget, priority is given to trees that are in poor condition.

Q: If the city removes a street tree, will the stump be removed? **A:** The city intends to remove (grind) stumps. Stumps that require sidewalk or curb removal to complete the work may be delayed until sidewalk or road work can be coordinated and funded.

Q: Will the city repair sidewalks, driveways, or curbs damaged by public trees? **A:** On a case by case basis. Driveways are considered a private improvement within the public right-of-way, and will not be replaced at city cost. Sidewalks are typically replaced at city cost if a trip hazard exists. Damaged curb is typically replaced with street reconditioning projects.

Q: If a street tree adjacent to my property is cut down, am I able to have the wood for firewood?

A: If the tree is not diseased or rotten, usable firewood will be left in the terrace area behind the curb. As this is public right-of-way, the city cannot guarantee that wood will be available to the adjacent owner.

Q: Will the city or its contractor move or stack wood on private property? **A:** No. Usable firewood will remain directly behind the curb. If it is not removed or relocated within a reasonable time (as determined by the city), the wood will be disposed of.

Q: I removed a public street tree at my own cost prior to adoption of the 2014 ordinance. Can I seek reimbursement?

A: The city does not have a policy for reimbursement. Many property owners have trimmed, pruned, or removed trees

at their own expense based on city notification or at their own discretion, and will not be reimbursed.

Q: If a public tree is removed, will the city plant a new tree? **A:** No. The city has not adopted a program to replace street trees that have been removed with limited exceptions, such as the business district.

Q: Can I plant a new tree in the curb lawn or terrace area? **A:** Yes. Residents can plant trees in the terrace area or right-of-way, subject to issuance of a no-fee permit.

Q: Is the city only removing ash trees due to infestation of Emerald Ash Borer? **A:** No. A city-wide tree inventory was performed to catalog all trees in the public right-of-way and evaluate their condition. A variety of species are being removed based on their condition.

Q: How long will it take to remove all trees that are in poor condition? **A:** The city anticipates removal of trees in poor condition by the end of 2015. Ash trees will be removed over a 6 to 8 year period, depending on how fast EAB spreads.

Q: Who restores lawn when a tree/stump is removed? **A:** When removed by the city or it's contractor, stump areas will be leveled and seeded. The adjacent property owner is responsible for nurturing the seed, adding seed as necessary to establish lawn, planting sod, or adding topsoil to the area as settling occurs.

Q: Why is a permit required to plant a tree? **A:** Certain species of trees are prohibited. Smaller species are recommended for narrow terraces or where there are overhead utility lines. The permit process also helps the City keep the tree inventory updated with the location and species of newly planted trees.

Q: Does the city require removal of Cottonwood trees on private property? **A:** Not at this time. Cottonwood trees may not be planted, but the city has not adopted an ordinance to require removal of existing cottonwoods.

Q: Will the city trim or prune public trees? **A:** The city will periodically inspect public trees and trim or prune them as determined necessary. The city is not responsible for trimming portions of public trees that overhang private property. Property owners may prune or trim a public tree at their own expense after first obtaining a no fee permit.

Q: Can the city require removal of trees on private property? **A: On a case by case basis.** If the City Forester or designee determines that a tree or shrub on private property is diseased or infested with insects that could threaten the health of the urban forest, or is otherwise a hazard or nuisance, the city may notify the property owner that such tree or shrub must be removed. The city may also require that dead trees or limbs be removed on private property if it is determined to be a hazard to public or private property, utilities, or adjacent property. If a property owner does not comply, the city may remove the hazard or nuisance and charge the owner for the expense incurred, subject to warrant requirements. Pruning or trimming of private trees is not regulated by city ordinance, except where overhanging the public right-of-way.

Q: Can I trim or remove limbs that are overhanging my property from my neighbor's private tree?

A: This is a private property issue, and should be negotiated between adjacent owners. Generally speaking, limbs overhanging a property line can be pruned.

Q: Where can I get more information? **A:** Chapter 9 of the Municipal Code provides this information with further clarification. You may read the entirety of the code on the city website www.smwi.org/municipal-code/ . If you have questions regarding Emerald Ash Borer, please view <http://smwi.org/wp-content/uploads/2012/03/Emerald-Ash-Borer-Flyer.pdf>. For tree-related questions, please contact the office of the City Engineer at 414-768-8053.

This FAQ sheet has been prepared to assist property owners with the updated forestry program and is not intended to include all provisions of the code.

8/5/2014