

Chapter 99

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GENERAL PROVISIONS

Sec. 99.01. Use of streets for sales or exhibitions; permit required.

It shall be unlawful for any person, firm, or corporation to occupy any portion of the public streets, alleys, lanes, or highways of the city for the sale or giving away of any merchandise, commodities, or supplies, or to occupy any portion of the public streets, alleys, lanes, or highways for the purpose of holding thereon any carnival or other exhibition or entertainment without obtaining permission therefor from the City Council and paying the fee required to be paid by the City council.

(Code 1967, § 3-201) (Ord. passed 4-6-31) Penalty, see § 10.99.

Sec. 99.02. City to assist in de-icing of parking lots.

The city shall assist in the de-icing of public parking lots for commercial, school, and church parking areas after heavy ice storms or severe freezing rains are experienced in the city.

inspections will be approved on the premises until such charges have been paid in full.

- (c) The City of Flushing shall have a lien for expenses and incurred in removing the prohibited materials and restoring the public right-of-way to its prior condition. A lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. The lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, MCL 211.1 to 211.157.

(Ord. No. 99, 1-28-02)

Section 99.68. Inspections and Enforcement; Civil Infraction.

- (a) The building official or director of the Department of Public works is hereby charged with the inspections and enforcement under this Code and it shall be that official's duty to enforce this Code.
- (b) A person who violates this ordinance by failing to comply with a notice posted within 24 hours, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$2,500.00.

(Ord. No. 99, 1-28-02)

TREES

Sec. 99.70. Title.

This subchapter shall be known and may be cited as the Tree Subchapter of the city. (Code 1967, § 3-601) (Ord. passed 4-26-71)

Sec. 99.71. Authority of city forester.

- (a) The City Manager or his designee shall act in the capacity of City Forester and shall exercise the powers and duties prescribed in this subchapter. (Code 1967, § 3-602)
- (b) The City Forester shall have the jurisdiction and supervision over all trees, other plants, and grassy areas planted or growing in public places.
 - (1) Preserve or remove. The City Forester shall have the authority to plant, trim, spray, preserve, and remove trees, other plants, and grassy areas in public places to ensure safety or preserve the symmetry and beauty of these public places.
 - (2) Order to preserve or remove. The City Forester shall have the authority to order the trimming, preservation, or removal of trees or plants upon private property when he shall find this action necessary to public safety or to prevent the spread of disease or insects to public trees and places.

- (3) Supervision. The City Forester shall have the authority to supervise all work done under a permit issued in accordance with the terms of this subchapter.
- (4) Issuance of conditional permit. The City Forester shall have the authority to affix reasonable conditions to the grant of a permit hereunder.
(Code 1967, § 3-603) (Ord. passed 4-26-71)

Sec. 99.72. Permit required for planting or altering tree; standards for issuance.

No person shall plant, set out, trim, spray, preserve, or remove trees, other plants, and grassy areas in public places without first filing an application and procuring a permit from the City Forester.

- (a) Application data. The application required herein shall state the number and kind of trees to be planted, set out, trimmed, sprayed, preserved, or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining property; and such other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should issue hereunder.
- (b) Standards for issuance. The City Forester shall issue the permit provided for herein when he finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory and the ordinances and specifications of the city are complied with.
- (c) Species. The City Forester may specify size and species of tree or plant to be planted or set out, as set forth in the Flushing Zoning Ordinance, Sec. 153.800, et seq.
(Code 1967, § 3-604) (Ord. passed 4-26-71) Penalty, see § 99.99. (Am. Ord. 99, passed 8-11-08)

Sec. 99.73. Duties of private owners.

- (a) It shall be the duty of any person growing a tree or plant within a public right-of-way or responsible for trees or plants growing on property abutting public places to:
 - (1) Trim his trees so as not to cause a hazard to public places or interfere with the proper lighting of public streets, alleys, or thoroughfares by the streetlights, and so that the minimum clearance of any overhanging portion above a public thoroughfare used for vehicular traffic shall be 12 feet. Minimum clearance above sidewalks shall be seven feet.
 - (2) Treat or remove any tree or plant so diseased or insect-ridden as to constitute a hazard to trees or plants in public places.

- (b) It shall be the duty of any private owner to trim, preserve, or remove trees or plants upon private property when this action is necessary to public safety or to prevent the spread of disease or insects to public trees and places.
(Code 1967, § 3-605) (Ord. passed 4-26-71) Penalty, see § 99.99.

Sec. 99.74. Corner clearance.

No tree, shrub, hedge, or other planting more than three feet in height shall be planted, placed, or maintained on a corner lot within the triangular area formed by the nearest intersecting street lines and a straight line joining the street lines at points which are 30 feet distances from the point of intersection, measured along the street lines.
(Code 1967, § 3-606) (Ord. passed 4-26-71) Penalty, see § 99.99

Sec. 99.75. Trees at sewer connection.

No person shall plant or maintain any tree other than one of those varieties approved by the City Forester in accordance with city specifications within 20 feet of any sewer connection.
(Code 1967, § 3-607) (Ord. passed 4-26-71) Penalty, see § 99.99.

Sec. 99.76. Abuse or mutilation of trees or plants in public places.

No person shall do any of the following acts to any of the trees or plants in public places:

- (a) Damage, cut, carve, transplant, or remove any tree or plant or injure the bark;
- (b) Pick the flowers or seeds of any tree or plant;
- (c) Attach any rope, wire, sign, or other contrivance to any tree or plant;
- (d) Dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area; or
- (e) Cause or permit any wire charged with electricity to come in contact with any tree or plant or allow any gaseous, liquid, or solid substance which is harmful to such trees or plants to come in contact with them.

(Code 1967, § 3-609) (Ord. passed 4-26-71) Penalty, see § 99.99.

Sec. 99.77. Procedure to preserve or remove tree.

When the City Forester shall find it necessary to order the trimming, preservation, or removal of trees or plants upon private property as authorized in §99.71 (b)(2), he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant, or other person responsible for its existence.

- (a) Method of service. The order required herein shall be served by:

- (1) Making personal delivery of the order to the person responsible;
 - (2) Leaving the order with some person of suitable age and discretion upon the premises;
 - (3) Affixing a copy of the order to the door at the entrance of the premises in violation.
 - (4) Mailing a copy of the order to the last known address of the owner of the premises, by registered mail; or
 - (5) Publishing a copy of the order in a local paper once a week, for three successive weeks.
- (b) Time for compliance. The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or public property, the City Forester shall have the authority to require compliance immediately upon service of the order.
- (c) Appeal from order. A person to whom an order hereunder is directed shall have the right, within three days of the service of the order, to appeal to the Zoning Board of Appeals, who shall review the same in accordance with the city code. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with the order within five days after an appeal shall have been determined.
- (d) Failure to comply. When a person to whom an order is directed shall fail to comply within the specified time, the City Forester shall remedy the condition or contract with others for this purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.
- (e) Assessment. If the cost of remedying a condition is not paid within 30 days after receipt of a statement therefore from the City Forester, the cost shall be levied against the property upon which the hazard exists, as an assessment. The levying of this assessment shall not affect the liability of the person to whom the order is directed to fine and imprisonment as provided by the city code. The assessment shall be certified by the City Forester to the City Treasurer and shall thereupon become and be a lien upon the property, shall be included in the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as other taxes against the property.

(Code 1967, § 3-608) (Ord. passed 4-26-71) Penalty, see §99.99.

Sec. 99.78. Guide for selection and planting of trees.

(a) In order to maintain an aesthetically desirable environment and enhance the charm of the community, trees must be selected carefully, then watched over until they become established. The regulations that follow are intended to act as a guide in the selection, planting, and care of shade and ornamental trees and shrubs in the city.

(b) The following varieties of trees, and respective planting locations along city streets are hereby prescribed by the City Forester:

(1) Large trees. Minimum width of parkway, six feet. Minimum spacing of trees, 55 feet.

Scarlet oak	-	Quercus coccinea
Pin oak	-	Quercus palustris
Red oak	-	Quercus borealis
White oak	-	Quercus alba
Bur oak	-	Quercus macrocarpa
Black oak	-	Quercus velutina
Thornless honeylocust	-	Gleditsia shadmaster or skyline
Male Ginkgo	-	Ginkgo biloba
Sweet gum	-	Liquidambar styrociiflua
London plane	-	Acer pseudoplatanus
Sugar maple	-	Acer saccharophorum
Red maple	-	Acer rubrum
Norway maple	-	Acer platanoides

(2) Medium trees. Minimum width of parkway, four feet. Minimum spacing of trees, 40 feet.

Littleleaf linden	-	Tilia Americana
Mountain ash	-	Sorbus aucuparia
Hedge maple	-	Acer palmatum
English oak	-	Quercus robur

(3) Small trees. Minimum width of parkway, four feet. Minimum spacing, 30 feet (columnar trees to 20 feet).

American hornbeam	-	Carpinus caroliniana
Hornbeam	-	Carpinus b. fastigiata
Washington hawthorn	-	Crataegus cordata
Kwanzan cherry	-	Prunus serrulata kwanzan
Amur maple	-	Acer ginnala
Crabapple	-	Malus zumi calacarp

(c) Planting approval.

- (1) No person shall plant any shade or ornamental tree, plant, or shrub in any public highway or park until the City Forester has approved the kind, size, variety, and designated location.
 - (2) When planted, the minimum size of prescribed varieties shall have a diameter caliper of at least one and one-half inches measured at a distance of six inches above the ground level.
- (d) Undesirable trees. The following trees are hereby declared unfit for planting on or near city streets and are prohibited:
- (1) Ailanthur.
 - (2) American sycamore.
 - (3) Boxelder.
 - (4) Elms – all species.
 - (5) Poplars.
 - (6) Aspens.
 - (7) Silver maple.
 - (8) Willows.
- (e) Nuisances declared. The following varieties of trees shall be considered a nuisance and are hereby prohibited from future planting on all lands within the city:
- (1) American elms.
 - (2) Box elders.
- (f) New subdivisions. As prescribed by the subdivision regulations, one tree shall be planted on each newly platted lot in conformity with the aforementioned approved varieties and planting locations. Planting of these trees should not, however, be accomplished until curb and sidewalk are in place and the final grading of lawns and parkways has been completed. The city may require a bond to ensure proper compliance with this section.
- (g) Planned developments. The city reserves the right to review and approve the planting varieties and locations for trees and shrubs as may be required for screening and placement along public streets in lieu of compliance with tree planting in new subdivisions.

- (h) Tree ordinance regulations. All provisions of § 152.48 shall apply herein and all provisions of Chapter 153 in conflict herein shall control, including, but not limited to, Section 153.109(K) and (L); and, 153.801, et seq.
(Ord. passed 5-24-71) Penalty, see § 99.99. (Am. Ord. 99, passed 8-11-08)

Sec. 99.99. Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500, or by imprisonment not to exceed 90 days, or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.
(Code 1967, § 3-510)