

Village of Berrien Springs – Tree Ordinance

http://library1.municode.com/default-test/home.htm?infobase=14681&doc_action=whatsnew

ARTICLE II. VEGETATION IN PUBLIC PLACES*

*State law references: Care of trees and shrubs along highways, MCL 247.241 et seq.

Sec. 42-26. Planting, care and protection of trees.

(a) The superintendent of streets and highways or such other person as may be from time to time appointed by the village council shall have exclusive jurisdiction, authority, control, supervision and direction of all trees, plants, shrubs and grassy areas planted in or upon the public highways and public places of the village and the planting, removal, care, maintenance and protection thereof.

(b) It shall be unlawful for any person to have planted or keep growing any tree determined to be detrimental, including a poplar, box elder, basswood, soft maple or willow trees, the roots of which will penetrate under or over the surface of any public highway.

(Ord. No. 84, § 1, 10-24-1955)

Sec. 42-27. Permit to cut, trim or prune.

Except upon order of the superintendent of streets and highways, it shall be unlawful for any person or the officer or employee of a corporation, without a written permit from the superintendent of streets and highways, to:

(1) Remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the village or cause or authorize or procure any person to cut, break, climb, remove, destroy or injure any such tree, plant or shrub or part thereof; or

(2) Injure, misuse or remove or cause, authorize or procure any person to injure, deface or remove any device set for the protection of any tree, plant, or shrub in or upon any public highway or public place.

(Ord. No. 84, § 2, 10-24-1955)

Sec. 42-28. Permit for placement of impervious materials.

(a) It shall be unlawful for any person, except with a written permit of the superintendent of streets and highways, to place or maintain upon the ground in any public highway or public place any stone, cement or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree, plant or shrub in any such highway or place.

(b) Unless otherwise provided for in such written permit, there must be maintained about the base of the trunk of each tree in such highway or place at least nine square feet of ground for a tree three inches in diameter, and for every two inches of increase of such diameter there must be an increase of at least one square foot of open ground.

(Ord. No. 84, § 3, 10-24-1955)

Sec. 42-29. Power to preserve or remove.

(a) The superintendent of streets and highways shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, lanes, squares and public grounds, as may be necessary to ensure safety or preserve the symmetry and beauty of such public grounds.

(b) The superintendent of streets and highways, under the power given in this section, may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which because of its nature is injurious to sewers or other public improvements or which is affected by any injurious fungus, insect or other pest.

(c) The superintendent of streets and highways shall also have power to enter upon any private property in the village and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary in his opinion to do so, to prevent the spreading or scattering of any parasite or insect pest, and to prevent danger therefrom to trees and shrubs planted in the public streets or other public places. Whenever, in the opinion of the superintendent of streets and highways, trimming, treatment or removal of any such tree or shrub located on private grounds shall be deemed wise, the superintendent of streets and highways shall have power to trim, treat or remove any such tree or shrub or cause or order the tree or shrub to be trimmed, treated or removed. The cost of the removal of a tree by the superintendent of streets and highways from private grounds shall be a charge upon the real property on which such tree shall be removed. Such cost shall be certified by the superintendent of streets and highways to the village treasurer and shall thereupon become and be a lien upon such property, shall be included in the next tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property. Notice to remove under this subsection shall be served personally at least ten days before such removal on the owner or agent of the property or abutting property, unless, in the opinion of the superintendent of streets and highways, immediate removal is necessary for public safety.

(Ord. No. 84, § 4, 10-24-1955)

Secs. 42-30--42-55. Reserved.