



**CITY OF CEDARBURG  
A MEETING OF THE PARKS, RECREATION & FORESTRY BOARD  
WEDNESDAY, DECEMBER 3, 2025 – 5:30 PM**

A meeting of the Parks, Recreation, and Forestry Board, City of Cedarburg, Wisconsin, will be held on Wednesday, December 3, 2025 at 5:30 PM. This meeting will be held at City Hall, W63 N645 Washington Avenue, Cedarburg, WI lower level, room 2.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
  - A. Council Member Mark Mueller, Glenn Herold, Terry Wagner, Becky Hughes, Brian Clement, Courtney Dandy, James Schara
3. STATEMENT OF PUBLIC NOTICE
4. COMMENTS AND SUGGESTIONS FROM CITIZENS
5. APPROVAL OF MINUTES
  - A. Approval of August 6, 2025 meeting minutes
6. NEW BUSINESS
  - A. Discussion and possible action adding a definition to Protection of Public Trees Policy PR-6
  - B. Discussion and possible action on current noxious weeds ordinance and possible revision to Section 8-1-5
7. REPORTS
  - A. Director of Parks and Recreation - Update on Projects  
Set date for next meeting - February 11, 2026
  - B. Recreation Superintendent - Update on Recreation Programs
  - C. City Forester - Update on Projects
8. ADJOURNMENT

City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information.

City of Cedarburg is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities. To request reasonable accommodation, contact the Clerk's Office, (262) 375-7606, email: [cityhall@cityofcedarburg.wi.gov](mailto:cityhall@cityofcedarburg.wi.gov).

MEMBERS – PLEASE NOTIFY CITY CLERK'S OFFICE IF UNABLE TO ATTEND THIS MEETING.



City Forester Westphal reported on weed letters, stump grinding, EAB treatments, treatments for Dutch elm disease, dead tree survey, service request pruning, storm calls, safety clearance pruning, small tree removals, crown raising pruning.

**ADJOURNMENT**

Motion made by Council Member Mark Mueller , seconded by Courtney Dandy, to adjourn the meeting at 5:48p.m. Motion carried without a negative vote with James Schara and Brian Clement excused.

Chandler Steffen  
Recreation Coordinator

**CITY OF CEDARBURG  
POLICY/PROCEDURE MANUAL**

SUBJECT: PROTECTION OF PUBLIC TREES DURING CONSTRUCTION

PR-6

---

**TABLE OF CONTENTS**

- 1. Purpose and Intent**
- 2. Definitions**
- 3. Types of Tree Damage**
- 4. Pre-Construction Requirements**
- 5. Tree Protection Zones**
- 6. Tree Protection Fencing and Barriers**
- 7. Trenching, Excavation and Equipment Use**
- 8. Boring or Directional Drilling**
- 9. Tree Pruning**
- 10. Root Pruning**
- 11. Sidewalk Construction**
- 12. Curb and Gutter Construction**
- 13. Backfilling**
- 14. Damage to Trees, Shrubs and Soil**
- 15. Emergency Repairs to Utilities**
- 16. Tree Species Intolerant of Construction Disturbance**
- 17. Applicable Standards and Best Management Practices**
- 18. Contact Information**
- 19. References**
- 20. Appendices**

**1) PURPOSE AND INTENT**

- (a) It has been determined that trees are a part of our infrastructure, an integral part of community life, and an important public resource that enhances the quality of life and the general welfare of the City. It has also been determined that the City of Cedarburg and its residents would benefit from the protection of these community assets. All trees situated on City streets, parks or other municipal property are protected under Title 6, Chapter 4 of the Cedarburg Municipal Code.
- (b) It has been determined that construction is one of the greatest causes of tree decline and death in urban areas. Including trees in the initial stages of construction planning may mean the difference between preserving a healthy tree or having to remove it. The City of Cedarburg acknowledges that conflicts between trees and construction may sometimes result in the removal of some trees. The goal of these specifications is to keep injury to trees to a minimum and allow construction projects to proceed at the same time. Also, these

specifications will reduce the likelihood of undesirable consequences that may result from uninformed or careless construction practices near trees.

- (c) Tree protection has three primary functions, 1) to keep the foliage canopy and branching structure clear from contact by equipment, materials and activities; 2) to preserve roots and soil conditions in an intact and non-compacted state and 3) to identify the Tree Protection Zone (TPZ) in which no soil disturbance is permitted and construction activities are restricted, unless otherwise approved.
- (d) This policy applies to all land disturbance and construction activity on City-owned property which includes the Public Right-of-Way (ROW), parks and other municipal property. These specifications shall be applicable to all Contractors working in the Public ROW, whether by permit, Public Works contract, Developer Agreement, or any other permission to work within the Public ROW. Anyone failing to adhere to the tree protection policies and specifications will be financially responsible for any resulting damage to trees and may be charged under the provisions of the applicable Section of the Cedarburg Municipal Code.

## 2) **DEFINITIONS**

All words in this policy shall have their customary dictionary definitions except as specifically defined herein. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.

**Boring:** To create an underground passage. Shall be synonymous with tunneling and augering.

**Canopy Dripline:** Shall mean an imaginary vertical line extending from the outermost reach of branches to the ground. Also known as Tree Protection Zone (TPZ) displayed in measurement units of feet.

**Construction:** The process of building, altering, remodeling, improving or demolishing a public infrastructure facility which includes the repair of existing facilities, the replacement of structures and their components.

**Diameter at Breast Height (DBH):** A standard measure of tree size. A tree trunk diameter measured at a height of four and one-half (4 ½) feet above the ground. If a tree splits into multiple trunks below the 4-½ foot mark, then the trunk is measured at its most narrow point beneath the split.

**Public Right-Of-Way (ROW):** Shall mean lands dedicated or otherwise opened to the public for street purposes.

**Public Tree:** Shall mean any tree growing within the public ROW, in City parks or on any City-owned property.

Root Plate: Shall mean the area of root zone comprised of pedestal roots, the zone of rapid taper, and roots under compression, with a directional radius based upon the trunk diameter at 4.5 ft. above the ground (DBH). Catastrophic failure of the tree could result if roots in this area are damaged or destroyed.

Street Tree: Shall mean any City-owned tree presently or hereafter located within the public right-of-way.

Structural Root: Shall mean any root with a diameter 10% or greater of the tree's DBH.

Tree Protection Zone (TPZ): Shall consist of the ground encompassing the area between the trunk and the dripline of the tree, or one linear foot away from the trunk base for every inch of DBH of the trunk, whichever is greater.

Tree Terrace: Shall mean the grass area between the sidewalk and curb located within the public ROW. Also known as "Parkway". For open areas with no sidewalk the Tree Terrace shall mean the grass area extending from the curb to the Right-of-Way line.

Windthrow: means the uprooting of trees by wind.

### 3) TYPES OF TREE DAMAGE

- (a) **Mechanical Injury** to the trunk, crown and major roots caused by construction and landscaping equipment. This type of injury damages the bark, phloem, cambium and/or xylem tissue. When these conductive and protective tissues are damaged, the capacity of the tree to transport water, nutrients and carbohydrates is reduced.
- (b) **Root Cutting or Damage** is another type of injury that can significantly impact the health of the tree. The majority of tree roots are found in the upper 12 to 24 inches of soil. Trees can also become destabilized and may fail if structural roots are severed. Roots are cut or damaged by excavation and trenching equipment, high-pressure hydro excavation equipment, and soil fill over roots/grade change which can reduce available soil oxygen and water.
- (c) **Soil Compaction or Damage** caused by vehicle and equipment traffic or parking near trees, changes in existing grade, and sterile soil conditions caused by stripping off topsoil are some of the leading causes of tree decline and death in construction areas. The damage done often goes unseen, resulting in tree decline over several years. Soil compaction causes the pore space in the soil, which contains air and water necessary for root growth, to be reduced causing tree roots to suffocate and die. Soil compaction also increases soil density permitting less root growth, biological activity and water movement, which has a negative impact on tree health.

#### **4) PRE-CONSTRUCTION REQUIREMENTS**

The following five steps shall be incorporated within the Site Plan and included as a Special Provision of the City of Cedarburg Right-of-Way Permit Provisions and Conditions of Issuance.

- (a) Site Planning and Design - The City of Cedarburg considers trees as important public assets and requires plotting tree locations on plans for all proposed projects where trees exist, to assure trees are accounted for from project initiation forward. For all projects, site plans must indicate accurately plotted trunk locations, trunk DBH's and Canopy Dripline areas of all trees or groups of trees within the construction area. Right-of-Way (ROW) Permit applications may be delayed if the Site Plan does not contain this information.

A current GIS inventory of Cedarburg Public Trees can be downloaded at the following link: <https://cedarburg-forestry-gis-site-cedpf.hub.arcgis.com/>

- (b) Using this information, the City Forester will recommend which trees should be retained, removed, or protected. Pre-construction pruning needs will also be identified at this time.
- (c) A pre-construction meeting between pertinent personnel including the City Forester, City Engineer, Contractors, Developer, Planner, Architect and/or Utility Project Manager/Design Engineer may be required to identify protected trees, and to review procedures, tree pruning, and removal needs and tree protection measures. It is critical to ensure that everyone is aware of the issues surrounding tree protection, and fully understands tree protection methodology.
- (d) Protective Tree Fencing, Barriers or other measures, as required by the City Forester, shall be erected around trees to be protected at this time. Tree protection measures shall be erected by the Contractor, Developer, Utility or Permit Applicant unless otherwise required by the City Forester. No site work may begin until tree protection measures have been erected. For construction work conducted by the City of Cedarburg municipal utilities, the Parks & Forestry staff will erect and maintain the required Protective Barriers.
- (e) Pre-Construction Pruning as required by the City Forester shall be conducted prior to any site work. Pruning of public trees shall be conducted by the City of Cedarburg Parks & Forestry Dept. staff unless otherwise required by the City Forester. See Section Nine (9) – Tree Pruning.

#### **5) TREE PROTECTION ZONES (TPZ)**

- (a) Each tree to be preserved shall have a designated Tree Protection Zone (TPZ) identifying the area sufficiently large enough to protect it and its roots from disturbance. Tree Protection Zone distances are to be measured from the outside edge of the tree base.
- (b) The TPZ shall be shown on all site plans. Unless otherwise specified, all construction activities shall occur outside of the TPZ.
- (c) Activities **prohibited** within the TPZ include:
  1. Construction activity including grade changes, surface treatments, soil disturbance, or excavations of any kind.
  2. Vehicle or equipment traffic without protective measures in place to prevent soil compaction.
  3. Storage or parking vehicles or equipment, storage of building materials, refuse, or excavated soils or dumping of poisonous materials that may be harmful to tree health. Poisonous materials include but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water or any other material that may be harmful to tree and soil health.
  4. Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches, or other miscellaneous excavations without prior approval of the City Forester.
  5. The use of tree trunks as a backstop, winch support, anchorage, as a temporary power pole, signpost or other similar function.
  6. Excavation of boring pits or installation of underground utility enclosures or boxes.
- (d) The TPZ distance shall equal 1 foot for every diameter inch of trunk DBH or out to the Canopy Dripline, whichever is greater.
- (e) A tree's **Critical Root Zone (CRZ)** is located within the TPZ and is the area around the trunk where anchor roots essential for tree stability and support, commonly referred to as the root plate, are located. **Damage to roots in the CRZ can cause catastrophic tree failure.**
- (f) The CRZ distance shall equal 0.5 feet for every diameter inch of trunk DBH.
- (g) See Appendices section for Detail – Crown and Root Structure of a Tree.

## 6) **TREE PROTECTION FENCING AND BARRIERS**

- (a) Tree protection fencing, barriers and other measures shall be in place for the duration of construction work and must not be moved or removed.
- (b) All supports and bracing used to secure the fencing should be located outside the TPZ and should minimize damage to roots outside the TPZ.

- (c) Where some fill or excavate has to be temporarily located near a tree protection fence, plywood must be used to ensure no material enters the TPZ.
- (d) Root protection shall be installed where required in construction access locations as determined by the City Forester in order to protect tree roots from compaction during construction. Root protection for vehicle or equipment access shall consist of a 4-inch layer of wood mulch beneath ½ inch plywood sheathing or high-density polyethylene ground protection mats.
- (e) For Tree Protection Fencing and Signage specifications, see Appendix A.
- (f) Types of Tree Protection Fencing and Barriers:

**Type 1 Tree Protection:** The fences shall enclose the entire area under the Canopy Dripline or TPZ of designated trees. If the fencing must be located on pavement or sidewalk the posts shall be supported by an appropriate grade level base.



Type 1 Tree Protection Fence at the Canopy Dripline

**Type 2 Tree Protection:** For trees situated within a Tree Terrace area or a narrow planting strip, only the Tree Terrace area or planting strip shall be enclosed with the required chain link or orange plastic web fencing on a 2"x4" wood frame in order to keep the sidewalk and street open for public use.



Type 2 Tree Protection within a Tree Terrace area

**Type 3 Tree Protection – Trunk Protection:** Trees located in a sidewalk planter pit or within close proximity to construction activities shall be wrapped with 2-inch-thick wooden slats from the ground to the first branch and bound securely on the outside to protect the trunk from Mechanical Damage. During installation of the wood slats caution shall be used to avoid damaging any bark. Screws or nails shall not be used to attach wood slats to trees.



Type 3 Trunk Wrap Protection

**Type 4 Tree Protection – Soil and Root Protection:** If vehicle and equipment traffic cannot be kept outside of the TPZ for the entire duration of construction, soil and root protection shall be used to disperse the vehicular load to minimize soil compaction. Root protection for vehicle or equipment access shall consist of a 4-inch layer of wood mulch beneath ½ inch plywood sheathing or high-density polyethylene ground protection mats.



Type 4 Soil and Root Protection

## 7) TRENCHING, EXCAVATION AND EQUIPMENT USE

- (a) **Open trenching within the TPZ of a public tree is prohibited.** In some cases, exceptions may be allowed if in the opinion of the City Forester the impact of trenching upon the tree will be negligible.
- (b) It is also recognized that there may be situations where utilities must be installed or repaired within the tree's TPZ, and trenchless excavation is not possible. In such cases work may proceed under the following conditions:
1. Notification. The contractor or utility shall notify the City Forester a minimum of 24 hours in advance of the activity in the TPZ.
  2. The City Engineer and/or Cedarburg Light & Water Superintendent will determine the location and size of the pit or trench.
  3. Root Pruning. **Do not break or pull roots with backhoe or similar equipment.** Pre-construction root pruning may be required by the City Forester. Roots that are encountered shall be cut to sound wood with sharp pruning instruments. See Section Ten (10) Root Pruning.

4. Excavation. Any approved excavation, demolition or extraction of material shall be performed with equipment sitting outside the TPZ. Preferred excavation methods within the TPZ are by hydraulic or pneumatic air excavation technology or hand digging. **If hydraulic excavation is used, a combination of low pressure and high suction is required to prevent damage to the root bark.** If roots 2-inches or greater are encountered, the preferred method is to tunnel under them.
5. Heavy Equipment. Use of track-type backhoes, tractors or any heavy vehicles within the TPZ is prohibited unless approved by the City Forester. If allowed, a protective *root buffer* is required. The protective buffer shall consist of a base course of wood chips spread over the root area to a minimum 6-inch depth, layered by  $\frac{3}{4}$  inch quarry gravel to stabilize, and  $\frac{3}{4}$  inch plywood sheathing or high-density polyethylene ground protection mats on top. This buffer within the TPZ shall be maintained throughout the entire construction process.

## 8) **BORING OR DIRECTIONAL DRILLING**

- (a) Any and all installations that will have impact on public trees in relation to underground utilities are subject to the review and approval of the City Engineer and/or City Forester before the project starts.
- (b) A Site plan showing the path of the underground utility in relationship to the surrounding trees shall be submitted to the City Engineer and City Forester before any work begins for approval of utility placement and technique.
- (c) Open-cut excavation is allowed only up to the boundary of the Tree Protection Zone (TPZ). Where there is insufficient space for trenching to bypass the TPZ, boring with a horizontal directional drill must be used in place of trenching. See figures 1 and 2 below.
- (d) Depth of boring. The minimum depth for boring within all Tree Terrace areas or beneath public trees shall be 48 inches. This depth may be reduced to 24-36 inches deep in certain situations, at the discretion of the City Engineer and/or City Forester, based on the type of utility installation such as Street Lighting.
- (e) Boring pits shall not be placed within the TPZ.

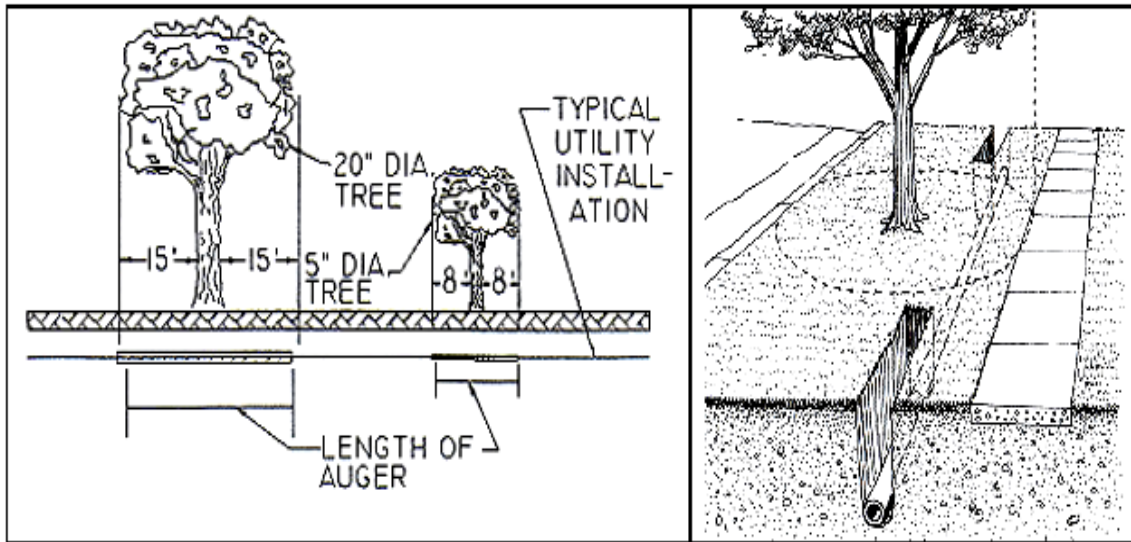


Figure 1

Figure 2 - Bore Method

## 9) TREE PRUNING

### (a) Pre-Construction Tree Pruning:

1. Prior to construction, various trees may need to be pruned away from structures or proposed construction activities.
2. Height clearance required for construction activity shall be determined by the City Engineer and City Forester.
3. No more than one-fourth (25%) of the functioning leaf and stem area may be removed.
4. Pre-construction pruning within the public ROW shall be conducted by the Cedarburg Parks and Forestry Department or City approved contractor under the direction of the City Forester.
5. The City Forester shall be contacted at least **five (5) business days** prior to the set-up for any construction to discuss problems of over-hanging branches which may be damaged during construction.

### (b) Tree Pruning During Construction:

1. **Construction or contractor personnel shall not attempt tree pruning.** Only a qualified tree care specialist approved by the City Forester can perform tree pruning operations.

(c) **Post-Construction Tree Pruning:**

1. If corrective pruning is required due to construction damage or situations related to construction activities, post-construction pruning will be performed by the Parks and Forestry Department or City approved contractor under the direction of the City Forester.
2. The costs of all corrective pruning will be the liability of the contractor and billed accordingly.

10) **ROOT PRUNING**

(a) **Pre-Construction Root Pruning**

- (1) Some construction activities may require pre-construction root pruning. **Removing anchoring roots or causing injuries in anchoring roots and root flares can cause future decay and catastrophic tree failure or windthrow hazards.**
- (2) Pre-construction root pruning will be an option considered when root loss is unavoidable in the TPZ, and shall only be performed under the supervision of the City Forester.
- (3) If approved by the City Forester, a mechanical root cutting machine designed for such purpose may be used to cut roots. **Trenching machines are not allowed in root pruning operations.**
- (4) Areas to be root pruned will be determined by the City Forester.

(b) **Root Pruning During Construction**

- (a) Tree roots shall not be pruned or cut unless their removal is unavoidable or absolutely necessary as determined by the City Forester.
- (b) Roots that are one (1) inch in diameter or larger needing to be pruned or removed during construction, such as trenching or excavating a boring pit, shall be cut cleanly with sharp hand tools. Make cuts flush with the side of the trench closest to the tree. There is no need to paint or treat the ends. See Figure 4 below.

- (c) Directional root pruning is recommended because it considers the tree's response to root pruning and decay. With directional root pruning, roots are cut to a large lateral, if possible, that is growing downward or in a more favorable direction.
- (d) Recommended root pruning tools:
  - 2. Scissor-type lopper
  - 3. Scissor-type pruner
  - 4. Large and small hand saws
  - 5. Axe
  - 6. 2" Wide Chisel and Mallet
  - 7. Sawzall

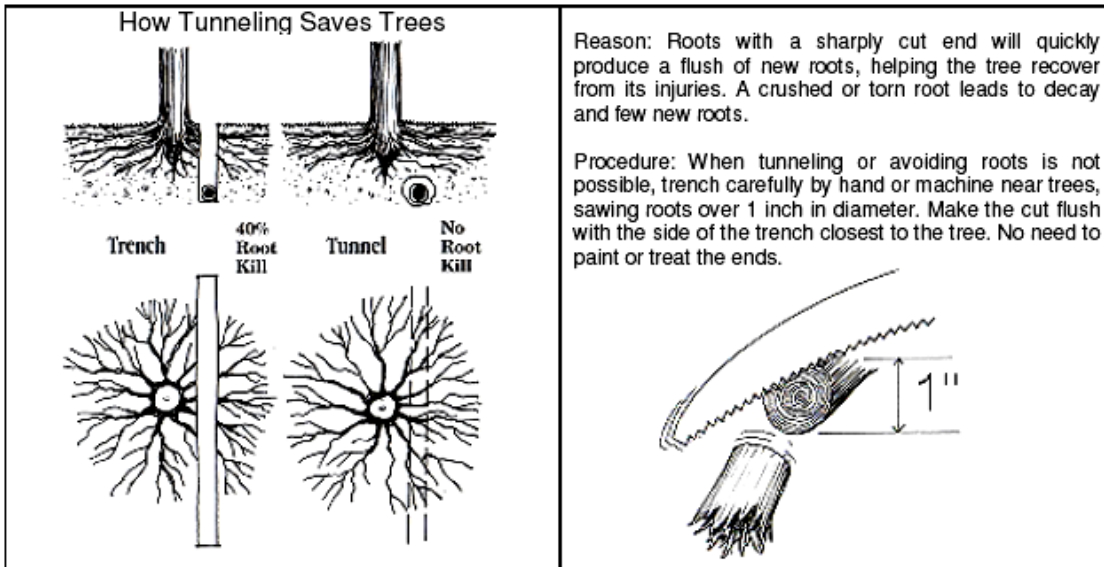


Figure 3

Figure 4 - Make Sharp Cuts

## 11) SIDEWALK CONSTRUCTION

- (a) All old sidewalks shall be removed prior to any root pruning.
- (b) Sidewalk removal shall be performed in a manner which prevents damage to tree branches, trunks and roots and prevents soil compaction.

- (f) Unless other specifications apply, roots are then to be manually pruned with hand tools and not deeper than **nine (9) inches below** the finished grade of the new walks, and not more than **five (5) inches from the edge** of the new walk.
- (g) In some cases, as determined by the City Engineer or City Forester, a slip or thin form shall be required and soil disturbance in the tree terrace shall be limited to not more than one (1) inch beyond the edge of the new walk. See sections 12 and 13 (Root Pruning).

## **12) CURB AND GUTTER CONSTRUCTION**

- (a) The root system on the curb side shall not be cut more than **two (2) inches behind** the back edge of the new curb, and not more than **eighteen (18) inches in depth**.
- (b) In some cases, as determined by the City Engineer or City Forester, the root system on the curb side shall not be cut more than one (1) inch from the back edge of the new curb, and a ¼ inch or thin form, or slip form paver shall be required.
- (c) When constructing or replacing driveways or driveway approaches, roots **shall not** be cut by means of mechanical root cutting machines. If root removal is essential to driveway replacement, roots shall be manually pruned with hand tools. See sections 11 and 12 (Root Pruning).

## **13) BACKFILLING**

- (a) All trenches/excavations shall be backfilled as soon as possible to prevent roots from drying out. Exposed roots should be covered with burlap and kept moist.
- (b) The top eight (8) inches of all excavations in the tree terrace and in all boulevard medians shall be backfilled **ONLY** with clean, topsoil.
- (c) No concrete, slurry, gravel, stone, sand, or other such materials shall be used for backfill.
- (d) Restoration shall be to the original grade unless otherwise specified.

## **14) DAMAGE TO TREES, SHRUBS, AND SOIL**

- (a) Mechanical Injury Damage. Mechanical Injury damage to public trees, shrubs, and other plant material due to contractor negligence or accident shall be repaired only by the Cedarburg Parks and Forestry Department or City approved contractor. The costs of all such repairs, removals, replacements, penalties and

tree value (in the case of a tree removal >3" DBH), will be the liability of the contractor and billed accordingly.

- (b) Soil Compaction Damage. If a soil compaction event to the upper 12-inch soil horizon within the TPZ has or will occur by any means, the damage shall be mitigated by the contractor. The compacted soil shall be loosened by one or more of the following methods to promote favorable root conditions: vertical mulching, soil fracturing, core-aerating, radial trenching or other method approved by the City Forester; followed by the addition of compost amendment.
- (c) Reporting. Any damage or injury to trees or shrubs shall be reported as soon as possible to the City Forester.
- (d) Penalty for Damage to Public Trees. In the event that public trees or their roots have been damaged, the contractor shall be subject to the penalty rate of \$100.00 per inch of damage. Measurement of the damage shall be the width of the wound measured across the grain at the widest point. Penalty fee shall be paid to the City of Cedarburg and deposited to the general fund as required.

#### **15) EMERGENCY REPAIRS TO UTILITIES**

- (a) In accordance with Section 6-2-4e of the Cedarburg Municipal Code, Emergency Repairs to underground utilities shall commence immediately. The utility company concerned is responsible for notifying the City Forester (414) 940-3140 as soon as possible when public trees are involved.

#### **16) TREE SPECIES INTOLERANT OF CONSTRUCTION DISTURBANCE**

The following tree species are intolerant of construction disturbance, and tree preservation plans designed for them must take this into account. The tree protection zones required by these species may be quite extensive to avoid damage to the roots and crown associated with compaction, excavation or construction above grade that would impact the branches.

Acer rubrum (red maple)  
Acer saccharum (sugar maple)  
Betula papyrifera (paper birch)  
Carya glabra (pignut hickory)  
Fagus grandifolia (American beech)  
Liriodendron tulipifera (tulip tree)  
Ostrya virginiana (ironwood)  
Pinus resinosa (red pine)  
Pinus strobus (eastern white pine)  
Prunus serotina (black cherry)

Quercus alba (white oak)  
Quercus rubra (red oak)  
Quercus velutina (black oak)  
Tsuga canadensis (eastern hemlock)  
Tilia americana (basswood)

## **17) APPLICABLE STANDARDS AND BEST MANAGEMENT PRACTICES**

ANSI A300 (Part 5) 2019 Tree, Shrub, and Other Woody Plant Management Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction).

International Society of Arboriculture (ISA) Best Management Practices – Managing Trees During Construction.

## **18) CONTACT INFORMATION**

City Forester – Kevin Westphal  
[kwestphal@cityofcedarburg.wi.gov](mailto:kwestphal@cityofcedarburg.wi.gov)  
(414) 940-3140 mobile  
(262) 375-7662 office

City Engineer – Mike Wieser  
[mwieser@cityofcedarburg.wi.gov](mailto:mwieser@cityofcedarburg.wi.gov)  
(262) 375-7610 office

## **19) REFERENCES**

Tree Protection Policy And Specifications For Construction Near Trees. Toronto Urban Forestry. March 2009.

Tree Technical Manual – Standards And Specifications. City of Palo Alto, CA. June 2001.

Tree Protection Specifications. City of Madison, WI. December 2012.

## APPENDIX A – TREE PROTECTION FENCING SPECIFICATIONS

### TREE PROTECTION FENCING

- (a) To protect and preserve the trees, as identified on the site plan or by the City Forester, protective fences shall be installed outside the Tree Protection Zone (TPZ) of the tree(s).
- (b) Fencing shall be installed to completely surround the limits of the TPZ. See Figure 5.
- (c) Tree protection fences shall consist of temporary chain link fence or orange plastic web snow/construction fencing, four (4) feet in height on a 2"x4" wood frame or supported by T-post stakes, whichever is appropriate for the situation.
- (d) If fencing must be located on paving or concrete that will not be demolished, an appropriate grade level concrete base should be used to support the posts.
- (e) Tree fences shall be erected prior to any site activity and shall remain in place until its removal is authorized by the City Forester or City Engineer.
- (f) A "Warning" sign shall be prominently displayed at fifty (50) foot intervals on a protective fence. The sign shall be a minimum of 8.5 inches x 11 inches, be weather-proof, and clearly state the following:  

**TREE PROTECTION ZONE**  
This Fence Shall Not Be Removed

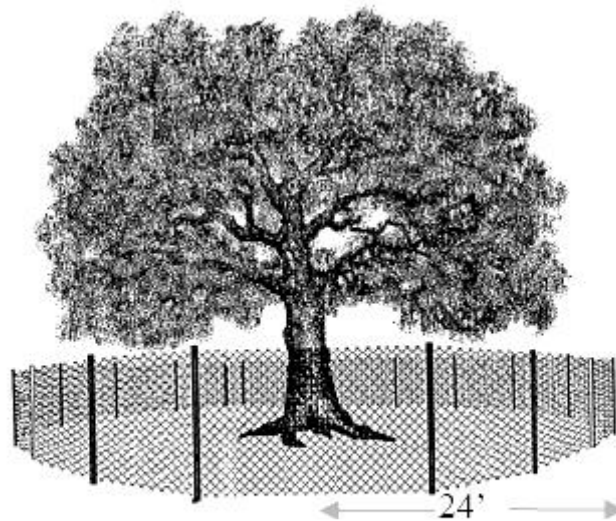
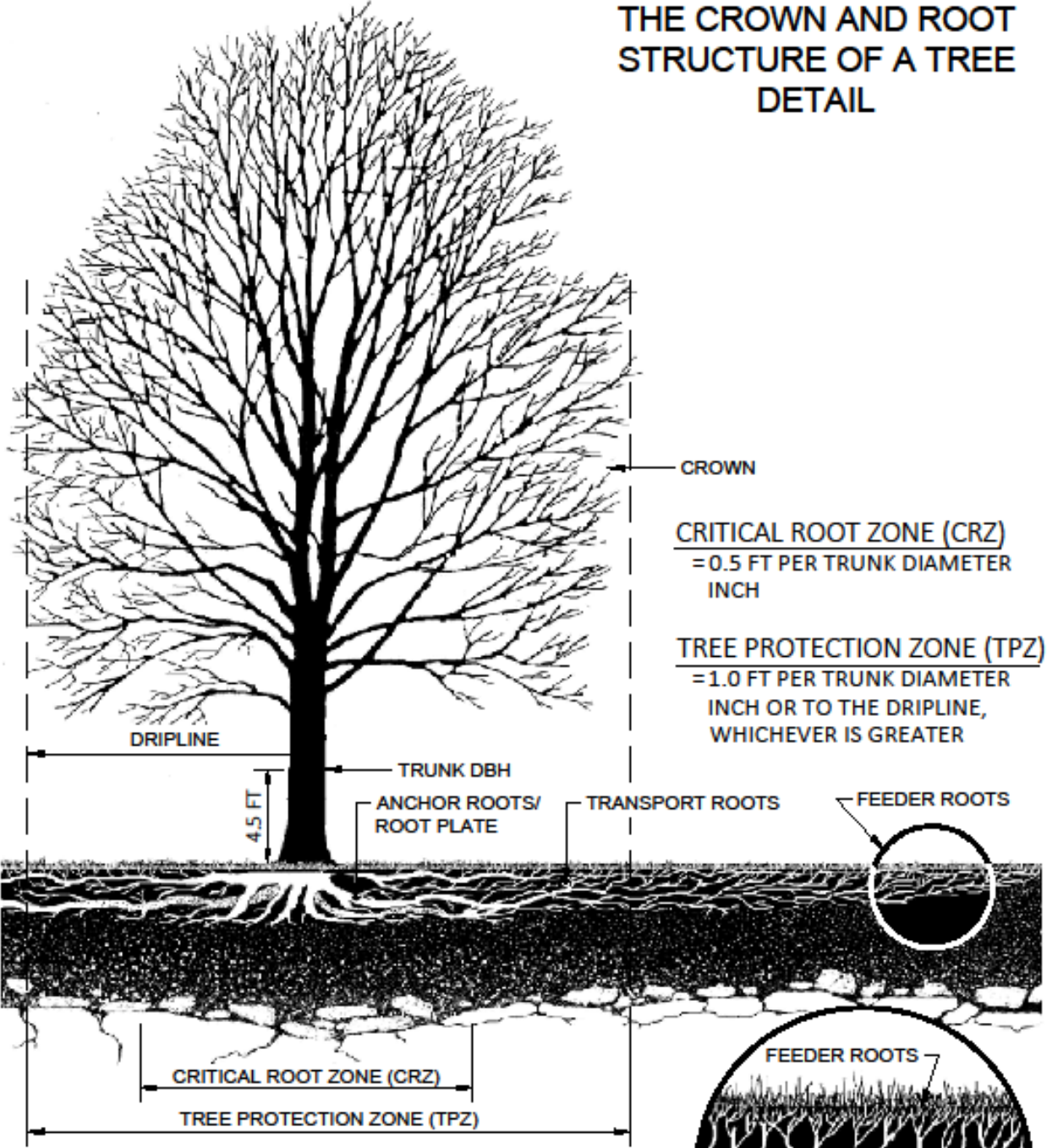


Figure 5. A 24-inch DBH tree would have a Tree Protection Zone (TPZ) extending 24 feet from the trunk.

## APPENDIX B – THE CROWN AND ROOT STRUCTURE OF A TREE DETAIL

# THE CROWN AND ROOT STRUCTURE OF A TREE DETAIL



A MINIMUM OF 5 FEET OF WELL DRAINED SOIL DEPTH IS REQUIRED FOR THE FOR THE GROWTH OF A TREE TO MATURITY. A TREE'S ROOT SYSTEM GROWS MAINLY WITHIN THE TOP 24 INCHES OF THE SURFACE AND EXTENDS OUTWARD 2 TO 3 TIMES THE DRIPLINE DIMENSION. THE ROOT SYSTEM OF A TREE HAS THREE MAIN PARTS: THE LARGE "ANCHOR ROOTS" PROVIDING STRUCTURAL SUPPORT; A FRAMEWORK OF "TRANSPORT ROOTS;" AND A COMPLEX NETWORK OF "FEEDER ROOTS" THE GROWN OUTWARD AND UPWARD FROM THE TRANSPORT ROOTS. THESE NON-WOODY ROOTS BRANCH OUT TO FORM FANS OF THOUSANDS OF SLENDER ROOTS WITH FINE ROOT HAIRS. THESE TINY ROOTS PROVIDE THE MAJOR PORTION OF THE ABSORPTION SURFACE OF A TREE'S ROOT SYSTEM.

USED BY PERMISSION OF TORONTO URBAN FORESTRY

REVISED: 8/31/2023

**CITY OF CEDARBURG**

**PARKS & FORESTRY DEPARTMENT**

Adopted: 1/30/2006

Revised: 1/29/2024

**SEC. 8-1-5 DESTRUCTION OF NOXIOUS WEEDS.**

- (a) The City Clerk shall annually on or before May 15 and July 31 publish as require by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c) As provided for in Sec. 66.96(2), Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following weeds and those designated as noxious weeds in the Wisconsin Statutes:

- Cirsium Arvense (Canada Thistle)
- Ambrosia artemisiifolia (Common Ragweed)
- Ambrosia trifida (Great Ragweed)
- Euphorbia esula (Leafy Spurge)
- Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
- Tragopogon dubius (Goat's Beard)
- Rhus radicans (Poison Ivy)
- Cirsium vulgaries (Bull Thistle)
- Pastinaca sativa (Wild Parsnip)
- Arctium minus (Burdock)
- Xanthium strumarium (Cocklebur)
- Amaranthus retroflexus (Pigweed)
- Chenopodium album (Common Lambsquarter)
- Rumex Crispus (Curled Dock)
- Cannabis sativa (Hemp)
- Plantago lanceolata (English Plantain)
- Alliarita Petiolata (Garlic Mustard) (Ord. 98-20)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be

limited to the following:

Agrostia alba (Redtop)  
Dactylis glomerata (Orchard)  
Phleum pratensis (Timothy)  
Poa pratensis (Kentucky Blue)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed  
Thistles  
Smartweed  
Dandelions (over 10 inches in height)

State Law Reference: Sec. 66.96, Wis. Stats.

#### **SEC. 8-1-6 REGULATION OF NATURAL LAWNS.**

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits unless a Natural Lawn Management Plan is approved and a Permit is issued by the City as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife
- (b) **Natural Lawn Management Plan Defined.**
- (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
  - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the

street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.

- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the City Clerk shall issue permission to install a natural lawn.

- (d) **Application For Appeal.** The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Common Council at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Common Council shall be final and binding.

- (e) **Safety Precautions For Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
  - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. The minimum amount of acceptable insurance shall be as prescribed by the City's Schedule of Insurance Requirements.
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Common Council, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. The Common Council in an open meeting shall review all written applications for appeal filed within the fifteen (15) calendar day requirement. The decision rendered by the Common Council shall be final and binding.
- (g) **Public Nuisance Defined - Abatement After Notice.**
- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the City as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
  - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Common Council may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by State statute.

- (3) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (h) **Penalty.**
  - (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-7.
  - (2) In addition to any penalties herein provided, the City may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

**SEC. 8-1-7 REGULATION OF LENGTH OF LAWN AND GRASSES.**

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Cedarburg.
- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, drainageway and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 above.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the City.
- (d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.**
  - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be served at least seven (7) days prior to the date of the City's date of action to have the grass or lawn cut and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.

- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the seven (7) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When the owner of the property requests a hearing, a hearing by the Common Council shall be held within seven (7) days from the date of the owner's request. The City will not mow the property in question until such time as the Council holds the hearing. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **City's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.