

City of Durand – Tree Ordinance - 2008

ARTICLE III. TREES*

***State law references:** Planting of trees along highways, MCL 247.231 et seq.; care of trees and shrubs along highways, MCL 247.241 et seq.; obnoxious plants and trees, MCL 124.151 et seq.

Sec. 82-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the department of public works of the city. The word "superintendent" shall mean the superintendent of public works.

Park means all public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Prohibited species means any tree of the species of poplar (*Populus Sp.*), willow (*Salix Sp.*) and box elder (*Acer Negundo*).

Street means all of the land lying between property lines on either side of all streets, highways and boulevards in the city.

Tree means trees, shrubs, bushes and all other woody vegetation.

The terms of this article, unless otherwise specifically stated in this section, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

(Code 1977, § 3.11)

Cross references: Definitions generally, § 1-2.

Sec. 82-67. Departmental responsibility.

The department shall be charged with the duty of enforcing the provisions of this article under the supervision of the superintendent.

(Code 1977, § 3.12)

Sec. 82-68. Permits for tree planting, care and removal.

The superintendent shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this article. The owner of land abutting on any street may, upon obtaining prior written permission of the superintendent, prune, spray, plant or remove trees in that part of the street abutting on his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of the abutting property requests the removal of a tree, the superintendent is authorized, in his discretion, to require as a condition to granting of approval for such removal that such property owner make the removal in accordance with regulations established by the department and assume all or any part of the costs of removing such tree, and also to require that the tree removed be replaced at

some other nearby location by planting another tree, not necessarily of the same type. No person shall plant any tree of a prohibited species.

(Code 1977, § 3.13)

Sec. 82-69. Tree protection.

No person shall, without authority, break, injure, kill or destroy any tree or shrub, or set any fire, or permit any fire, or the heat thereof, to injure any portion of any tree. No person owning or using, or having control or charge of gas or other substance deleterious to tree life, shall allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant. No person shall attach or keep attached to any tree or shrub, or to the guard or stake intended for the protection of such tree or shrub, any rope, wires, chains, signs or other device whatsoever, except for the purpose of protecting it or the public.

(Code 1977, § 3.14)

Sec. 82-70. Public tree care.

The department shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of the streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The superintendent may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers or other public improvements, or is affected with any injurious fungus, insect or other pest.

(Code 1977, § 3.15)

Sec. 82-71. Private grounds.

The superintendent shall also have power to enter upon any private grounds in the city 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 breeding or scattering of any parasite or animal pests; to prevent danger therefrom to trees and shrubs planted in public streets or other public places; and whenever in the opinion of the superintendent, trimming, treatment or removal of any such tree or shrub located on private grounds shall be deemed otherwise, he shall have the power to trim, treat or remove any such tree or shrub or cause the tree or shrub to be removed, treated or trimmed.

(Code 1977, § 3.16)

Sec. 82-72. Inspection.

The superintendent is authorized to inspect any tree within the city reported or supposed to be infected with Dutch elm disease or the virus phloem necrosis, commonly known as elm blight. If upon such inspection the superintendent determines that such tree is infected with either of such diseases, he shall, if the tree is in any public street, ground or place within the city, immediately remove and burn the same in such manner as to prevent as fully as possible the spread of such disease. If such tree is located on private property, the superintendent shall immediately serve upon the owner of such property a written notice that such tree is so infected and that the tree must be removed and burned under the supervision of the superintendent within five days of the service of such notice. If such owner cannot be found, a copy of the notice shall be posted upon the infected tree. If the tree is not so removed and burned within five days after the

service or posting of the notice, the superintendent shall cause the tree to be so removed and burned. The cost of the removal and burning may be collected from the owner of the property in the manner specified in section 62-13.
(Code 1977, § 3.17)

Sec. 82-73. Trimming and corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or right-of-way. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign. Such trimming shall be confined to the area immediately above the right-of-way. All shrubs and bushes located on the triangle formed by two right-of-way lines at the intersection of two streets, and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot within the city, shall not be permitted to grow to a height of more than 30 inches above the sidewalk grade, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this section shall be notified by the superintendent to do so, and such notice shall require trimming in conformity with this section within five days after the date of such notice. Upon the expiration of such period, the superintendent may cause the trimming to be done, and the costs of such work may be collected from the owner of the property in the manner specified in section 62-13.

(Code 1977, § 3.18)

Cross references: Traffic and vehicles, ch. 74.

Sec. 82-74. Interference with superintendent.

It shall be unlawful for any person to prevent, delay or interfere with the superintendent, or any of his employees, agents or servants, while engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants or shrubs in or upon any public highway or public place or upon any private grounds as authorized in this article.

(Code 1977, § 3.19)

Sec. 82-75. Additional rules and regulations.

The city manager may make additional rules and regulations pertaining to the planting, removal and care of trees, bushes and shrubs not inconsistent with the provisions of this article, subject to approval by the city council. No person shall fail to obey any such rule or regulation.

(Code 1977, § 3.20)