

**ORDINANCE NO. 2-14
CITY OF HUDSON**

WHEREAS, the Common Council finds that the maintenance of a healthy urban forest is in the interest of the public health, safety and welfare of the residents of the City of Hudson, the Common Council hereby ordains that the Hudson City Code Chapter 229 shall be amended to create Article III regarding Urban Forests, as set out below:

URBAN FORESTS

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Section 229-10. Statement of Policy and Applicability of Chapter

a) Intent and Purpose.

It is hereby declared to be the policy of the City of Hudson to regulate the planting, removal, and care for trees in the City of Hudson to promote the public health, safety and welfare, prevent the spread of fire, prevent the spread of tree diseases, protect property values, enhance aesthetics, increase road safety, reduce the potential for trees becoming public nuisances and hazards, protect trees from loss during construction, encourage use of trees to conserve energy, encourage and maintain an optimal level of age and species diversity, provide specifications for planting, maintaining and removal of trees and provide that all such work (including utility maintenance) in any right of way or on any public property be by permit and to provide a forum for conflict resolution.

The purpose of this ordinance is to regulate the trimming, pruning, planting and removal of trees in the City in an effort to achieve the above goals, to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning, planting and removal that is unnecessarily disfiguring and/or destructive.

b) Exemptions. This ordinance shall not apply to the planting, trimming, pruning or removal of trees under the following circumstances:

1. When trees in the public right of way are encroaching on an abutting property owner's property.

2. When the trimming, planting, pruning and removal is being performed by the City of Hudson Departments of Public Works or any employee of the City of Hudson who works under the direction of the City Forester or his or her designee who has established policies and procedures for trimming, planting, pruning and removal.

Section 229-11 Definitions

Whenever the following words or terms are used in this Article, they shall have the following meanings:

- a) **Person.** Person, firm, association or corporation.
- b) **Public Property.** All public parks and other lands owned, controlled or leased by the City.
- c) **Public Trees.** All trees located or to be planted, pruned, trimmed or removed in or upon public property or Public Rights of Way..
- d) **Public Right of Way.** The entire area between the dedicated boundaries of all public street, roads, and alleys and includes green areas (lawns or landscaped areas), sidewalks and public parking area within such boundaries.
- e) **Trees.** Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of ten feet or more.
- f) **City Forester.** Person or City employee designated by the City Council as authorized to carry out provisions of this Chapter.
- g) **Permit.** The written permission of the City Forester or his or her designee to plant trees on public right of way.
- h) **Urban Forest.** A collection of trees in and around the City, including park and street trees on public property and on private property.
- i) **Public Nuisance Tree.** 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 public safety.
- j) **Top, Topping.** The severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove normal canopy and disfigure the tree.

Section 229-12 City Forester Duties and Power

The City Council may designate a municipal employee or citizen to perform the duties of City Forester or his or her designee under Chapter 27, Wis. Stats., and may authorize such Forester or his or her designee to perform the duties and exercise the powers imposed on the City Forester by this Chapter.

The City Forester or his or her designee shall direct, regulate and control the trimming, planting pruning, and removal of all public trees within the City and shall cause the provisions of this ordinance to be enforced.

Section 229-13 Public Tree and Vegetation Regulations

- a) It shall be unlawful for any person to plant any tree upon any public property or public right of way without a permit. It shall be unlawful for any person to trim, prune or remove trees on public property.
- b) It shall be unlawful for any person to "top" any tree on public property.
- c) It shall be unlawful for any individual to place salt, brine, petroleum products, herbicides, or any other substances which can harm trees in such amount as to be toxic or injurious to the health, growth, or vitality of any public tree.
- d) It shall be unlawful for any person to drive nails, staples, screws, or fasten any rope, wire, electric attachment, sign (including any bills, advertisements, cards, or notices of any kind) or other devices to a public tree or to any guard about such tree.

Section 229-14 Private Property Tree and Vegetation Regulations

- a) The owner of any tree overhanging any public right-of-way within the City shall prune the tree so that it does not interfere with the proper spread of light along the street from a street light or interfere with visibility of any traffic control device or sign or sight triangle at intersections or interfere with the passage of pedestrians or vehicles in the public right-of-way. The City shall make best efforts to notify an owner of any tree overhanging the public right of way when the tree is interfering with light or visibility of traffic control devices or with the passage of pedestrians or vehicles in the public right of way, that the tree needs pruning to eliminate such conditions.
- b) If the City Forester or his or her designee ascertains that a tree growing on private property has a communicable disease or insect infestation which threatens the health of the urban forest, the City Forester or his or her designee may notify the owner of the property that the tree must be treated or removed within 14 days of the notification.
- c) The City shall have the right, but not the obligation, to remove any public nuisance (or portion of) tree on private property within the City when such tree constitutes a hazard to public safety. The City Forester or his or her designee will notify the owner of the property in writing that the tree must be treated or removed within 14 days of the notification.
- d) If the owner of the property fails or refuses to take remedial action, after being notified in writing that remedial action is required under 229-14 (a), (b), or (c), the City may perform or contract the services required to perform the remedial action without compensation to such owner. The City will charge the property owners for the expenses the City incurs for remediation. Any amount not paid by the owner for the expenses incurred by the City in performing the remedial action shall be certified to St. Croix County as a special charge under Wis. Stat. 66.0627 to be collected along with property taxes.

- e) The City recommends that no person, firm or corporation should store within the City of Hudson any bark bearing diseased elm wood or diseased oak wood or Emerald Ash Borer infested ash wood or material without first contacting the City Forester to review the written guidelines regarding wood storage.
- f) The City recommends that no person, firm or corporation should not remove, trim or prune any private or public oak tree or portion thereof within the City of Hudson between April 1st and October 15th due to the potential rapid spread of Oak Wilt and resulting high mortality rate in Oak trees.

Section 229-15 Planting of Trees

- a) Planting of certain trees is restricted. No person shall hereafter plant any tree listed on the "Restricted Tree List" upon any public right of way or other public property within the City of Hudson. The "Restricted Tree List" shall be developed and updated by the City Forester or his or her designee on an annual basis and be made available with the Tree Permit application. The City Forester or his or her designee shall cause the removal of any tree planted in violation of this Subsection.

Section 229- 16 Violations

Any person, firm or corporation violating any of the provisions of this ordinance shall be notified by the City Forester or his or her designee of the noncompliance and the action that must be taken to come into compliance. If the compliance persists penalties may be imposed for each day of violation as provided in Hudson City Code Section 1-18. These penalties shall be in addition to any other remedies available to the City under Hudson City Code and/or Wisconsin law.

Section 229-17 Emergencies

The City Forester or his or her designee with approval of the Mayor, in the case of emergencies, such as windstorms, ice storms, insect/disease outbreaks or other disasters, may waive the requirements of this ordinance so that they in no way shall hinder private or public work to restore order in the City.

Section 229-18 Disclaimer of Liability.

Nothing contained in this Article shall be deemed to impose any liability upon the City, its officer, or employees nor to relieve the owner of any private property from the duty to keep any tree, shrub, or plant upon their property or under their control in such condition as to prevent it from constituting a hazard to public safety or an impediment to travel or vision upon any road, park boulevard, alley, or public place within the City.

Section 229-19 Severability Clause

Should any section, subsection, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance in whole or in any part thereof other than the part so declared to be invalid.

Section 229-20 Appeal from Determinations or Orders

Any person who receives a determination or order under this Chapter from the City Forester or his or her designee and objects to all or any part thereof shall have the right to appeal such determination or order, to the Public Works Committee within seven (7) days of receipt of the order and the Public Works Committee shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Public Works Committee may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Public Works Committee shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Public Works Committee shall file its written decision with the City Clerk.

This ordinance shall become effective after adoption and publication as required by law.

Adopted this 5th day of May, 2014.

CITY OF HUDSON

By: 
Alan D. Burchill, Mayor

ATTEST:


Nancy J. Korson, City Clerk

First Reading: 4/21/14

Second Reading:

Adopted: 5/5/14

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