

**23.24 BREAKING, DAMAGING OR INJURING TREES, SHRUBS.** (Title Am. by ORD-10-00071, 7-27-10)

- (1) No person shall break or injure any tree planted in any highway in the City of Madison, nor shall she or he pour salt water on any such public highway in such places as to injure any tree or shrub planted or growing therein. (Am. by ORD-14-00012, 1-14-14)
- (2) No person shall occupy any flower bed or area of plantings nor shall any person injure, destroy or damage in any way any tree, shrub, flower or planting in any public park or public place within the city of Madison. For purposes of this subsection, public place means a place which is in public ownership or a place to which the public has access, distinguished from a private place. (Am. by Ord. 11,938, 9-26-97)
- (3) No person, during the course of performing or causing to be performed public or private work on or immediately adjacent to property that the City of Madison has an ownership interest in, including, without limitation, highways and highway right-of-ways, public walkways and bike paths, parks, and greenways, shall intentionally or negligently cause damage to any tree planted on said City of Madison property such that the tree must be removed. In performing or causing to be performed such work, persons are expected to exercise ordinary care to prevent unnecessary damage to the tree and root structure so that the tree remains viable after the work is performed. It shall not be a violation of this provision if the City Engineer or City Forester, or their designees, authorize the damage to the tree prior to the damage, or within a reasonable time thereafter. Each tree damaged shall be a separate violation, and any person violating this provision shall be subject to the following forfeitures: if the tree damaged has a diameter of three (3) inches or less (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of two hundred and fifty dollars (\$250) plus thirty dollars (\$30) per diameter inch; if the tree damaged has a diameter of more than three (3) inches (measured at twelve inches above ground level and rounded to the nearest inch), a forfeiture of one hundred and fifty-five dollars (\$155) per diameter inch. However, no person shall be subject to a forfeiture under this subsection if that person has already reimbursed the City for the damage to the tree through the provisions of a public works contract. (Cr. by ORD-10-00071, 7-27-10)

**23.25 ATTACHING ELECTRIC WIRES, ETC., TO TREES.** No person, corporation, or association, shall attach any electric insulator, or any device for holding of electric wire, to any tree growing or planted upon any public highway of the City of Madison. Every person, corporation, or association having any wire or wires charged with electricity running through a public highway shall securely fasten such wire or wires to a post or other structure so that they shall not come in contact with any tree therein and every such person, corporation, or association shall, when and if the Board of Park Commissioners shall determine it to be necessary in order to prune or cut down any tree growing on a public highway of the City of Madison, temporarily remove any such wire or wires or cut off the electricity within twenty-four (24) hours after service upon the owner of said wire or wires or his/her or its agents, of a written notice signed by the president of the Board of Park Commissioners to remove said wire or wires or cut off said electricity. (Am. by ORD-14-00012, 1-14-14)