

## Town of Rutland Policy on Tree Removal and Tree Trimming

### Oak Wilt Management

Whereas the Town of Rutland Board recognizes that Oak Wilt is spread more readily from tree to tree during the spring and summer months than during other times of the year, the Board hereby declares its intention to help control the spread of this disease by regulating work on these tree species during this sensitive period. The Town instructs its employees and contractors that no removal, pruning or maintenance of any Oak Tree shall be conducted annually between the dates of March 1 to November 1 without written permission from the Board.

- ☐ The Board may grant an exemption in cases where pruning or removal is necessary to abate an imminent and immediate hazard or in cases of storm damaged trees.
- ☐ The Board may grant an exemption for public utilities; however, such an exemption shall be stipulated within the work permit issued by the Town to the utility.
- ☐ In the case of any exemption, all possible precautions shall be exercised in order to limit the infection of these trees, including the application of a sterile wound dressing/paint to pruning wounds created during this time. Such wound dressing should be applied immediately at the time pruning occurs.

The width of the Town road Right of Way by Wisconsin Law (WI Stat 82.18) is presumed to be 66 feet or 33 feet on either side of the center line (when no government acquisition records exist). It is the hope of the Town Board that residents in the Town of Rutland will be mindful of how easily Oak Wilt can spread and kill trees as they manage their own oaks.

The Town of Rutland Road Patrolmen shall notify the Town of Rutland Board Chair when they believe a tree, whether dead or alive, is threatening the road and/or traffic on the road. If the patrolman believes the tree must be cut down, the Town Chair (or his/her designee) must visit the situation in question prior to the tree removal. If the owner of the property disagrees that the tree(s) is a danger, the Town, at Town's expense, shall hire a professional arborist to assist in determining the best course of action. The Chair will must give approval to proceed with removal of the tree at Town expense after the property owner has been notified of the decision to remove the tree in question.

Where the Road Patrolmen believe a tree, dead or alive, is threatening private property, but not threatening the Town road, the Town will leave removal to the discretion of the property owner. The Town will not participate in the removal in this case, regardless of whether the tree is in the right of way or on private property. Where the Road Patrolmen believe a tree is threatening both private property and the Town road, the Town will offer to split the cost equitably between the Town and the affected property owner(s). Equitably means to split the estimated cost evenly, unless the risk is very one-sided, in which case the cost will be split according to the risk. That is, if the tree is leaning over the Town road, but has only minimal limbs that might affect the private property, the Town Board may offer to pay more than half the cost. If the tree is leaning toward the private property, but has limbs that could impact the road, the Town will offer to pay the cost of removing the threatening limbs and leave the rest of the removal to the private property owner. This applies to trees regardless of whether they are in the right-of-way or just on the private property. In cases where costs are shared, the Town will contract for the work and will bill the property owner for the property owner's share. If the property owner's share is not paid in a timely manner, it may be placed on the property

tax bill as a special charge and/or submitted to the State debt collection program at the Boards discretion.

For oak trees pertaining to the town roads for trimming/cutting. If no solution can be met between lead patrolman and property owner then the default cutting/trimming specs will be approximately 22 feet high and not span farther than the middle of the roadway. The 22 feet is the suggested default clearance as this is the height of our dump trucks with fully raised which we may need to be for /during paving, seal-coating, or even plowing. Mid span distance is the default as this helps limit the amount of weight of the tree over hanging the road and can also help with clearance for power lines.

The Town will not remove stumps. If a property owner wishes to have stumps removed, they will be responsible for the expense, as well as contacting Digger's Hot Line before proceeding with the work.

The Township number one goal is to protect our roads and those who use the roads. Our next priority is to protect the Oak trees that give the Town of Rutland its character.

The Town of Rutland's Road Patrolman will present proposed plans for trimming or removing roads and areas to the Town Board at their August meeting each year. In September, the Board will then approve or disapprove the Patrolman's plans. The Town Patrolman will do their best to reach out to residents who live where the proposed trimming or removal will take place. This information will also be posted on the Town website.

Trimming or removal will take place between October 1 and April 1. For oak trees, the trimming or removal must take place between November 1 and March 1. Any tree within the right-of-way or threatening the right-of-way will be subject to trimming or removal. Residents can contact the Lead Patrolman to voice their concerns or give parameters for trimming or removal, and should provide a layout of the trees on their property.

If the resident and Lead Patrolman can't come to an agreement, the Town Board will be notified and review the property. If the Town Board and resident still don't come to an agreement, the Town will deem that the work must be conducted and relay that information to the resident. If the resident doesn't want the Town and its hired contractor to do the work, they can hire their own arborist, but the work will be at the resident's expense. Work must be approved and supervised by at least one member of the Town Board and/or the Town's Lead Patrolman. This work must be completed within two weeks of the Town completing the rest of the trimming or removal work in the area.

Written policy adopted by the Rutland Town Board at the regular monthly Board meeting on November 6, 2014.

This policy has been updated and approved at the regular monthly Board meeting March 6, 2024.

This policy has been updated and approved at the regular monthly Board meeting January 7, 2026.