

## City of Fenton, MI - Tree Ordinance

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### ARTICLE II. TREES

#### Sec. 34-16. Definition.

The word "trees" as used in this article includes shrubs which grow higher than 15 feet; "shrubs" under 15 feet in height may include vines and plants.

(Code 1967, § 6-202)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### Sec. 34-17. Enforcement.

The city manager, or his designate, shall direct, regulate and control the planting, insect and disease control, fertilizing, and removal of all trees and shrubs growing now or hereafter in any public highway, parkway, park, or other public areas of the city. He shall also direct the maintenance and culture of turf areas, both established and newly seeded, that belong to the city. He shall cause the provisions of this article to be enforced.

(Code 1967, § 6-203)

#### Sec. 34-18. Planting, control of trees.

The city manager, or his designate, shall have the exclusive power to plant, maintain and remove trees, shrubs and herbaceous material, both living and dead, in any highway, park or public place of the city. Such officer shall assume complete responsibility for the purchase, planting, maintenance and removal of all trees and shrubs growing now or hereafter in any highway, park or public place of the city.

(Code 1967, § 6-204)

#### Sec. 34-19. Prohibited varieties.

No willow, poplar, soft maple, box elder, tree of heaven (*Ailanthus altissima*), wild chestnut, American elm, or other tree or shrub determined to be undesirable by the city manager or his designate shall hereafter be planted in the public highways, parks or public places in the city.

(Code 1967, § 6-205)

#### Sec. 34-20. Location near public ways.

No tree shall be planted nearer to the intersection of two or more streets than 15 feet from the nearest street line bounding such intersection. All shrubs planted within this area shall be trimmed to a height of not more than three feet above the curb.

(Code 1967, § 6-206)

#### Sec. 34-21. Permit required for planting, treating and removing trees.

(a) No person shall plant, move, spray or fertilize, brace, trim, do surgery work, cut above or below ground, cut any branch or root therefrom, or otherwise disturb any tree or shrub in any highway, park or public place of the city, nor cause such acts to be done by others, without first obtaining a permit in writing from the city manager or his designate.

The person receiving such permit shall abide by the specifications and standards of practice adopted and required by the city.

(b) The city manager or his designate may issue a permit for any work described in subsection (a) hereof if, in his judgment, the desired work is necessary and the proposed method of workmanship thereof is of a satisfactory nature. As a condition to any permit to remove any tree or shrub, such officer may require that the permittee plant a tree or shrub in place of the one removed. Every permit issued shall describe the work to be done, specify the species or variety, size, grade, location, briefly specify the method of planting, method of support and trimming, and contain a definite date of expiration. Any permit may be declared void if its terms are violated.

(Code 1967, § 6-207)

Sec. 34-22. Fastening materials to trees.

No person shall fasten any sign, wire, rope or other material to, around, or run any wire or rope through any tree or shrub in any highway, park or public place of the city, except by written permit granted by the city.

(Code 1967, § 6-208)

**State law references:** Care of trees and shrubs, MCL 247.241 et seq., MSA 9.361 et seq.

Sec. 34-23. Placing materials on public property.

No person shall deposit, place, store or maintain upon any highway, street, park or public place of the city, any stone, brick, sand, concrete or other material which will impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein, except by written permit granted by the city.

(Code 1967, § 6-209)

Sec. 34-24. Protection of trees and shrubs.

No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set fire or permit any fire to burn where such fire or the heat thereof will injure any portion of any tree or shrub, in any highway, street, park or public place of the city. No person shall knowingly permit any leak to exist in any gas pipe or main within the root zone of any such tree or shrub; nor permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any tree or shrub; nor knowingly permit any wire designed to carry electric current to come in contact with any such tree or shrub unless protected by approved methods.

(Code 1967, § 6-210)

Sec. 34-25. Abatement of public nuisance.

Any tree or shrub or part thereof growing upon private property but overhanging or interfering with the use of any highway, street, park or public place of the city, that in the opinion of the city manager or his designate endangers the life, health, safety or property of the public, shall be declared a public nuisance. The owner or occupant of such private property shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time

allotted, the city shall cause the nuisance to be corrected or removed and the cost shall be assessed as provided by section 28-16.

(Code 1967, § 6-211)

**Cross references:** Nuisance generally, Ch. 19.

Sec. 34-26. Dutch elm disease.

(a) Regulation of the state department of agriculture declares elm **trees** and wood infected by Dutch elm disease to be a public menace. In connection with other public acts of the state, this regulation provides the framework for municipal control of diseased **trees** on private as well as public property.

(b) **Trees** of all species and varieties of elm, zelkova and planera affected with the fungus *Ceratostomella ulmi*, as determined by laboratory analysis, are hereby declared to be a public nuisance, and shall be removed and burned within ten days following notification of the discovery of such infection. It shall be unlawful for any person being the owner of property whereon such a **tree** is situated, to possess or keep such a **tree** after the expiration of ten days following notification of the discovery of the infection.

(c) **Trees** or parts thereof of elm, zelkova or planera in a dead or dying condition, that may serve as a breeding place for the European elm bark beetle, *scoyltus multisariatus*, are hereby declared to be a public nuisance, and it shall be unlawful for the person owning property whereon the same is situated to possess or keep the same.

(d) The city manager or his designate is charged with enforcement of this section, and to that end may enter upon private property at all daylight hours for purposes of inspecting **trees** thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected; and it shall be unlawful for any person to interfere with or obstruct such officer in the lawful performance of this duties hereunder.

(e) If **trees** on private property are found to be infected, the city shall give written notice to the owner or occupant of the premises where such **tree** or **trees** are situated of the existence of such disease, and requiring the removal and burning of such **trees** within a period of ten days following such notice, such removal and burning to be under the direction and supervision of city officials or employees. Such notice shall also notify the owner or occupant of the premises that unless such **tree** is removed and burned in compliance with the terms thereof within such ten-day period, the city will proceed with the removal and burning of such **tree**, and assess the cost thereof against the property as a special assessment.

(f) **Trees** on public lands within the city which have become so infected shall be removed and burned at city expense.

(Code 1967, § 6-212)