



1 **City of Racine, Wisconsin**  
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE: Common Council/Committee of the Whole LEGISLATION ITEM #: Ord. 0010-24**

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5 **AGENDA DATE: October 28 through November 14, 2024**

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7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Robin Zbikowski, Assistant City Attorney

9 **Reviewed By:** Scott R. Letteney, City Attorney

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11 **SUBJECT:** Communication sponsored by Mayor Mason requesting the repeal and recreation of the  
12 Vegetation Ordinance as the Trees and Vegetation Ordinance.

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14 **EXECUTIVE SUMMARY:**

15 This recreation of the Vegetation Ordinance brings under the city forester's direction and control  
16 all aspects of public trees within the City of Racine, including: renewal, planting, removal, trimming,  
17 treating, spraying, maintenance, preservation, and protection, among others. Additionally, this recreation  
18 proposes to delete from the Code any provision (pertaining to public trees) that is a matter of  
19 departmental policy.

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21 **BACKGROUND & ANALYSIS:**

22 This recreation of the Vegetation Ordinance proposes several changes. To begin, the proposed  
23 version aligns the format and flow of this chapter with that of other, newer chapters of the Code, which  
24 promotes user-friendliness and consistency. To illustrate, the generalities are at the top (e.g. definitions,  
25 purpose, jurisdiction), any regulated conduct is in the middle (e.g. prohibitions, exceptions), and  
26 enforcement (e.g. penalties, appeals) is at the bottom.

27 Additionally, it is proposed that the city forester is charged with the authority to direct and control  
28 all aspects of public trees, including: Renewal, planting, removal, trimming, treating, spraying,  
29 maintenance, preservation, and protection, among others. Also, that any project that impacts a public tree

30 requires a permit (with enumerated exceptions), and the application for which is considered by the city  
31 forester.

32 It is also proposed that private property owners keep trimmed any private tree that obstructs the  
33 view of intersections or traffic signs or signals, and that the city forester does the same for any public tree.  
34 Also included is a list of what conditions constitute a public nuisance (e.g. invasive species, infected  
35 trees) and the process by which to notify the owner to cause such nuisance to be abated.

36 Further proposed is that any matter of policy is outlined in the Tree Manual, which is adopted by  
37 reference in this proposed chapter. It covers planting specifications, preferred tree species, maintenance  
38 schedules, and other subjects that call upon the city forester's discretion.

39 Finally, it is proposed that, for a violation of this chapter, the bond amount is \$400, and the  
40 forfeiture upon conviction is up to \$1000. Appeals are heard by the Due Process Board.

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42 **BUDGETARY IMPACT:** Permit fees as determined by the budget as set forth in the fee schedule and  
43 established by the Common Council.

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45 **OPTIONS/ALTERNATIVES:**  
46 To approve, whereby allowing the proposed recreation of the Vegetation Ordinance.  
47 To deny, whereby disallowing the proposed recreation of the Vegetation Ordinance.

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49 **RECOMMENDED ACTION:** To approve.

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51 **ATTACHMENT(S):** None.