

INSTRUCTIONS – PERMIT FOR STREET OPENING

Fill out **Permit for Street Opening** for following types of activities:

Work within the right-of-way that disturbs any paved area (street, sidewalk, driveway, curb)

Work within the right-of-way that disturbs more than 20 square feet of terrace area

Permit application must include an attached drawing of work to be done. Drawing shall show, at a minimum, location of work in relation to rights-of-way, intersection limits, existing utilities, etc.

Additional permit requirements: _____

Applicant is responsible for compliance with all permit provisions.

Applicant is directed to read the attached information regarding the **Middleton Street Tree Education Program (STEP)**, provided by the City Forester. Applicant is responsible for street tree protection and for coordinating work with the City Forester, Mark Wegner. Phone 831-8345.

A **LAND DISTURBING PERMIT** also is needed from City of Middleton Building Inspector if:

1. An area of 4,000 square feet or greater will be disturbed; or
2. Earth moving operations involve more than 400 cubic yards; or
3. Trenching will exceed 400 linear feet for any utility work; or
4. Any street segment longer than 125 feet is to be constructed or reconstructed; or
5. Any land disturbing activity will have a high potential for soil erosion or water pollution.

NOTES REGARDING PERMIT PROVISIONS (Indexed by provision #):

1. Applicable City of Middleton Ordinances include:
 - Chapter 8 – Streets, Sidewalks & Gutters
 - Chapter 26 – Storm Water Runoff Control
 - Chapter 28 – Erosion Control
3. In determining Applicant’s qualifications, the City may consider:
 - a. The extent of Applicant’s experience and performance record on construction projects of a similar nature within the past three years; and
 - b. The probability of the work being carried to successful completion within the time specified and by the methods and with the equipment Applicant proposes to use.
4. The MUTCD is the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration.
7. Applicant shall notify Public Works Department one (1) full working day prior to placing concrete or asphalt, this includes:
 - a. All base preparation and form work (or patch preparation) completed; and
 - b. Specified depths of materials provided for; and
 - c. Concrete or asphalt work to be done no sooner than 8 WORKING HOURS from notice to City for inspection of form work.
- 9-13. Standard detail drawings are available to Applicant upon request, at no additional charge.

STREET TREE EDUCATION AND PROTECTION PROGRAM (STEP)

Middleton values its public trees

Middleton is a vibrant and growing community and recognizes the value and contributions of new development and construction projects. With proper safeguards and adherence to conditions set forth under STEP, Middleton can continue to grow and maintain the quality of life we've come to know here. If you have any questions about STEP, or think you might be doing something that could cause damage to public trees and shrubs, please contact the City Forester for additional information. Abatement measures are often available that will permit the activity to take place while protecting public property.

APPLICABILITY

You need to know the conditions and requirements set forth in city ordinances and STEP if you will be working in or around public trees in the City of Middleton. This is especially true if you are a developer, in the construction business, in the telecommunications industry, lawn care or tree pruning business, or are an adjacent property owner who may be doing things on your land that will impact adjoining public property.

ACTIVITIES OF CONCERN

Middleton's STEP program addresses, but is not limited to, the following types of activities that have been shown to damage or kill public trees and shrubs. Like damage to any other public property, fines and or restitution of damages can be sought.

1. Compaction of soil within the tree drip line by vehicles, including cars, trucks, cement trucks and other delivery vehicles, bobcats, graders, sky traks and other construction equipment,
2. Storage of construction materials within the tree drip line,
3. Exposure to damaging chemicals, including concrete truck wash water and other waste disposal,
4. Excavation or trenching within the tree drip line,
5. Pruning or topping,
6. Damage to tree trunks by lawn care equipment,
7. Physical damage to trunks, limbs, or roots,
8. Changes in grade within the tree drip line, either grading soil away or depositing fill, or
9. Moving or removing trees and shrubs.

In some cases there are ordinances prohibiting such activities, and in others, prior permits are required. Please see the reverse side for existing ordinances. When working around Middleton public trees, it's important to stay in STEP!

Contractors Responsibility for Tree Protection

Before any construction is commenced, and throughout the duration of construction, you must protect all City terrace trees with a barrier of staked construction fence. The protective barrier must encompass a square around the tree, each side equal to the distance from the sidewalk to the curb (or a minimum of 6' if there is no sidewalk). The City Forester or their designee must inspect and approve protective measures before excavation or construction can begin.

City of Middleton Forester Mark Wegner 821-8345

20.06 DAMAGE TO TREES AND SHRUBS.

(1) No person shall, in any public area or private area without the permission of the owner, break, injure, mutilate, kill or destroy any tree or shrub, permit any animal under his or her control to do so, permit any fire to injure any portion of any tree or shrub, permit any leak to exist in any gas line within the root zone of any tree or shrub, permit any toxic chemical to seep, drain, or be emptied on or about any tree or shrub, or permit electric wires to come into contact with any tree or shrub. **During construction operations, each contractor or builder shall erect construction fence protective barriers around public trees and shrubs which could be injured during construction, and shall obtain the City Forester's approval of the adequacy of such barriers before construction is commenced. No person shall fasten any sign, rope, wire or other material to or around or through any public tree or shrub without first obtaining permission from the City Forester. No person shall remove any guard, stake or other device or material intended for the protection of a public tree or shrub,** or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water, and fertilizer. No person shall attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the City may tie temporary no parking signs to trees when necessary in conjunction with street improvement work or parades.

(2) Protection During Excavations. All trees on any terrace/median or other public owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the City Forester.

20.09 VIOLATIONS. Any person who shall violate any provision of this ordinance shall be subject to a penalty as prescribed by s.30.04 of this Code, and shall have the costs of abatement or correction assessed as an additional penalty.

The costs of correction to be assessed as an additional penalty for violations of the ordinance will be as follows:

1. First offense - \$250.00 plus replacement cost of tree.
2. Second offense - \$500.00 plus replacement cost of tree.
3. Subsequent offenses - \$1,000.00 plus replacement cost of tree.