

**From:** [Peter Beeson](#)  
**To:** [All Alders](#)  
**Subject:** Letter in support of tree ordinance - Tenney Lapham Neighborhood Association  
**Date:** Tuesday, October 7, 2025 6:33:47 AM

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Dear City of Madison Alders,

On Thursday, September 11, the Tenney Lapham Neighborhood Association Board, voted unanimously in support of Legistar 89254, an ordinance to “enhance the City's street tree protection and to establish a Street Tree Replacement Fund.”

Being in a dense urban neighborhood we recognize and value the importance of canopy trees, particularly those that are mature, and of size to clean the air, promote well being, lower surface temperature through their shade, and calm traffic through a canopy arch over city streets. Rather than conflicting with development, these established trees are part of what makes our neighborhood an exciting, vibrant, desirable place to live for new and old residents alike.

We encourage you to pass and adopt this ordinance as a way of protecting street trees and ensuring adequate care and protection is given to them during construction.

Sincerely,

Peter Beeson  
TLNA Traffic Calming Chair  
for the Tenney Lapham Neighborhood Association

Peter Beeson (he/him/his)  
602-405-6897 - call / text

**From:** [Bill Connors](#)  
**To:** [Mayor](#); [All Alders](#)  
**Cc:** [Brown, Ian K.](#); [Viste, Doran](#)  
**Subject:** Smart Growth's Concerns re Street Tree Protection Ordinance  
**Date:** Monday, October 6, 2025 10:27:46 AM  
**Attachments:** [MGO Section 10.05 - Occupancy of Rights-of-Way.pdf](#)  
[MGO Section 10.101 - Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way.pdf](#)  
[MGO Section 10.055 - Occupancy of Streets or Other Public Areas.pdf](#)

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Mayor Rhodes-Conway and Alders:

I am writing regarding the proposed street tree protection ordinance, Legistar 89254, which is item 33 on the agenda for your meeting on Tuesday, October 7.

Smart Growth understands and appreciates the value of street trees, particularly mature street trees, and the strong desire to protect them during adjacent construction projects. In addition, we appreciate the several small changes that have been made to the proposed ordinance and the section regarding tree protection in the Standard Specifications for Public Works Projects, which were made in response to Smart Growth's concerns.

Smart Growth has three remaining concerns regarding the proposed street tree protection ordinance.

First, there is an effective means of making sure that general contractors will focus on watching the operations of their employees and their subcontractors' employees to follow street tree protection protocols without threatening to revoke a construction project's street and/or right-of-way permits. In the tight spaces of infill development projects, it is essential to safety and not making projects exorbitantly expensive to be able to stage construction equipment in the street and terrace. If a project were under construction and the street and/or right-of-way permits were revoked because an employee damaged or killed a street tree that was supposed to be preserved, it might be physically or financially not feasible to finish the new building. Even a suspension or temporary revocation could be financially devastating to a project. The punishment would be way out of proportion to the offense.

In the current Madison General Ordinances, section 10.05(8)(b) provides as follows:

*Repair or Restoration Required. The Permittee shall be required to either repair the public right-of-way and to pay a degradation fee, or restore the right-of-way. It is the Permittee's election whether to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department.*

This section could be amended to authorize the City Engineering Division (the "Department") to set a substantial amount of liquidated damages in the development agreement if a street tree that is supposed to be preserved is damaged or killed, based on existing tort law regarding damages for injuring or killing someone else's tree. Furthermore, the development agreement could require the developer to provide a letter of credit for 125% of the liquidated damages, because development agreements already require a letter of credit for 125% of the cost of anticipated right-of-way repairs. If this change were enacted, the risk of the substantial

liquidated damages would cause a developer to demand that its general contractor make a concerted effort to ensure that street tree protection protocols are consistently followed.

However, developers and general contractors cannot 100% guarantee--through better communication, training and supervision--that street trees which are supposed to be preserved are not damaged or killed. Unfortunately, people make mistakes during construction projects. For example, contractors and subcontractors constantly communicate with and train their employees about safety on the work site, yet, unfortunately, injuries sometimes still happen.

Second, City Forester Ian Brown has repeatedly attempted to provide reassurance by saying at multiple public meetings that if an employee of a contractor or subcontractor damages or kills a street tree which was supposed to be preserved, his first step will be to work with developer and/or general contractor to come up with a mutually acceptable remediation plan rather than jump immediately to revoking the street permit and/or right-of-way permit for the ordinance. We appreciate this reassurance, but it would be far more reassuring if it were put in writing in the proposed ordinance, and it is not there. Smart Growth requests that the ordinance say in writing what the City Forester has repeatedly said he will do.

Third, City Forester Brown has tried to provide reassurance by repeatedly pointing out that if city staff revoke a street and/or right-of-way permit, the developer can appeal to the Board of Public Works. However, there are no written standards in the proposed ordinance for the Board of Public Works to consider and apply when deciding whether to grant a developer's appeal of revocation of permits. Smart Growth requests that standards of appeal be added to the ordinance, so that a developer knows what it must show and do to convince the Board of Public Works to grant its appeal and reinstate the permits.

Everyone agrees that these last two items are not in the proposed ordinance.

At the Board of Public Works meeting on September 17, it was suggested that these two items were not included in the proposed ordinance because they are already in parts of Madison General Ordinance which are not being amended.

That suggestion is not accurate.

I have attached the following sections of the current Madison General Ordinances. These two items are nowhere in the attached sections. Some of the sections do contain a process for appealing the revocation of street and/or right-of-way permits (see, e.g., MGO section 10.05(12)(d)), but there are no written standards for deciding the appeal.

- Section 10.05 - Occupancy of Rights-of-Way
- Section 10.055 - Occupancy of Streets or Other Public Areas
- Section 10.101 - Regulation of Tree Trimming, Pruning and Removal Within the Public Right-of-Way of Any Street, Alley or Highway


If you don't believe us, please ask city staff to show where these provisions are in the current Madison General Ordinances. We would be happy to be proved wrong by having city staff show everyone where these provisions are located.

Development sites in newer areas near the periphery of the city do not have any mature street trees that would need to be preserved. The massive risk created by the proposed ordinance in

its current form would make these development sites at the periphery of the city far more attractive to developers than infill development sites with adjacent mature street trees.

The way to achieve the best ordinance on a complex issue like this one is to work collaboratively with stakeholders before an ordinance is introduced. The language Smart Growth is requesting could have been worked out before the ordinance was introduced. Unfortunately, no effort was made to engage stakeholders such as the developers, general contractors and other contractors that Smart Growth represents before the ordinance was introduced. The quality of this ordinance will be diminished as a result.

Thank you for your consideration.

Bill Connors  
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## 10.05 - OCCUPANCY OF RIGHTS-OF-WAY.

(1) General Provisions.

- (a) Purpose and Findings. In the exercise of its police powers, the City has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place in the public rights-of-way to ensure that the rights-of-way remain available for public services and safe for public use, and to ensure that facilities are timely maintained, supported, protected or relocated to accommodate reconstruction or repairs. The taxpayers of the City bear the financial burden for the upkeep, maintenance and reconstruction of the rights-of-way and a primary cause for the early and excessive deterioration of the public rights-of-way is the frequent excavation by persons who place facilities therein.

The City finds that there has been an increase in the use of the public rights-of-way and, as a result, increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.

The City finds that delays by occupants of the rights-of-ways in maintaining, supporting, protecting or relocating facilities, if they impact public construction projects, have the potential to significantly increase public works project costs borne by the taxpayers. Moreover, the City finds that some right-of-way occupants have a history of delays and nonresponsiveness.

The City finds that occupancy and excavation of its rights-of-way causes direct and indirect costs to be borne by the City and its taxpayers, including but not limited to:

1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials;
2. Management costs associated with ongoing management activities necessitated by public right-of-way users;
3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way; and,
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, and pursuant to its authority under Wis. Stat. §§ 62.11(5), 86.16, 182.017, and 196.58, the City hereby enacts this ordinance relating to the administration of and permits to excavate, obstruct and/or occupy the public rights-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for the recovery of costs incurred by the City in doing so. This ordinance provides for the health, safety and welfare of the residents of the City as they use the rights-of-way of the City, as well as to ensure the structural integrity of the public rights-of-way.

Under this section, all persons who excavate, obstruct and/or occupy the public rights-of-way will reimburse the City's administrative, inspection, ongoing management and degradation costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public rights-of-way.

(b) Definitions. For the purposes of this section the following definitions apply:

Applicant means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

City means the City of Madison, Wisconsin, a Wisconsin municipal corporation.

Degradation means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Department means the City Engineering Division.

Emergency means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.

Engineer means the City Engineer or their designee.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facilities means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

In, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

Local Representative means a local person or persons, or designee of such person or persons, authorized by a Registrant to accept service and to make decisions for that Registrant regarding all matters within the scope of this section.

Obstruct means to place any object in a right-of-way so as to hinder free and open passage in that or any part of the right-of-way.

Occupy means to locate facilities in the public right-of-way.

Permittee means any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted by the City under this section.

Person means municipality, corporation, company, including a "Company" as defined in Wis. Stat. § 182.017(1g)(b), association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

Pole or Tower has its usual meaning, except that it does not include poles used for governmental operations such as traffic signals or traffic control devices, street lights, and emergency alert signals, or high-voltage transmission lines.

Prequalified Contractor means a contractor or public utility approved by the Department on an annual basis to work in the right-of-way pursuant to Section 33.07(7).

PSCW means the Public Service Commission of Wisconsin.

Public Utility has the meaning provided in Wis. Stat. § 196.01(5).

Registrant means any Person who has registered with the City under this section to either have its facilities located in any right-of-way or to use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

Repair means to perform construction work necessary to make the right-of-way useable for travel, according to Department specifications, or to return facilities to an operable condition.

Restore or Restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per Department specifications.

Right-of-Way means the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including any other dedicated rights-of-way for travel purposes.

Right-of-Way User means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way.

Service or Utility Service includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to Wis. Stat. § 182.017 and other similar services.

Supplementary Application means an application made to excavate or obstruct more of the right-of-way than permitted, or to extend a permit that has already been issued.

(c) Administration. The Engineer is responsible for the administration of the rights-of-way under this section, and the permits and ordinances related thereto.

(2) Registration for Right-of-Way Occupancy.

(a) Registration. Each service, utility service or right-of-way user who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in Subsection (4). Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another registered right-of-way user.

(b) Annual Registration Required. Each Registrant shall annually renew its registration or discontinue and properly abandon its facilities as provided for under Subsection (17).

(c) Registration Prior to Work. No person may construct, install, maintain, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way unless that person is registered with the Department or is a prequalified contractor.

(d) Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a City ordinance requiring persons to plant or maintain the terrace in the area of the right-of-way between their property and the street curb or pavement, construct sidewalks or driveways, or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this section.

(3) Registration Information.

(a) Information Required. The information provided to the Department at the time of registration shall include, but not be limited to:

1. Each person's name, Diggers Hotline registration certificate number, address, e-mail address, and telephone and facsimile numbers.
2. The name, address, e-mail address, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

3.



A certificate of insurance on a form prescribed by the Department and the Risk Manager, sufficient to demonstrate to the satisfaction of the City that the person has the capability to cover any liability that might arise out of their presence in the right-of-way.

4. If the person is a corporation or other limited liability entity, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified to by the Secretary of State.
  5. A copy of the person's certificate of authority from the PSCW or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.
  6. Execution of an indemnification agreement in a form prescribed by the Department, which is consistent with, and shall not exceed the obligations provided in, Subsection (16) below.
- (b) Notice of Changes. The Registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the Registrant has knowledge of any change.
- (4) Registration Fee.
- (a) Registration Fee. The Department shall charge a registration fee to recover the costs incurred by the City for processing Registrants and updating registration information. This fee shall be paid annually.
  - (b) Fee Computation. This registration fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration, including costs attributable to late or untimely registration. The registration fee shall be established by the Board of Public Works.
- (5) Reporting Obligations. It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the Registrant of known construction plans will be useful to achieve this objective.
- (a) Every Registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the Department. The Registrant's plan shall be submitted on a form prescribed by the Department and shall contain the information determined by the Department to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:
    1. The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and,
    - 2.

The tentative locations and estimated beginning and ending dates for all projects contemplated for the two years following the next calendar year.

- (b) The Department shall make available at the time of registration, and on January 15 of each year, the Department's construction and major maintenance plan.
- (c) By February 15 of each year, the Department will have available for inspection in its office a composite list of all projects of which the Department has been informed. All Registrants are responsible for keeping themselves informed of the current status of this list.
- (d) After submittal, each Registrant may change any project in its list, but must notify the Department of all such changes in said list. The Department will make all such changes available for inspection in its office. Notwithstanding the foregoing, a Registrant may at any time join in a project of another Registrant or undertake any maintenance or construction project not listed in Registrant's plan.

(6) Excavation Permit Requirement.

(a) Excavation Permit Required.

- 1. Except as otherwise provided in these Ordinances, no person shall excavate any right-of-way or place facilities in a right-of-way, or cause another person to do so, without a valid excavation permit issued by the Department under this subsection.
- 2. No person shall excavate the right-of-way or maintain an excavation in the right-of-way except as specified in the permit. If the Permittee needs to modify the date or area specified in the permit, then the person shall first notify the Department of the change. If requested by the City Engineer, the person shall be required to make a supplementary application pursuant to Subdivision (c) below.
- 3. Permit Display. A copy of any permit issued under this subsection shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.

(b) Excavation Permit Application. Application for a permit shall be made to the Department. Permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:

- 1. Registration with the Department as required by this section.
- 2. Submission of a completed permit application form, including the following:
  - a. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit scaled drawings of the proposed pole or tower and all proposed attachments, and the location of the pole or tower in reference to the nearest occupied building.

b.

The applicant shall identify in detail the location of the proposed project and any affected right-of-way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department.

- c. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole or tower (either owned by the applicant or a third party) because such use is technically infeasible, economically prohibitive, or prohibited by law.
    - d. If the proposed project involves the installation of a pole or tower in the right-of-way that is greater than ten (10) feet taller than existing poles or towers in nearby right-of-way, the applicant must submit evidence sufficient to demonstrate that:
      - i. The greater height is required to accomplish the applicant's purposes;
      - ii. The applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law;
      - iii. The pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby right-of-way;
      - iv. The applicant has informed the Alder within whose District the pole or tower will be located of the proposed project; and,
      - v. The applicant has informed all property owners within two-hundred feet of the pole or tower location of the proposed project.
  - 3. Payment of all money due to the City for:
    - a. Applicable permit fees and costs as set forth below;
    - b. Unpaid fees or costs due for prior excavations; or,
    - c. Any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.
  - 4. A statement on forms provided by the Department that the Registrant will comply with all local, state and federal codes including but not limited to safety, building, traffic control codes and the Manual of Uniform Traffic Control Devices (MUTCD).
  - 5. Furnish a certificate of liability insurance complaint with standards of the Department.
- (c) Supplementary Applications.
- 1. Supplementary Application. Upon request of the City Engineer under Subdivision (a)2. above, a Permittee shall make a supplementary application to the Department to modify the area or time period covered by the permit. The Permittee shall pay any

additional fees required thereby.

2. Fees for Supplementary Applications. A Permittee shall pay additional fees as established by the Board of Public Works, including any costs for additional permits. A Permittee is not required to pay an additional degradation fee for the same excavation, if such fee has already been paid on the original permit.

(7) Excavation Permit Fee.

- (a) Fee Calculation. The excavation permit fee shall be established by the Board of Public Works in an amount sufficient to recover the costs incurred by the City. This fee shall recover the City's administrative and inspection costs, as well as degradation costs should the Permittee choose to repair rather than restore the right-of-way. The fee may be reestablished by the Board of Public Works as needed to accurately reflect the costs incurred by the City.

For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Engineer is authorized to assess the actual cost of the City employee's time engaged in the review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the City's cost for statutory expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to City employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent (10%) for administration.

- (b) Payment Date. Payment of excavation permit fees shall be made prior to the issuance of the permit. Alternatively, the Engineer may, with the advice and consent of the Finance Director, establish a fee collection process in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.
- (c) City Exemption. The City and its contractors shall not pay degradation fees for excavations due to general government functions.
- (d) Coordinated Work. Registrants who join in a scheduled excavation performed by the City are not required to pay the degradation or inspection portion of the excavation permit fee.
- (e) Non-Refundable. Excavation permit fees, once paid, are not refundable, even if the permit is revoked.

(8) Right-of-Way Repair/Restoration.

- (a) Timing of Work and Repair/Restoration. The work to be done under the excavation permit, and the repair or restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be

done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Subsection (11)(b).

- (b) Repair or Restoration Required. The Permittee shall be required to either repair the public right-of-way and to pay a degradation fee, or restore the right-of-way. It is the Permittee's election whether to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department.
- (c) Standards. The Permittee shall perform repairs or restoration according to the Standard Specifications for Public Works Construction, the plans and specifications of the Department, and in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair or restoration and may do so in written procedures of general application or on a case-by-case basis.
- (d) Acceptance of Work. Upon completion of the work, the Department shall inspect the area of the work and accept the work when it determines that proper repair or restoration has been made.
- (e) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During either period, the Permittee shall, upon notification from the Department, correct all repair and restoration work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Subsection (11)(b). (Am. by ORD-22-00052, 6-21-22)
- (f) Failure to Repair/Restore. If the Permittee fails to repair and/or restore the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all work required by the Department, the Department, at its option, may do such work. In that event, the Permittee shall pay to the City, within thirty (30) days of billing, the cost of repairing and/or restoring the right-of-way. If the work associated with the permit is directly attributable to a specific property, or properties, the unpaid bill shall become a special charge against the properties served by the repair and/or restoration work.
- (g) Degradation. The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street, multiplied by the area of the patch.

(9) Inspection.

- (a) Notice of Completion. When the work under any permit issued hereunder is completed, the Permittee shall notify the Department.
- (b) Site Inspection. The Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) Authority of Department. At the time of inspection, the City may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The City may issue an order to the Registrant or Permittee for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the Registrant or Permittee shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Subsection (12).

(10) Location and Marking Requirements.

- (a) Poles and towers over fifty (50) feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure.
- (b) Rigid non-breakaway poles and other utility structures shall be located to meet American Association of State Highway Transportation Officials (AASHTO) requirements regarding pole location.
- (c) Underground facilities in the terrace area of the right-of-way may be marked with flush mounted caps only, unless other marking are allowed by the Department.

(11) Other Obligations.

- (a) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve a Registrant or Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A Registrant or Permittee shall comply with all requirements of local, state and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- (b) Prohibited Work. Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work, as determined by the Engineer.
- (c) Utility Locating Obligations.

1. Digger's Hotline Compliance. All Registrants and Permittees shall comply with the Digger's Hotline requirements set forth in Wis. Stat. § 182.0175, if applicable.
2. Planning. The Department may seek information on existing facility locations for planning purposes. It shall be the obligation of Registrants to locate facilities to enable planning by the City. Facility locations shall be represented in the field during field surveys or by providing maps of utilities within the planning areas.
3. Non-Compliance with Locating Requirements. No person shall fail to locate facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any Registrant who fails to locate facilities shall be responsible for all costs due to delays caused to City projects. Repeated failure to locate facilities may result in suspension of permits for the Registrant and/or increased fines. Repeated failure to locate facilities shall be defined as more than 2 occurrences within 12 months or more than 3 within 24 months.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

- (a) Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
1. The applicant or Permittee is required to be registered under Subsection (2) and has not done so, or the permit application is otherwise incomplete;
  2. The applicant or Permittee is seeking to perform work not included in its construction and major maintenance plan required under Subsection (5), which work was reasonably foreseeable by the applicant or Permittee at the time said plan was filed;
  3. Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
  4. Misrepresentation of any fact by the applicant or Permittee;
  5. Failure of the applicant or Permittee to maintain required bonds and/or insurance;
  6. Failure of the applicant or Permittee to complete work in a timely manner;
  7. The proposed activity is contrary to the public health, safety or welfare;
  8. The extent to which space is available in the right-of-way for which the permit is sought;
  9. The competing demands for the particular space in the right-of-way;
  10. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
  11. If the Permittee or applicant proposes to install a new pole or tower in the right-of-way, the availability of other existing poles or towers owned by the Permittee or applicant or by a third party;
  - 12.

The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;

13. The new pole or tower would be located in an undergrounding area as defined under Section 19.16(3);
  14. The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or,
  15. The applicant or Permittee is otherwise not in full compliance with the requirements of this section or state or federal law.
- (b) The Department shall not deny a Registrant an excavation permit because of a dispute between the City and the Registrant related to Subsections (6)(b)3.b. or 3.c. above if:
1. The dispute has been adjudicated in favor of the Registrant; or,
  2. The dispute is the subject of an appeal filed by the Registrant and no decision in the matter has at yet been rendered.
- (c) Discretionary Issuance. Notwithstanding the provisions of Subdivision (a), the Department may issue a permit where issuance is necessary to prevent substantial economic hardship to a customer of the Permittee or applicant, or to allow such customer to materially improve its utility service, or to allow the Permittee or applicant to comply with federal, state, County or City laws or ordinances or an order of a court or administrative agency.
- (d) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Board of Public Works. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Board of Public Works may affirm, reverse or modify the decision of the Department.
- (13) Work Done Without a Permit.
- (a) Emergency Situations. Each Registrant shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The Registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the Registrant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this section.

If the City becomes aware of an emergency regarding a Registrant's facilities, the Department may attempt to contact the local representative of each Registrant affected, or potentially affected, by the emergency. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the Registrant whose facilities occasioned the emergency.



(b) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently register and apply for an excavation permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this section or other sections of the Madison General Ordinances, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this section. If no application is made, this subsequent permit application is denied or is not approved, the Registrant, or person causing the work to be done, shall discontinue and abandon the facilities.

(14) Location of Facilities.

- (a) Undergrounding. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of existing facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) Limitation of Space. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Department may prohibit or limit the placement of new, replacement or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of Persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.
- (c) Attachment to Bridges. Whenever an applicant or Permittee under this section requests permission to attach facilities to any City bridge structure, the applicant shall provide a 'structural analysis prepared by a licensed State of Wisconsin professional engineer and pay a fee of one thousand dollars (\$1,000) upon the granting of such permission to help defray administrative expense in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in the case of repair, removal, or replacement of said bridge structure by the City.
- (d) Corridors. The Department may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the City expects will someday be located within the right-

of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Department's assignment.

Any Registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City under this subdivision shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Registrant.

(15) Relocation and Protection of Facilities.

- (a) Requirement. Except as prohibited by State or Federal law, a Registrant must, promptly and at its own expense, maintain, support, protect or relocate its facilities in the right-of-way whenever the City, or its agent, acting in its governmental capacity, requests such action to prevent interference by the Company's facilities with the following:
  - 1. A present or future City use of the right-of-way;
  - 2. A public improvement undertaken by the City;
  - 3. An economic development project in which the City has an interest or investment;
  - 4. When the public health, safety and welfare require it; or,
  - 5. When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.
- (b) Order. The City, or its agent, shall issue a due date for the work to the local representative of not less than seventy-two (72) hours, which due date shall be reasonable and based upon the actions to be undertaken by the Registrant. If requested, the Registrant shall restore the right-of-way following the completion of the work.
- (c) City's Right to Self-Help. In the event that a Registrant does not proceed to maintain, support, protect or relocate its facilities as ordered in this subsection, the City may arrange to do the work and bill the Registrant, said bill to be paid within thirty (30) days.
- (d) Additional Cost Recovery. The City may bill the Registrant for any additional costs incurred as a result of the failure of the Registrant to accomplish the needed work within the time specified in the order.
- (e) Exception. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefore.

(f)

Penalty. If a Registrant fails to perform the required action by the due date, the Registrant shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than five-hundred dollars (\$500) for the first offense within a three (3) year period, and a forfeiture of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for the second or subsequent offense within a three (3) year period. Each day such violation or failure to comply continues shall be considered a separate offense.

(16) Indemnification Requirement. By registering with the City, or by accepting a permit under this section, a Registrant or Permittee, as the case may be, agrees to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents (collectively, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the Registrant's or Permittee's acts or omissions in the exercise of its rights under this Ordinance, whether caused by or contributed to by the City or its agents or employees.

(17) Abandoned Facilities.

(a) Discontinued Operations. A Registrant who has discontinued or who plans to discontinue its operations in the City, either in full or in part, must do one of the following:

1. Provide information satisfactory to the Department that the Registrant's obligations for its facilities under this Subdivision have been lawfully assumed by another Registrant.
2. Submit to the Department a proposal and instruments for dedication of its facilities under this Subdivision to the City. If a Registrant proceeds under this clause, the City may, at its option:
  - a. Accept the dedication for all or a portion of the facilities;
  - b. Require the Registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or,
  - c. Require the Registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.
3. Remove its facilities under this Subdivision within two years, unless the Department waives this requirement or provides a later deadline.

(b) Abandoned Facilities. Facilities of a Registrant who fails to comply with Subdivision (a) or facilities that are not claimed by any registered person and which remain either unclaimed by a registered person or unused for one (1) year, shall be deemed to be

abandoned. Abandoned facilities are declared to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, do any of the following:

1. Abate the nuisance;
2. Take possession of the facilities; or,
3. Require removal of the facilities by the Registrant, or the Registrant's successor in interest, or other person responsible for the facilities.

(c) Public Utilities. This Subsection shall not apply to a Public Utility that is required to follow the provisions of Wis. Stat. § 196.81.

(18) Reservation of Regulatory and Police Powers. The City, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a Person under this section, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights which it has, or may be hereafter granted, under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way; and the Permittee, by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way, and the Registrant, by registration under this section, agrees that all lawful powers and rights, regulatory power, or police power, or otherwise, as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Permittee or Registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.

(19) Penalty. Except as otherwise provided in this section, any person who violates this section or fails to comply with the provisions of this section shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000). Each day such violation or failure to comply continues shall be considered a separate offense.

(Section 10.05 Rep. & Rec. by ORD-17-00051, 5-24-17)

10.101 - REGULATION OF TREE TRIMMING, PRUNING AND REMOVAL WITHIN THE PUBLIC RIGHT-OF-WAY OF ANY STREET, ALLEY OR HIGHWAY.

(1) Intent and Purpose.

- (a) The intent of this ordinance is to regulate the trimming, pruning and removal of trees in an effort to preserve the health and maintain the natural shape of such trees, and to prevent trimming, pruning and removal that is unnecessarily disfiguring and/or destructive, and to give property owners notice of, and an opportunity to contest, proposed tree trimming, pruning and/or removal operations.
- (b) Exemptions. This ordinance is not intended to apply to the trimming, pruning or removal of trees under the following circumstances:
1. When the trees in the public street, alley, highway, or greenway are encroaching on an abutting property owner's property;
  2. When the trimming or pruning is being performed by the City of Madison Departments of Public Works or Transportation or employees of those departments as those departments work under the direction of the City Forester who has established policies and procedures for trimming, pruning and removal;
  3. When the trimming or pruning is in relation to routine installation (e.g. cable television, telephone, etc.), the installer shall not be required to obtain a permit, but must meet the standards in this ordinance and the standards of the City Forester in performing such work.
  4. When the trimming, pruning or removal is by an individual property owner, the City Forester retains their discretion to issue individual permits for trimming, pruning or removal in the public right-of-way when such trimming meets the guidelines and standards of this ordinance and the City Forester.

(2) Definitions.

Greenway. As defined in Madison General Ordinances, Sec. 16.23(2).

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Tree Trimming Plan. Tree Trimming Plan applies to trimming, pruning and removal of trees and includes any trimming and/or pruning of roots.

(3) Permit Required for Trimming, Pruning, and Removal of Trees within the Public Right-of-Way of any Street, Alley, Highway or Greenway.

(a)

No person shall trim, prune, or remove any tree that is in a public street, alley, highway or greenway or cause such work to be done by others, without first obtaining a permit from the City Forester. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

- (b) Any person seeking a permit to trim, prune, or remove a tree in a public street, alley, highway or greenway shall submit a written proposed trimming, pruning or removal plan to the City Forester, setting forth the following:
1. Clear and specific identification of the trees in a public street, alley, highway or greenway which the person is targeting for trimming, pruning, or removal. The identification shall include the name and block number(s) of the street(s) on which the trees are located.
  2. A clear and specific statement identifying the dates on which the trimming, pruning, or removal will begin and end.
  3. Detail regarding the general nature and character of the proposed trimming, pruning or removal.

The Board of Public Works will hold a hearing regarding the proposed Tree Trimming Plan at its first meeting after submission of the plan. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09; Am. by ORD-25-00022, 4-4-25)

- (c) Notification. Upon submission of the Tree Trimming Plan to the City Forester, the party submitting the plan shall notify residents within the proposed tree trimming, pruning or removal area, via United States Mail or personal delivery.

The notice shall inform the resident(s) of the proposed date for trimming, pruning or removal, the date on which the Board of Public Works will consider the proposed Tree Trimming Plan, and inform the resident that they have the opportunity to appear and testify at the meeting of the Board of Public Works.

Whichever method is used to effect notification, the party shall submit proof to the Board of Public Works that notification was mailed or delivered to the affected residents.

The Board of Public Works, upon its findings, shall make a recommendation, including the reasons therefore, to the City Forester after the hearing. The recommendation shall be provided to the applicant. (Am. by Ord. 12,807, 4-23-01; ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09; Am. by ORD-25-00022, 4-4-25)

- (d) If the City Forester determines that the Tree Trimming Plan is in accordance with the intent and purpose of this ordinance, it will, within 10 days of the hearing at which the plan was considered, authorize the City Clerk to issue a permit to the person submitting

the plan. The City Clerk will issue the permit upon submission of the permit fee of fifty dollars (\$50). (Am. by Ord. 13,601, 5-11-04)

(e) The permit shall indicate the streets affected by the Tree Trimming Plan and the dates on which the trimming, pruning or removal will occur. The permit will be valid for the streets and dates appearing on the permit, except as provided in subdivision (e)1. below. Any person trimming, pruning or removing trees outside of the streets or dates specified on the permit will be in violation of this ordinance and subject to penalty.

1. Public utilities and contractors may apply for and obtain, in accordance with this ordinance, an annual forestry permit which will be valid for a period of one (1) year from the date of issue, subject to the following additional conditions:

- a. Provide the City Forester fifteen (15) days advance written notice of work to be performed;
- b. Perform work in conformance with this ordinance and the written guidelines and directives of the City Forester;
- c. Pay an annual forester permit fee of fifty dollars (\$50) to the City Clerk's office.

2. The annual forestry permit will be subject to renewal upon reapplication to the City Forester and re-hearing before the Board of Public Works. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09; Am. by ORD-25-00022, 4-4-25)

(4) Administration and Enforcement.

- (a) The purpose of this section is to provide for the administration and enforcement of this ordinance.
- (b) This section shall be administered and enforced by the City Forester and designees thereof and in conformity with Madison General Ordinances Sec. 10.101(1).
- (c) Violations of this section shall be brought to the attention of the City Forester.

(5) Emergency Trimming, Pruning or Removal. The above specified notice procedure does not apply when circumstances arise which require immediate action to protect the public from imminent harm, such as sickness, disease, personal injury or property damage. In determining imminent harm, there must be a balancing of the rights of the abutting property owner to notice and appeal procedures with the right of the public to be protected from a risk of harm which could be avoided by prompt action.

(6) Appeals. Any person aggrieved by the administration or interpretation of any of the terms or provisions of this section may appeal the City Forester's determination to the Streets Superintendent by filing a notice of appeal with the City Forester within ten (10) days of said action, stating the grounds therefore. The Streets Superintendent may, after hearing from the City Forester and the appellant, reverse, affirm or modify, in whole or in part, the decision or determination of the City Forester. The decision of the Street Superintendent may be

appealed to the Board of Public Works by filing a notice of appeal with the City Clerk within ten (10) days of the Street Superintendent's determination, stating the grounds therefore. The Board of Public Works shall fix a reasonable time for the hearing on the appeal and give due notice to the parties in interest, and decide the same within a reasonable amount of time. During the hearing, any party may appear in person or by an agent or attorney. The Board of Public Works may, in conformity with this ordinance, reverse, affirm or modify, wholly or partially, the determination. The Board's decision shall be a final administrative determination, subject to judicial review as may be provided by law. (Am. by ORD-09-00052, Pub. 4-2-09, Eff. 8-1-09; Am. by ORD-09-00147, 11-6-09; Am. by ORD-25-00022, 4-4-25)

(7) Penalty.

- (a) Any person who violates the provisions of this section shall, upon conviction, pay a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day during which any violation of the provisions of this section shall occur or continue shall constitute a separate offense.
- (b) If, as the result of a violation of any provision of this section, the injury, mutilation, or death of a tree located within the public right-of-way of any street, alley, highway or greenway is caused, the cost of repair and replacement of such tree shall be the responsibility of the person in violation. The replacement value of trees shall be determined in accordance with the most recent edition of A Guide to Plant Appraisal published by the International Society of Arboriculture.

(Sec. 10.101 Cr. by Ord. 12,106, 4-20-98; Am. by Ord. 12,253, 11-17-98; ORD-13-00117, 6-26-13)



## 10.055 - OCCUPANCY OF STREETS OR OTHER PUBLIC AREAS.

- (1) Street Occupancy Permit Required. Except as otherwise allowed by these ordinances, no person shall occupy, or cause to be occupied, any portion of the street, sidewalk, terrace, alleys or other public grounds for ninety (90) days or less, or in the case of 1 and 2 family homes for one hundred twenty (120) days or less, with any material or machinery without a valid street occupancy permit issued under this Section.
- (2) Administration. Permits under this section shall be administered by the Director of Traffic Engineering, or their designee. (Am. by ORD-23-00098, 10-26-23)
- (3) Permit Application. An application for a street occupancy permit shall be in writing to the Director of Traffic Engineering and shall describe the premises to be occupied by lot, block and/or street on or over which such material or machinery is desired to be placed, the area of occupation sought, the character of the material for which the permit is desired and the duration of the proposed occupation. The application shall also note whether the proposed occupation area will require, or reasonably necessitate, the trimming, pruning or removal of any City tree. The application shall include a drawing of the proposed occupation area, the application fee, the certificate of insurance and surety bond required under Subdivision (4)(a), and an agreement to abide by all conditions set forth in Subsection (4). (Am. by ORD-23-00098, 10-26-23)
- (4) Permit Conditions. As a condition of a street occupancy permit issued under this Section, permittees agree to abide by the following conditions:
  - (a) Responsibility for Occupation.
    1. Liability. The permittee shall agree to be primarily liable for damages to person or property by reason of the granting of the permit and shall agree to hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the installation, use, maintenance, or presence of the applicant's material or machinery in the public right-of-way or other public ground as permitted under this Section.
    2. Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at their discretion. Permittee shall keep required insurance in full force and effect throughout the term of the street occupation permit.

This insurance condition may be waived for other governmental units and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived.

(Am. by ORD-16-00105, 12-2-16)

3. Surety Bond. Before a permit is granted, the Director of Traffic Engineering may require that the applicant deliver a surety bond to the Director of Traffic Engineering guaranteeing that the permittee will remove the materials or machinery from the permitted area upon receiving notice to do so from the Director of Traffic Engineering. If required, the surety bond shall be in an amount established by the Director of Traffic Engineering, but not to exceed ten thousand dollars (\$10,000). (Am. by ORD-23-00098, 10-26-23)
4. Preexisting Compliance. If evidence of the aforementioned insurance and bonding requirements set forth above is already on file with the Director of Traffic Engineering, said preexisting compliance may be deemed sufficient to satisfy the requirements of either paragraph 2. or 3. above. The Director of Traffic Engineering shall notify the applicant of their decision in that regard. (Am. by ORD-23-00098, 10-26-23)

(b) Permit Length and Renewal.

1. Permit Duration. A permit issued under this Section shall be valid for the period of time stated therein, which period shall not exceed ninety (90) days, or one hundred twenty (120) days in the case of 1 and 2 family homes.
2. Permit Extension. Upon good cause shown, the Director of Traffic Engineering may extend a permit under this Section from time to time as may be reasonably required upon written application made to them for that purpose. (Am. by ORD-23-00098, 10-26-23)
3. Renewal. A permittee must submit a request to renew the permit no later than seven (7) days before the expiration of the permit. Any request made within seven (7) days or following the expiration of the permit shall be treated as a new application.

(c) Occupation Limitations.

1. General. No permit shall be issued where the placing of any such material or machinery within the proposed occupation area will unreasonably interfere with the public safety and convenience, or where there is insufficient room for such material or machinery to be placed within the limits specified by this Section.
2. Roadway Occupation Limited. No permit issued under this Section shall authorize the use of more than one-third ( $\frac{1}{3}$ ) of the traveled roadway opposite the premises of the person to whom such permit is granted. However, total street occupancy may be granted by joint agreement of the City Engineer and the Director of Traffic Engineering. (Am. by ORD-23-00098, 10-26-23)

3. Occupations Near Intersections and Driveways. No building, machinery, temporary structure or other material of any kind shall be placed within a vision clearance area as established under Sec. 27.05(2)(bb), except temporarily as otherwise allowed by this Section and Sec. 27.05(2)(bb).
- (d) Posting of Permit. Upon issuance, the permittee shall place a copy of the permit issued by the Director of Traffic Engineering in a conspicuous place on the occupied premises, the permit to be unobstructed from public view and available for the inspectors to mark. (Am. by ORD-23-00098, 10-26-23)
- (e) Stormwater Considerations. No building material shall be placed in any gutter so as to obstruct the flow of water therein and every person shall, before depositing or causing to be deposited building material in any gutter, provide a suitable culvert for the entire portion of such gutter over which the building material may be laid, or cover the gutter with plank or otherwise protect the same so as to provide for the free and unobstructed flow of water therein. Water shall not be conducted over the pedestrian walkway. Any erodible material (topsoil, gravel, sand, etc.) that is stored in the permitted area shall either be covered with plastic sheeting or protected with erosion control perimeter controls. If, over the course of the occupation of the permitted area, City Engineering inspectors note that perimeter controls are not effective or are not being adequately maintained, covering of the stockpile shall be mandated.
- (f) Roofed Passageways and Barricades. Roofed passageways and barricades required under Section 29.10 shall require a permit issued under this Section. The failure to follow the requirements of Section 29.10 shall be cause to revoke a permit issued under this Section.
- (g) Storage Requirements. All material placed upon any street or alley shall be piled in a compact form. In the case of permanently improved streets that can be damaged by piled material, the applicant shall provide to the City digital photos or digital video of the area to be occupied prior to permit approval and photos of the area following restoration under Subdivision (n). The City recommends that, to minimize possible damage, the permittee place a level plank floor under all concrete, masonry, and plaster materials or store those materials on pallets.
- (h) Safety Considerations. Material or machinery placed in the sidewalk, street or alley shall be properly guarded by day and each separate pile of material shall be either lighted or reflective at night, in such manner as to warn all persons traveling upon the sidewalk, street or alley of the presence of such material or machinery.
- (i) Walkways. All walking surfaces open to the public or required by the permit must be maintained in a clean, smooth, level, hazard free, and ADA compliant manner within the occupation area.

- (j) Deliveries. Vehicles shall make deliveries and pick-ups without backing into areas open to the public. A properly equipped flag person shall be stationed at permitted delivery lanes for all deliveries to ensure safe ingress and egress. No deliveries will be permitted in lanes not explicitly approved in the occupancy permit or at times prohibited by the permit.
- (k) Parking. Parking of vehicles within the occupancy area is prohibited, although the loading and unloading of vehicles is permitted within the occupation area provided that the activity is otherwise compliant with this Section.
- (l) Site Maintenance. All accumulation of rubbish, debris, snow, ice or other hazards within the permitted area shall be cleaned up every day before leaving the premises.
- (m) Removal for Public Purpose. Any material or machinery placed in a permitted area shall be removed upon twenty-four (24) hours notice given by the Director of Traffic Engineering, City Engineer or Superintendent of Streets where a street is needed due to an emergency or critical event, or where such removal is necessary in order to repair, replace or install a street, sidewalk, terrace, alley, water facility, sewer facility or other facility that the City Engineer determines needs to be installed. (Am. by ORD-23-00098, 10-26-23)
- (n) Restoration. Upon either the expiration of the permit or, if the work of construction is completed before the permit expires, the completion of the work, the permitted area occupied under this Section shall be restored to its original condition and left in good repair and condition. The permittee shall be responsible for the repair of any damage noted by City staff and shall repair it to City of Madison Standard Specification for Public Works Construction. Any new or reconstructed sidewalk shall comply with Section 10.06. The Director of Traffic Engineering or City Engineer shall inspect the area upon completion of the restoration and the permittee shall make any further repairs required by the Director of Traffic Engineering or City Engineer needed to address any deficiencies that did not exist prior to the occupation. If permittee does not adequately restore the permitted area as required, the City may perform any repairs or restoration and recover the costs thereof as a special charge against the adjoining property under Sec. 4.09(13). (Am. by ORD-23-00098, 10-26-23)
- (o) Signage Limitations. It shall be unlawful to post or attach to any roofed passageway, barricade, material, or any temporary street occupancy structure any temporary sign, bill, or placard, except that this provision shall not be construed to prevent the posting of the street occupancy permit, the building permit as required by Section 29.06, or the erection of signs denoting the owner, occupant, architect, engineer or contractors. However, such signs shall not exceed sixty-four (64) square feet in aggregate area and shall be located not less than eight (8) feet above the street grade immediately below the sign and not

more than eight (8) feet above the barricade. This sign shall not be placed in such a manner as to obstruct or interfere with the vision of traffic, traffic lights, or right-of-way directional signs.

- (p) Traffic Signs. All signing, barricading and electric arrow boards shall be placed in conformance with the Federal Highway Administration "Manual on Uniform Traffic Control Devices" and City of Madison standards.
  - (q) Permit Fees. All permit fees shall be paid in full prior to the issuance of the permit or any extension thereof.
  - (r) Other Conditions. The Director of Traffic Engineering may add additional conditions, such as a traffic control plan, to a permit issued under this Section that are reasonably necessary to protect the public's health, safety and welfare, including after the issuance of the permit. (Am. by ORD-23-00098, 10-26-23)
- (5) Public Trees. Any trimming, pruning or removal of public trees within the permitted area will require the issuance of a separate permit under Sec. 10.101. The trimming, pruning or removal of any City tree without a permit issued under Sec. 10.101 or without the permission of the City Forester shall be cause to revoke a permit issued under this Section.
- (6) Revocation of a Permit. The violation of any condition of a street occupancy permit that endangers the health, safety and welfare of the public, or the violation of any other ordinance while occupying the permitted area, shall be cause to revoke a permit issued under this Section. Except in the case of an immediate threat to the health, safety and welfare of the public, the Director of Traffic Engineering shall provide written notice of the revocation to the permittee who shall have no less than twenty-four (24) hours to comply with the permit requirements or other ordinance. If there is an immediate threat to the health, safety or welfare of the public, the Director of Traffic Engineering may immediately revoke the permit and shall provide written notification of this action to the permittee in a timely manner. (Am. by ORD-23-00098, 10-26-23)
- (7) Appeal. In the event the Director of Traffic Engineering denies an application for a street occupancy permit, imposes a special condition on the permit under Subsection (4)(r), or revokes a permit under Subsection (6), the Director of Traffic Engineering shall inform the person, in writing, of the reasons for the determination. The person may appeal this decision to the Board of Public Works within ten (10) days after mailing of the notice to the address of the person as shown on the application. Such appeal must be in writing to the City Clerk, and must inform the Board of the reasons why the person believes the decision to be in error. Failure to so appeal this decision shall result in automatic approval of the denial, special condition or revocation without further action by the Director of Traffic Engineering or the Board of Public Works. (Am. by ORD-23-00098, 10-26-23)

Within thirty (30) days after receipt of the appeal, the Board of Public Works shall hold a hearing at which the person and the Director of Traffic Engineering may present and question witnesses and present oral and written argument. Within twenty (20) days after the hearing, the Board shall cause to be issued a written decision which shall affirm, reverse or modify the determination of the Director of Traffic Engineering. Appeal of the Board of Public Works' decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived. (Am. by ORD-23-00098, 10-26-23)

(8) Permit Fees. The following permit fees apply to street occupancy permits issued under this Section:

- (a) Application Fees. A minimum permit fee of one hundred dollars (\$100) for an occupation lasting one to seven (1—7) days, a permit fee of one hundred fifty dollars (\$150) for an occupation lasting eight to thirty (8—30) days, and a permit fee of two hundred dollars (\$200) for an occupation lasting greater than thirty (30) days shall apply. The application fee shall be double for untimely renewals or applications made after occupation has already begun.
- (b) Dumpsters, Portable Storage Containers and Construction Trailers. A fee of fifty dollars (\$50) shall apply, in addition to any other fees under this Section.
- (c) Calculation of Fees. The fees charged in paragraphs 1. through 4. are charged for each area that is occupied and are based upon the area of the City where the permitted use is located. For the purposes of this Subdivision, the "Central City" is defined as the area bounded by the Yahara River on the east, Lake Mendota on the north, Park Street on the west, and Regent Street, Proudfit Street and Lake Monona on the south. The fees shall be charged for every twenty-five (25) feet of street front thereof that is to be temporarily occupied or used, based upon the period of occupation (1—7 days, 8—30 days, each 30 day successive period). Fees for occupancy of parking lanes and traffic lanes are based on the classification of the street, as indicated on the street classification map maintained by the Director of Traffic Engineering. (Am. by ORD-23-00098, 10-26-23)
  - 1. Sidewalks. For the temporary occupancy of all of a sidewalk area, including by a roofed passageway, or an occupancy that results in a sidewalk that is less than five (5) feet wide at any point, where no temporary walkway is provided on the same side of the street, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$52.00	\$104.00	\$104.00	\$65.00	\$130.00	\$130.00
5' min Ped Access	\$26.00	\$52.00	\$52.00	\$32.50	\$65.00	\$65.00
Collector St	\$36.40	\$72.80	\$72.80	\$45.50	\$91.00	\$91.00
5' min Ped Access	\$18.20	\$36.40	\$37.00	\$22.75	\$45.50	\$45.50
Local St	\$26.00	\$52.00	\$52.00	\$32.50	\$65.00	\$65.00
5' min Ped Access	\$13.00	\$26.00	\$26.00	\$16.25	\$32.50	\$32.50

2. Terraces. For the temporary occupancy of all or a portion of the terrace area, where the terrace is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$12.00	\$24.00	\$24.00	\$15.00	\$30.00	\$30.00
Collector St	\$8.40	\$16.80	\$16.80	\$10.50	\$21.00	\$21.00
Local St	\$6.00	\$12.00	\$12.00	\$7.50	\$15.00	\$15.00

3. Parking Lanes. For the temporary occupancy of all or a portion of a parking lane, where the parking lane is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$22.00	\$44.00	\$44.00	\$27.50	\$55.00	\$55.00
Collector St	\$15.40	\$30.80	\$30.80	\$19.25	\$38.50	\$38.50
Local St	\$11.00	\$22.00	\$22.00	\$13.75	\$27.50	\$27.50

4. Traffic Lanes and Alleys. For the temporary occupancy of all or a portion of a traffic lane or alley, where the traffic lane or alley is not available for public use, the fee is:

	Non Central City			Central City		
	1 - 7 Days	8 - 30 Days	Each Successive 30 Days	1 - 7 Days	8 - 30 Days	Each Successive 30 Days
Arterial St	\$42.00	\$84.00	\$84.00	\$52.50	\$105.00	\$105.00
Collector St	\$29.40	\$58.80	\$58.80	\$36.75	\$73.50	\$73.50
Local St	\$21.00	\$42.00	\$42.00	\$26.25	\$52.50	\$52.50

(9) Public Utility Right-of-Way Occupancy Permit.

- (a) Definitions. For the purpose of this Subsection, the definitions provided for in Section 10.05(1)(b) apply, except as to the following:

Department means the Traffic Engineering Division.



Registered Public Utility means a public utility that is registered with the City under Section 10.05(2).

(b) Intent. The right-of-way is intended to be primarily a transportation corridor and the City must ensure that the needs of the various right-of-way users are balanced, while protecting the health, safety and welfare of the public. Under Wis. Stat. Secs. 86.16, 182.017, and 196.58, and Wis. Admin Code Ch. PSC 130, public utilities have a right to use the right-of-way, but this right is subject to the City's right to enact reasonable regulations over the use of this shared space. As the City grows and technology advances, the City has been faced with significant competing demands on the use of the right-of-way. Public utility work that interferes with the public's use of the right-of-way may affect the City's traffic patterns throughout the area, create safety concerns, and impact the City's ability to provide emergency services, depending on the type of road, the day of the week and the time of the occupation. By requiring permittees under this Subsection to comply with the City's approved Traffic Control Policy when temporarily occupying the right-of-way, the City will be protecting the health, safety and welfare of the public, while also recognizing the interests of the public utilities in performing such work.

(c) Permit.

1. Applicability. As an alternative to a Street Occupancy Permit issued under this Section 10.055, a registered public utility may obtain a Public Utility Right-of-Way Occupancy Permit under this Subsection, which permit will allow the public utility, its contractors and subcontractors, to temporarily occupy the public right-of-way, subject to the conditions set forth in this Subsection.
2. Application. An application for a permit under this Subsection, or a request to renew a permit issued under this Subsection, shall be in writing to the Director of Traffic Engineering and include the annual permit fee and an agreement to abide by all conditions set forth in Paragraph 5. (Am. by ORD-23-00098, 10-26-23)
3. Review and Approval. In reviewing an application for a permit under this Subsection, or a request to renew a permit issued under this Subsection, the Director of Traffic Engineering shall ensure that the public utility's annual registration under Sec. 10.05(2) is up to date and that all necessary information under this Subsection has been provided. Unless any fees or costs remain unpaid, or the registered public utility, and its contractors or subcontractors, has demonstrated an unwillingness or inability to routinely comply with the conditions of this Subsection or other City-issued permits, the permit shall be granted. (Am. by ORD-23-00098, 10-26-23)

4.

Permit Length and Renewal. A permit issued under this Subsection shall be valid for one calendar year. A permittee may submit a request to renew the permit no later than December 15 of the expiring year.

5. Permit Conditions. As a condition of a permit issued under this Subsection, the permittee agrees to abide by the following conditions:
  - a. Traffic Control Policy. In occupying the right-of-way pursuant to a permit issued under this Subsection, the permittee is required to comply with the City's approved Traffic Control Policy. The Traffic Control Policy shall be prepared by the Director of Traffic Engineering, in consultation with public utilities, and shall be approved by the Board of Public Works. The Traffic Control Policy may be updated from time-to-time. (Am. by ORD-23-00098, 10-26-23)
    - i. Contents of Policy. The Traffic Control Policy may provide standard operating procedures for the permittee to follow for routine public utility maintenance and operational activities. The Policy may differentiate between the classification of the right-of-way (local, collector, arterial), day of the week, time-of-day, area of work (travel lanes, parking lanes, terrace, sidewalk, bike lanes or bike path), and other relevant criteria as determined by the Director of Traffic Engineering. The Traffic Control Policy may require that the permittee provide the City advance notice of work in certain situations, and may require that specific traffic control plans be submitted for approval for work in certain situations. (Am. by ORD-23-00098, 10-26-23)
    - ii. Traffic Control Measures. Traffic control measures for all work performed under the Public Utility Right-of-Way Occupancy Permit and the Traffic Control Policy shall adhere to standards set forth in the Work Zone Safety handbook and the MUTCD Guidance on Temporary Traffic Control. In addition, the Director of Traffic Engineering may supplement and add additional requirements to these standards through the Madison Traffic Engineering Addendum, provided that this Addendum is published and made publicly available to permit applicants at the time the annual permit is granted by the City, or to permittees within thirty (30) days of any updates or amendments thereto. (Am. by ORD-23-00098, 10-26-23)
  - b. Removal for Public Purpose. Any material or machinery placed in the right-of-way under the Public Utility Right-of-Way Occupancy Permit must be removed upon twenty-four (24) hours notice given by the Director of Traffic Engineering, City Engineer or Superintendent of Streets where the right-of-way is needed due to an emergency or critical event, or where such removal is necessary in order to repair,

replace or install a street, sidewalk, terrace, alley, water facility, sewer facility or other facility that the City Engineer determines needs to be installed. (Am. by ORD-23-00098, 10-26-23)

- c. Restoration. Upon the completion of work in the right-of-way, the area occupied under a permit granted under this Subsection shall be restored to its original condition and left in good repair and condition. The permittee shall be responsible for the repair of any damage noted by City staff and shall repair it to City of Madison Standard Specification for Public Works Construction. If necessary, the Director of Traffic Engineering or City Engineer shall inspect the area upon completion of the restoration and the permittee shall make any further repairs required by the Director of Traffic Engineering or City Engineer needed to address any deficiencies that did not exist prior to the occupation. If permittee does not adequately restore the area as required, the City may perform any repairs or restoration and recover the costs thereof by any lawful means available. A permit may not be granted or renewed under this Subsection if a public utility owes outstanding restoration costs under this Subparagraph. (Am. by ORD-23-00098, 10-26-23)
- d. Compliance. In occupying the right-of-way under a Public Utility Right-of-Way Occupancy Permit, the permittee is required to obtain and possess all other necessary permits, licenses, and authority, and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. The permittee, and its contractors and subcontractors, shall perform all work in conformance with all applicable codes and established rules and regulations, including the City of Madison Standard Specifications for Public Works Construction if applicable, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work. The permittee shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules, including those requirements of Section 10.05 and this Section.
- e. Contact Information. The permittee shall at all times maintain with the City accurate contact information for the permittee, which shall include a phone number, mailing address, and email address for at least one natural person.
- f. Liability. The permittee shall agree to be primarily liable for damages to person or property by reason of the granting of the permit and shall agree to hold harmless, defend, and indemnify the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all liability, damages, and penalties resulting from the occupation of the right-of-way as permitted under this Subsection.

g.

Insurance. The permittee shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. The Risk Manager reserves the right to require higher limits and other coverage terms and conditions at their discretion. Permittee shall keep required insurance in full force and effect throughout the term of the Public Utility Right-of-Way Occupancy Permit. This insurance condition may be waived for other governmental units and in those instances where the Risk Manager, in consultation with the City Attorney's Office, determines that this requirement can be waived.

h. Permit Fee. There is an annual fee for a Public Utility Right-of-Way Occupancy Permit issued under this Subsection, and additional fees may be imposed, as provided for under the Traffic Control Policy, for the review of certain proposed activities. The fees imposed under this Subparagraph shall be established by the Board of Public Works and shall be sufficient to recover the City's costs to administer the permit issued under this Subsection. The annual permit fee shall be paid at the time of the permit application or request to renew.

6. Suspension; Revocation. If non-compliance with the conditions of a permit issued under this Subsection endangers the health, safety and welfare of the public, the Director of Traffic Engineering may find it necessary to suspend or revoke the permit and require that the public utility obtain a Street Occupancy Permit for any necessary work. Any such suspension or revocation shall be made in writing. (Am. by ORD-23-00098, 10-26-23)

7. Appeal. The registered public utility aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to renew a permit may file a request for review with the Board of Public Works. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the Board of Public Works may affirm, reverse or modify the decision of the Department.

(Cr. by ORD-23-00065, 6-30-2023, eff. 8-1-2023)

(10) Penalty. Any person who fails to comply with any of the requirements of this Section shall upon conviction be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense. (Renumbered by ORD-23-00065, 6-30-23, eff. 8-1-2023)

(Section 10.055 Cr. by ORD-15-00036, 4-8-15; Am. by ORD-17-00002, 1-12-17; Am. by ORD-18-00123, 12-3-18)

**From:** [Bill Connors](#)  
**To:** [Mayor](#); [All Alders](#)  
**Subject:** Petition re Street Tree Protection Ordinance  
**Date:** Tuesday, October 7, 2025 1:00:27 PM  
**Attachments:** [SGGM Street Tree Protection Petition Signatures.pdf](#)

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Mayor Rhodes-Conway and Alders:


Smart Growth Greater Madison organized an online petition regarding the proposed street tree protection ordinance. Below is the text of the online petition. I have attached a spreadsheet of those who signed it.

### **Protect Street Trees AND Infill Housing Projects**

Mayor Rhodes-Conway and Alders:

I support protecting street trees. But I also support encouraging infill housing projects in the core area of the city rather than driving it to the periphery of the city. We need more housing in the core of the city where the residents have better access to things like transit. I urge you to enact a street tree protection ordinance that contains a substantial penalty if a street tree that was supposed to be preserved is damaged or killed by construction but does not create the risk that the construction project will be shut down by revoking the project's street and/or right-of-way permit.

Thank you for your consideration.

Bill Connors  
Executive Director  
Smart Growth Greater Madison, Inc.  
608-228-5995 (mobile)  
 [www.smartgrowthgreatermadison.org](http://www.smartgrowthgreatermadison.org)

25 W Main St - 5th Floor, Suite 33  
Madison, WI 53703

Name	City	State	Postal Code	Signed On
Bill Connors				9/18/2025
Mary Beth Growney Selene	Racine	WI	53405	9/19/2025
Chris Valcheff	Madison	WI	53717	9/19/2025
William Hubley	Madison	WI	53717	9/19/2025
Thomas Culp	Madison	WI	53717	9/21/2025
Jon Koch	Madison	WI	53718	9/22/2025
Duane Johnson	Middleton	WI	53562	9/22/2025
Holly Cho	Madison	WI	53704	9/22/2025
Michael Johnson	Fitchburg	WI	53711	9/22/2025
William Nebel	Madison	WI	53719	9/22/2025
RALPH KAMPS	Madison	WI	53705	9/22/2025
Bradley Hutter				9/22/2025
Suzanne Doody	Reedsburg	WI	53959	9/22/2025
Ethan Achten	Madison	WI	53716	9/23/2025
Scott Watson	Verona	WI	53593	9/23/2025
Quinlan Purkey	Madison	WI	53703	9/23/2025
Sandra Balk	Madison	WI	53716	9/23/2025
Andrea Day	Oregon	WI	53575	9/23/2025
Luke Hepp	Madison	WI	53703	9/25/2025
Jack Zwicker	Minneapolis	MN	55472	9/29/2025
Israel Willoughby	LAKE GENEVA	WI	53147	9/29/2025
Mike Herl	Madison	WI	53719	9/29/2025
Anita Mahamed	Madison	WI	53704	9/29/2025
William Schlie	Madison	WI	53597	9/29/2025
Mitch Herl	Middleton	WI	53562	9/29/2025
Matt Ballweg	Middleton	WI	53562	9/29/2025
Tony Kollasch	Madison	WI	53711	9/29/2025
Drew Hegenbarth	Lake Mills	WI	53551	9/29/2025
Margaret Watson	Madison	WI	53703	9/29/2025
Mike Doers	Lake Mills	WI	53551	9/29/2025
Bernie Lange	Beloit	WI	53511	9/29/2025
Jessie Crooks				9/29/2025
Alex McKenzie	Madison	WI	53711	9/29/2025
David Schroeder	Madison	WI	53718	9/29/2025
Jody Link	Slinger	WI	53086	10/1/2025
Robin Williams	Madison	WI	53718	10/1/2025
Janine Misa	Dodgeville	WI	53533	10/1/2025
Dennis Konieczny	Madison	WI	53718	10/2/2025
David Bohl	Madison	WI	53718	10/2/2025
Alyssa Kolden	Madison	WI	53718	10/2/2025
Jennifer Flitz	Milwaukee	WI	53211	10/2/2025
Kane Keifenheim	Oregon	WI	53575	10/2/2025
Alyssa Schuster	Madison	WI	53718	10/2/2025

Jeffrey Johnson	Madison	WI	53718	10/2/2025
Kristine Blankenberg	Platteville	WI	53818	10/2/2025
Nick Balles	Madison	WI	53718	10/2/2025
Sara Michalski	Madison	WI	53718	10/2/2025
Chris Krieg	Sun Prairie	WI	53590	10/2/2025
Isaac Jischkowsky				10/3/2025
Tyler Goedtke	Madison	WI	53703	10/3/2025
Robert Eklund	Madison	WI	53703	10/3/2025
Angela Wilcox	Madison	WI	53718	10/3/2025
Paul Muench (Univ Research Park)	Madison	WI	53719	10/3/2025
Kim Merten	Waunakee	WI	53597	10/5/2025
Sonduc Tran	Cottage Grove	WI	53527	10/5/2025
marissa E	Madison	WI	53704	10/5/2025
Jacob Bjornson	Madison	WI	53703	10/6/2025
Dylan Brindley	Madison	WI	53707	10/6/2025
Nick Fellows	Madison	WI	53718	10/6/2025
Jon Kemman	Middleton	WI	53562	10/6/2025
adi renteria	Beloit	WI	53511	10/6/2025
krissi franson	Madison	WI	53713-3022	10/7/2025

**From:** [Laurie Egge](#)  
**To:** [All Alders](#)  
**Subject:** Please support the Tree Protection Ordinance  
**Date:** Friday, October 3, 2025 1:47:48 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please support the proposed Tree Protection ordinance, item #33 on the October 7 Common Council agenda.

We can have both mature trees and new development in Madison; Madison residents need both. Trees take many years to reach their mature height, while new construction can reach 13 stories in a year. The proposed ordinance would establish badly needed tree protection to keep our city green and shady as it grows.

Thank you,  
*Laurie and Douglas Egge*  
360 W Washington Ave,  
Madison, WI 53703



**From:** [Pilar Gomez-Ibanez](#)  
**To:** [All Alders](#); [Mayer, Davy](#)  
**Subject:** Please support tree protections, Legistar 89254, agenda item 33  
**Date:** Tuesday, October 7, 2025 2:10:15 PM

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Dear Alders,

Please support Legistar 89254, the proposal to strengthen protections for Madison's street and right-of-way trees. Please keep it strong, and don't water it down to appease the objections of developers. It addresses a real and urgent problem: construction projects cause the damage and loss of far too many of Madison's canopy trees due to carelessness, lack of planning, and the calculation that it's easier to pay a small fine after the fact than actually ensure that trees are well protected. The proposal increases the consequences when a tree is lost or harmed, to get the bad actors to pay attention. Even more importantly, it emphasizes a careful planning process with Forestry's input from the beginning, so conflicts between trees and development can be anticipated and deliberately avoided. Developers need to be held accountable for ensuring that concern for trees is implemented all the way down the line to their contractors and sub-contractors.

Too often trees are treated as a hindrance and an added cost to development. This proposal recognizes that the opposite is really true -- trees add enormous value, especially the precious full-grown canopy trees we can't even replace in our lifetimes. They make us and our environment immensely healthier, safer, and happier. Protecting trees benefits everyone, including the developers themselves and the future residents of their buildings.

Thank you for your consideration and for your work on Madison's behalf.

Pilar Gomez-Ibanez  
1326 Dewey Court, Madison (District 6)

**From:** [Grace Hasler](#)  
**To:** [All Alders](#)  
**Subject:** agenda item #33 for October 7th/proposed protection for street trees during construction  
**Date:** Monday, October 6, 2025 9:50:56 AM

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Dear Alders,

The proposed changes to the ordinance for the protection of canopy street trees, item agenda #33, are consistent with the recommendations in the Urban Forestry Task Force Report adopted by the city in 2019.

The committee stated that:

Trees are the urban backdrop (one might say essential component) and one of the most basic tools in “placemaking”. They shape our experience of time and place. The Task Force report documents the loss of tree canopy and the importance of the role of city departments in changing the trajectory towards a healthy urban landscape.

The city maps of tree canopy inventory show that the mature tree canopy in Madison’s urban landscape does not meet the recommended percentage of 30-40%%, especially within the city’s actively developing areas. Mature canopy trees provide numerous health and environmental benefits for the city and must be protected for future generations.

Our Madison Streets Superintendent Charlie Romines stated in a recent interview that the urban heat island effect is real and to mitigate the heat island effect a healthy tree canopy is vital. As a resident of the Isthmus for 18 years I observe daily the lack of protection and care during new construction for trees in the city right of way.. With the cooperation of developers and education of our residents we can turn this around with the proposed changes and celebrate each street tree we protect and save during construction. The changes are not burdensome. Better tree protection serves to educate the public as well.

In short, our urban landscape is an important asset. As DMI and the City forge a partnership for a vital economically healthy community let’s protect the mature trees that create a unique sense of place and a reminder of how valuable they are to us all.

I heartily support these changes.

Grace Hasler  
[gracehasler@gmail.com](mailto:gracehasler@gmail.com)

**From:** [Johnson, Lisa](#)  
**To:** [All Alders](#)  
**Cc:** [Noone, Matt](#); [Brown, Ian K.](#)  
**Subject:** Letter from Dane County Tree Board Supporting the City of Madison Tree Preservation Ordinance  
**Date:** Thursday, October 2, 2025 7:46:02 PM  
**Attachments:** [image001.png](#)  
[Madison Tree Preservation Ordinance Support Letter.pdf](#)

Some people who received this message don't often get email from johnson.lisa@danecounty.gov. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello City of Madison Alders,

This letter in support of the City of Madison Tree Preservation Ordinance is from the Dane County Tree Board (<https://www.treeboard.org>).

**Lisa Johnson, Horticulture Outreach Specialist**  
**Extension Dane County**  
**Staff, Dane County Tree Board**  
**Pronouns: she, her, hers**  
**5201 Fen Oak Dr., Ste. 138**  
**Madison, WI 53718**  
**608-224-3715**  
**Fax 608-224-3727**  
**711 for Wisconsin Relay**  
<https://dane.extension.wisc.edu/horticulture/>

**“Because every person on earth depends entirely on the quality of Earth’s ecosystems, every person bears responsibility for taking care of those ecosystems”. – Doug Tallamy**



The University of Wisconsin–Madison Division of Extension provides equal opportunities in employment and programming in compliance with state and federal law.

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# *Dane County Tree Board*

STE. 138 5201 FEN OAK DRIVE  
MADISON WI 53718-8812

PH: 608/224-3700  
FAX: 608/224-3727  
TTY: 608/224-3703

## Members:

### Chair

Matt Noone  
*Capitol Area Regional  
Planning Commission  
Madison District 15 Resident*

Tierney Bocsi  
*PhD candidate in UW-Madison  
Forest and Wildlife Ecology  
Dept.  
Sun Prairie Resident*

Cathy Brodbeck  
*Certified Arborist  
Village of Dane Resident*

Tedward Erker  
*E Source Company  
Madison District 6 Resident*

Kate Kendziora  
*Madison Gas and Electric Co.  
Madison District 16 Resident*

Cory Rich  
*Operation Fresh Start  
Madison District 13 Resident*

Michele Ritt  
*Dane County Board  
Supervisor District 18*

Laura Wyatt  
*Retired, Former Director  
Lakeshore Nature Preserve  
Madison District 14 Resident*

## Advisors:

Adam Alves  
*Dane County Forester Specialist  
Madison District 16 Resident*

Brian Wahl  
*Wisc. DNR Forestry Specialist  
Mount Horeb Resident*

September 26, 2025

Dear City of Madison Alders,

The Dane County Tree Board strongly supports the adoption of the revised City of Madison Tree Preservation ordinance. Large trees are important to retain where appropriate and will benefit generations of Dane County residents. This type of action speaks to the forward-thinking that the City of Madison is known for. The ordinance can be used as a model for communities large and small across Wisconsin that want to protect and preserve large trees as a legacy for their citizens.

Thank you for your continued commitment to a greener, healthier future for all.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Noone".

Matt Noone

Dane County Tree Board Chair

Respectfully submitted by Lisa Johnson, Dane County Tree Board staff

**From:** [kate](#)  
**To:** [All Alders](#)  
**Subject:** Legistar 8925  
**Date:** Monday, October 6, 2025 9:52:59 AM

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Some people who received this message don't often get email from kathryn.knudson@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing in regards to Legistar 8925. Please vote to pass this ordinance. A healthy and robust urban tree canopy is the only sensible option for Madison's future. Trees provide value in multiple ways, from offering protection from climate change through shade and slowing storm water, to naturally calming traffic and making the sidewalks more inviting, all of which contribute to enormous economic savings for the city.

"The best time to plant a tree was twenty years ago. The second best time is now."

Please do the right thing and pass this ordinance.

Kate Knudson  
949 e Johnson

**From:** [Jeff Reinke](#)  
**To:** [All Alders](#)  
**Cc:** [Jeff Reinke](#)  
**Subject:** Agenda item #33, for tomorrow's meeting, 10/7/25.  
**Date:** Monday, October 6, 2025 2:00:39 PM

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Some people who received this message don't often get email from jsreinke@yahoo.com. [Learn why this is important](#)

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Dear Alders, we hope you are all well.

Agenda item #33, tomorrow, is an ordinance to "enhance the City's street tree protection and to establish a Street Tree Protection Fund."

We fully support and back passage and acceptance of this ordinance. We sincerely hope you will too!

Thank you for your time and consideration of our request, and for all you do for the people of Madison, and in your personal lives. We are appreciative and grateful!

Kare Banaszak and Jeff Reinke

**From:** [Alex Saloutos](#)  
**To:** [All Alders](#)  
**Subject:** Tree Protection Ordinance Changes - Request for Referral, Legistar File ID No. 89254  
**Date:** Tuesday, October 7, 2025 2:09:57 PM  
**Attachments:** [251007 MEMORANDUM\\_STREETTREEPROTECTION\\_ALLALDERS.pdf](#)

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Dear Common Council Members,

I strongly support the goal of better protecting Madison's street trees. However, the attached memo identifies several technical and procedural issues with the proposed ordinance (Legistar File 89254) that should be addressed before adoption. This is agenda item number 33 on your agenda today.

I respectfully request that the Council re-refer this matter to the Board of Public Works to address these deficiencies. A well-crafted ordinance will better serve both our urban forest and those who must comply with its requirements.

Thank you for your consideration.

Alex Saloutos

# M E M O R A N D U M

**Date:** October 7, 2025

**To:** Common Council, City of Madison

**From:** Alex Saloutos

**Re:** **Recommendation to Re-Refer Legistar File 89254 (Tree Protection Ordinance Changes) to Board of Public Works, Legistar File [89254](#)**

I urge the Council to re-refer the proposed tree protection ordinance amendments (Legistar File 89254) to the Board of Public Works before adoption. While I strongly support strengthening protections for Madison's street trees, this proposal contains deficiencies that should be addressed before adoption:

- "Project area" is inadequately defined. The Standard Specifications definition ("The location of the construction to be performed under the contract") is vague and provides no requirement for spatial delineation.
- Other critical terms are undefined in the ordinance ("maximum feasible").
- Inconsistent terminology throughout ("Street Trees" vs. "Public Trees," multiple overlapping area terms).
- No fiscal analysis beyond "No City funds required" despite substantial new administrative requirements.
- No baseline data or success metrics to measure effectiveness.
- Missing citations to the "current best management practices" referenced in the press release.
- No connection to the 2019 Urban Forestry Task Force recommendations.
- Apparent gaps in protection standards for street tree roots on private property.
- No comparative analysis of similar ordinances in other municipalities.

These are not minor technical issues—they create legal ambiguity for property owners and contractors, fail to provide implementation guidance for staff, and offer no basis for measuring whether the ordinance achieves its stated goals.

## DISCUSSION AND ANALYSIS

### Absence of Essential Documentation

The Legistar file contains no comprehensive staff report, no fiscal analysis, and no response to concerns raised in my August 11 memorandum. For legislation of this scope and complexity, which affects multiple permit types and creates new enforcement mechanisms that can stop a project, the Council and public deserve more information and a thorough analysis before adoption.

### Inadequately Defined "Project Area" Creates Enforcement Problems

The ordinance uses "project area" throughout as the critical trigger for determining which trees must be protected, which contractor obligations apply, and what penalties may be assessed. The City's Standard Specifications for Public Works Construction defines "project area" as "[t]he location of the construction to be performed under the contract." This definition is inadequate and ambiguous:



- What constitutes “the location” of construction? Does it include staging areas, equipment storage, material stockpiles, and vehicle access routes? Does it include areas where soil compaction from equipment may occur? The current definition fails to provide clarity.
- The ordinance does not require applicants or the city to mark the project area on a site plan, map, or aerial photo. Without a clearly marked boundary, how will permit applicants know which trees they must identify and protect? How will inspectors determine whether violations occurred “within the project area”? How will disputes be resolved?

For an ordinance that imposes forfeitures of \$150 per inch of tree diameter and creates grounds for permit denial or revocation based on impacts “within the project area,” this term should be more precisely defined and spatially delineated. Property owners and contractors need clear boundaries to know their obligations. Staff need clear boundaries to enforce consistently. The ordinance should require applicants or the city to clearly mark the project area on a site plan.

Additionally, the ordinance uses “project area,” “permitted area,” “area of occupation,” and “occupancy area” without clarification of whether these terms are synonymous or have distinct meanings. If they are synonymous, the ordinance should use one term consistently and define it clearly. If they have different meanings, each should be defined and delineated.

#### Other Undefined Terms

The ordinance requires “maximum feasible” protection under the Tree Protection Specifications, but without clear criteria or published guidelines, this standard provides no safe harbor for permit applicants to know when they have met the requirement. What alternatives must be exhausted before an applicant has achieved “maximum feasible” protection? How will consistency be ensured when staff changes?

The ordinance also alternates between “Street Trees” and “Public Trees” without defining whether these terms are synonymous or distinct.

#### Missing Fiscal Analysis

The fiscal note states only “No City funds required.” This cannot be accurate given the ordinance’s requirements for:

- Enhanced permit application review (identifying all impacted trees, species, and DBH measurements; reviewing marked project area boundaries).
- Inspection and enforcement of Tree Protection Specifications across multiple permit types.
- Administration of the new Street Tree Replacement Fund.
- Development and biannual updating of the City Forester’s Street Tree Valuation Policy.
- Appeals process administration.
- Potential impacts on city construction project timelines and costs.

The Council and the public need realistic projections of staffing requirements, revenue estimates for the Replacement Fund, and administrative costs.

#### No Baseline Data or Success Metrics

What data demonstrates the current problem this ordinance addresses? How many street trees are currently being damaged or removed during permitted work? What is the current survival rate of street trees in construction zones? Without baseline data, how will the City measure whether these changes achieve their intended goals?

The Urban Forestry Task Force spent nearly three years examining these issues and produced a comprehensive report approved by the Council in January 2020. How do these proposals relate to those recommendations? Which Task Force recommendations are being implemented, which are being modified, and which are being set aside?

#### Unsupported “Best Management Practices” Claims

The August 4 press release states these changes incorporate “current best management practices,” but no sources are provided. The Council and the public should have access to:

- Complete citations to the reports, professional standards, manuals, academic papers, or municipal ordinances containing these practices.
- Analysis of how the decision was made on which practices to adopt.
- Explanation of which practices were determined not to be relevant for Madison.

#### Lack of Comparative Municipal Analysis

The ordinance grants the City Forester authority to deny permits “if street tree impacts will occur” and to revoke permits if trees are damaged without authorization. Which other municipalities have similar provisions to stop a project? For each comparable ordinance, the Council and the public should know:

- The specific ordinance section.
- How long it has been in effect.
- Documented outcomes or effectiveness data.

Without this analysis, the Council cannot evaluate whether this approach has proven effective elsewhere or whether alternative mechanisms (such as requiring bonds calculated as multiples of tree values) might better achieve the goals while avoiding costly project delays.

#### Gap in Root Protection Standards

The ordinance requires tree protection “within the project area” for right-of-way work but does not appear to explicitly address how street tree root systems extending onto private property will be protected during construction. While property owners may have common law obligations not to damage street tree roots on their property, the ordinance provides no clear enforcement mechanism or standards for this scenario, even though such damage can kill a street tree.

#### Alternative Approach: Performance Bonds

The ordinance should address whether requiring contractors or property owners to post bonds (calculated as multiples of tree values) would provide better protection than permit denial/revocation authority. Bonds would provide upfront financial assurance and incentivize protection, while the threat of permit denial or revocation could prevent projects from proceeding even when trees could be adequately protected with proper precautions.

## **CONCLUSION AND RECOMMENDED ACTIONS**

This ordinance addresses an important goal—protecting Madison’s valuable urban forest—but it is not ready for adoption. As Alder Ken Golden would say, “It’s not soup, yet.”

I recommend the Council vote to re-refer this matter to the Board of Public Works with direction to address the following before final consideration:

### Definitions and Standards

1. Provide a clear, precise definition of “project area” in the ordinance text that includes spatial boundaries and specify what is included (e.g., staging areas, access routes, equipment storage, areas of potential soil compaction).
2. Require that the project area be clearly delineated on a site plan.
3. Clarify whether “project area,” “permitted area,” “area of occupation,” and “occupancy area” are synonymous or have distinct meanings; if synonymous, use one term consistently; if distinct, define and require delineation of each.
4. Define the criteria for “maximum feasible” protection or reference published guidelines that provide clear standards.
5. Use either “Street Trees” or “Public Trees” consistently throughout, or define the distinction between them.

### Documentation and Analysis

6. Provide comprehensive fiscal analysis including staffing requirements, revenue projections, administrative costs, and potential impacts on project timelines.
7. Document baseline data on current street tree damage/removal rates during permitted work.
8. Establish metrics for measuring the ordinance’s effectiveness.
9. Provide complete citations for all “current best management practices” incorporated into the ordinance.
10. Explain how these proposals relate to the 2019 Urban Forestry Task Force recommendations.

### Comparative Analysis

11. Identify municipalities with similar permit denial/revocation authority and provide ordinance citations, implementation duration, and effectiveness data.
12. Analyze whether requiring performance bonds would be more appropriate than permit denial/revocation authority.

### Technical Corrections

13. Address any gap in root protection standards when construction on private property may adversely impact street tree roots.

Addressing these issues will create a well-crafted ordinance that better serves both the urban forest and those who must comply with its requirements.

Memorandum  
October 7, 2025  
Page 5

Thank you for your consideration of Madison's urban canopy and for ensuring this important legislation receives the thorough review it deserves.

**From:** [B.E. Smith](#)  
**To:** [All Alders](#)  
**Subject:** Support street tree protection & replacement fund  
**Date:** Tuesday, October 7, 2025 12:19:12 PM

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Some people who received this message don't often get email from conlonsmithbe@gmail.com. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder,

I urge you to support item #33 on the Common Council agenda tonight.

33. 89254 RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER  
SUBSTITUTE: Amending Sections 4.095, 10.05, 10.055, 10.08, 10.101, 23.24 and 1.08(3)(a) and Creating Section 10.105 of the Madison General Ordinances to enhance the City's street tree protection provisions and to establish a Street Tree Replacement Fund.

Developers get almost everything they want and have cranes up all over town. Arguments that they are impeded from building seem implausible. They try to hold us hostage by pretending that any regulation is a major cause of lack of housing. Meanwhile, they chase even bigger profits by adding ground floor commercial spaces, rooftop pools, additional parking, etc., rather than maximizing housing in their new buildings. We need to be skeptical of claims that they should be further insulated from their construction mistakes and chopping down trees that are protected. It sounds like city committees have done a good job of coming up with reasonable balance in this ordinance proposal. Every building project is different, but the people who actually live in Madison (not out of state developers) deserve a bigger say, in general. Trees are necessary to combat rising summer heat waves, to help us survive and thrive.

Exposure to heat is aging us prematurely. We need trees to improve our health.

What Extreme Heat Is Doing to Your Body - Inside Climate News  
<https://insideclimatenews.org/news/02102025/extreme-heat-effect-on-the-body/>

Thank you for voting to protect our street trees.

Barbara Smith  
456 N. Few St.  
Madison WI

**From:** [Fields, Debbie](#)  
**To:** [All Alders](#)  
**Subject:** FW: City of Madison - Proposal 89254 Street Tree Protection  
**Date:** Monday, October 6, 2025 1:01:31 PM  
**Attachments:** [City of Madison - Proposal 89254 Street Tree Protection.pdf](#)

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Alders,

I'm forwarding along this email and attachment that were received in the Council Office inbox.

Thanks,  
Debbie Fields  
Program Assistant 2  
Common Council Office  
608-266-4297

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**From:** Jim Villa <jim@naiop-wi.org>  
**Sent:** Monday, October 6, 2025 12:54 PM  
**To:** council <council@cityofmadison.com>  
**Subject:** City of Madison - Proposal 89254 Street Tree Protection

You don't often get email from [jim@naiop-wi.org](mailto:jim@naiop-wi.org). [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please find attached correspondence regarding Proposal 89254

Jim Villa  
NAIOP Wisconsin

Sent via Email to [Council@CityOfMadison.com](mailto:Council@CityOfMadison.com)

October 3, 2025

Alderspersons, City of Madison  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703

Dear City of Madison Alderspersons,

On behalf of NAIOP Wisconsin, the Commercial Real Estate Development Association, I write to express concern about the proposed street tree protection ordinance, Legistar 89254.

We fully support the preservation of mature street trees. They are vital to our urban canopy, contribute to climate resilience, and enhance the character of our neighborhoods. However, the ordinance as drafted introduces significant risks to infill development—particularly on sites adjacent to mature trees—by allowing for the revocation of essential street and right-of-way permits if a tree is damaged during construction.

This punitive approach could jeopardize entire projects due to the actions of a single subcontractor, creating uncertainty and discouraging investment in the very types of sustainable, compact development Madison seeks to promote.

City Forester Ian Brown has publicly stated that in most cases, he would work with developers to find a remediation path rather than revoke permits. We appreciate this collaborative spirit—but oral assurances are not enough. City staff have suggested that these concerns are adequately addressed in the current Madison General Ordinances code, and that is why they are not in the proposed ordinance. However, these concerns are not addressed in explicit writing in the current code of ordinances. We urge you to codify this approach in the ordinance itself to provide clarity and predictability.

Alternatively, we recommend incorporating a substantial liquidated damages provision for tree damage, secured by a bond or letter of credit. This would incentivize careful construction practices without threatening project viability.

Additionally, while city staff have noted that permit revocations can be appealed to the Board of Public Works, the ordinance lacks written standards for such appeals. Without clear criteria, developers are left guessing what evidence or steps are required to restore permits. We respectfully request that you include specific, transparent standards for appeal in the ordinance.

As currently written, the ordinance risks deterring infill development and pushing projects toward the city's periphery—undermining Madison's goals for smart growth, equity, and sustainability.

Thank you for your thoughtful consideration of our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "James C. Villa".

James C. Villa  
Chief Executive Officer

**From:** [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com)  
**To:** Mayor; [All Alders](#); [Brown, Ian K.](#)  
**Subject:** Agenda item 33-Trees  
**Date:** Sunday, October 5, 2025 9:29:45 AM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor, Alders, Forester,

Agenda item 33 is a beneficial step in helping our urban canopy and our city as a whole. It's a helpful step for all the partners who are needed to help trees survive and thrive in our city. As many of you know, city trees have a shorter life span. What is also well understood are the reasons for that shorter life span. Agenda item 33 is a part of that solution.

I worked in the Downtown for many years as a professional landscaper. I loved the work and found it fascinating. I learned a lot about gardens and people and plants and how a city works, and the ways it doesn't work. Agenda item 33 helps to address some of what isn't working.

I worked with developers in the downtown and on construction sites for decades. While I can appreciate how complex it can be to build infill development and maintain it, especially in the isthmus, there is incredible value in maintaining our existing canopy trees. Those same trees are what help make the place special. Study after study makes that same point. Greener downtowns are more successful downtowns.

Agenda item 33 is a beneficial step in helping our urban canopy. It's a helpful step for all the partners who are needed to help trees survive and thrive. In turn, those same trees help our city thrive.

Best, Anne Walker  
Home Land Garden, LLC



**From:** [Sandra Ward](#)  
**To:** [All Alders](#)  
**Subject:** support item 33 on the 7th Common Council agenda  
**Date:** Monday, October 6, 2025 7:27:04 AM  
**Attachments:** [TPPC Council Letter Sept. 2025.pdf](#)

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Some people who received this message don't often get email from sward@wisc.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alders,

Please see attached letter in support of item #33 on the agenda for Tuesday the 7th. Thank you for your support of this important change to Maison's efforts to protect canopy trees.

Sandra Ward

Co-Chair of CNI Tree Protection and Planting Committee

# CAPITOL

## NEIGHBORHOODS, INC.

MADISON, WISCONSIN

September 29, 2005

Esteemed City Alders:

The members of the Tree Preservation and Planting Committee (TPPC) on behalf of Capitol Neighborhoods Inc (CNI) strongly encourage the Common Council to approve the Tree Protection ordinance (Legistar File 89254) before you. Future generations will be grateful!

The TPPC has met monthly for the past two years seeking and debating ways to improve the survival chances for existing canopy trees in CNI neighborhoods and the Isthmus in general. The TPPC is comprised of downtown residents, who are motivated by the numerous positive effects that trees have on the urban landscape: they stabilize the earth, manage stormwater, and provide habitat for animals and protection from the sun. Trees cool their surroundings in the summer through evapotranspiration, and they keep their environments warmer in the winter by insulating from night sky radiation. Trees pull carbon from the atmosphere and clean the air, water, and soil, but perhaps most important is the oxygen that supports the lives of breathing organisms, which trees release as a byproduct of their own metabolic activity.

Downtown Madison falls woefully short of its goal of 40% tree canopy coverage, while also facing enormous development pressures to address its housing shortage. Recent history has shown that both private developers and public contractors have been all too willing to bend the existing modest tree protection rules, if a tree is found to be growing in an inconvenient place. The proposal before you should encourage developers and contractors to develop their protection strategies for trees in the public right-of-way during the very early stages of planning. It is designed to put the City Forester at the table at the beginning of any proposed development, rather than being consulted when a tree has already been destroyed or mortally injured. It also proposes remedies when an urban tree simply cannot be preserved by providing for a dedicated fund that will allow the City to replace any tree that is lost with one that will actually be given the conditions it needs to thrive.

We are grateful to Forester Ian Brown, to Mayor Rhodes-Conway and to the aldermanic sponsors of the proposed ordinance changes for their creative diligence in improving canopy tree protection in Madison.

Thank you in advance for your support of Legistar 89254.

Sandra Ward and Grace Hasler  
for the CNI Tree Preservation and Planting Committee

**From:** [Sandra Ward](#)  
**To:** [All Alders](#)  
**Subject:** Support agenda item 33 Tree Protection ordinance  
**Date:** Friday, October 3, 2025 7:22:03 AM  
**Attachments:** [TPPC Council Letter Sept. 2025.pdf](#)

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Respected alders,

Please see the attached letter in support of 89254 which is item 33 on the Council agenda for October 7th. I've also included it here in the body of this email.

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Sandra Ward and Grace Hasler  
for the CNI Tree Preservation and Planting Committee



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for the CNI Tree Preservation and Planting Committee