

## **FREQUENTLY ASKED QUESTIONS (FAQ) CITY OF SOUTH MILWAUKEE URBAN FORESTRY PROGRAM**

**Q: What are the City's current regulations related to public (street) trees and urban forestry?**

**A:** City government thru elected and appointed officials has adopted local ordinances, policies, and programs to address public street trees and general urban forestry. Chapter 9 of the Municipal Code is the applicable local code. The entirety of the code is available on the city website [www.smwi.org/municipal-code/](http://www.smwi.org/municipal-code/) . For Emerald Ash Borer information, 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 Forester (Street Department) at 414-768-8075. This FAQ sheet supplements City Ordinances.

**Q: How is urban forestry funded? A:** Funding for tree removals, planting and pruning is allocated annually with applicable City budgets. Grants for certain programs may be available thru the DNR. Urban Forestry Programs are administered by the Street Department and Engineering Department.

**Q: What is the definition of 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 are defined as public trees, for the purposes of removal or pruning. Shrubs are not pruned or removed unless they interfere with sight distance or City operations (such as garbage collection) with applicable costs charged back to the adjacent property owner.

**Q: What is considered a private tree or shrub? A:** Trees or shrubs located behind public sidewalks, or within areas not defined as public. Private trees are also defined as trees in the public right-of-way that have been planted by an owner and are not 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 are scheduled for removal 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, or poor limb structure.

**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 a tree evaluation by the city. Requested removals will be considered on a case by case basis depending on the condition of the tree, potential hazards, and available funds.

**Q: My street tree (or private tree) has been identified by City for removal, but I think it is healthy and want the tree to remain. A:** The property owner can obtain (at their own cost), a certified arborist's opinion of a tree. Arborist recommendation for disease treatment will not be funded by the City.

**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, stump grinding and initial lawn restoration (if applicable).

**Q: Can a property owner request that a street tree be removed or pruned? A:** Yes. However, based on the number of public trees in the city, and limited forestry staff, and available funds, priority is given to trees that are in the poorest condition, or could be a public hazard.

**Q: If the city removes a street tree, will the stump be removed?** **A:** The city will arrange for removal (grinding) of stumps to 6-8 inches below grade. Stumps that require sidewalk or curb removal or underground utility protection to complete the work may be delayed until sidewalk, road or utility 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 can be left upon request in the terrace area behind the curb. Since the terrace 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 or pruned a public street tree at my own cost. Can I seek reimbursement?** **A:** The city does not reimburse or credit property owners for costs incurred. Many property owners have trimmed, pruned, or removed trees at their own expense (prior to current ordinances) based on city notification, or at their own discretion, and will not be reimbursed. It is a code violation to remove a public street tree without City approval.

**Q: If a public tree is removed, will the city plant a new tree?** **A:** No. The city has implemented an Adopt-A-Tree program that allows property owners to purchase a tree from the City at a reduced rate for planting. There are a limited number of trees available each year and is restricted to property owners that have had trees and stumps removed the prior year.

**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. (The permit identifies recommended tree species of trees, minimum size and planting location.)

**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 2020. Ash trees will be removed over a 6 to 8 year period (by 2022), depending on how fast EAB spreads.

**Q: Who restores lawn when a tree/stump is removed?** **A:** When removed by the city or its 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 underground or overhead utility lines. The permit process also helps the City update the tree inventory 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 cannot 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 and within budget and staffing. The city will trim portions of public trees that overhang private property, subject to authorization, if access to private property is needed. 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 an 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. 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 (civil) property issue, and it is recommended that adjacent owners come to agreement or contact legal counsel.

**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/](http://www.smwi.org/municipal-code/) . For tree-related questions, please contact the office of the City Forester at 414-768-8075.

***This FAQ sheet has been prepared to help property owners understand the City's forestry program and is not intended to include all provisions of the code.***

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