

Village of Fowlerville, MI - Tree Ordinance

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Chapter 86 - VEGETATION >> ARTICLE III. – TREES

DIVISION 2. - REGULATIONS APPLICABLE ON PUBLIC PROPERTY

Sec. 86-86. - Duty of village.

It shall be the duty of the village, through the department of public works, to cut, prune, or remove any **tree** bordering or within any public right-of-way on any street within the boundaries of the village in accordance with this division.

(Ord. No. 209, § 2, eff. 3-19-1980)

State law reference—Authority to provide for and regulate the trimming of **trees in or that overhang public highways, streets, avenues, MCL 67.21, MSA 5.1305.**

Sec. 86-87. - Planting by private owners.

Before the planting of any **tree** in the village right-of-way by any property owner or person owning or occupying real property bordering any street of the village, the property owner or occupant shall apply for and receive the permission of the village manager or the village council with regard to the planting of the **tree** and its species.

(Ord. No. 209, § 3, eff. 3-19-1980)

State law reference—Authority to regulate the planting of **trees in public highways, streets and avenues, MCL 67.21, MSA 5.1305.**

Sec. 86-88. - Abuse or mutilation of public **trees.**

Unless specifically authorized by the village council, no person shall intentionally do any of the following to a public **tree**:

- (1) Damage, cut, carve, transplant or remove such **tree**;
- (2) Attach any rope, wire, nails, advertising posters, or other contrivance to any such **tree**;
- (3) Allow any gaseous liquid or solid substance which is harmful to such **tree** to come in contact with it; or
- (4) Set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any **tree**.

(Ord. No. 209, § 7, eff. 3-19-1980)

Sec. 86-116. - Duty of private owners for cutting and pruning.

(a)

It shall be the duty of any person owning or occupying real property bordering any street, upon which property there may be **trees** not in the public right-of-way, to prune such **trees** in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, or obstruct vision of traffic signs.

(b)

The minimum clearance of any tree overhanging a portion of a street shall be ten feet over sidewalks and 12 feet over all streets except truck routes, which shall have a clearance of 16 feet.

(Ord. No. 209, § 4, eff. 3-19-1980)

State law reference—Authority to provide for and regulate the trimming of trees in or that overhang public highways, streets, avenues, MCL 67.21, MSA 5.1305.

Sec. 86-117. - Notification by village to cut or prune.

If any person owning real property bordering on any street not in the public right-of-way fails to prune trees in accordance with the minimum clearances as provided in this division, the council shall order such person to prune such trees within 15 days after receipt of written notice by the person. Notification shall be sent to the last known address of the property owner by certified mail, return receipt requested.

(Ord. No. 209, § 5, eff. 3-19-1980)

Sec. 86-118. - Failure to correct or comply.

(a)

If the owner or occupant of real property, when required to prune, cut or remove trees according to this division, shall fail to comply within the specified time, it shall be lawful for the village to prune, cut or remove such trees. The exact costs of pruning, cutting or removing such trees shall be assessed to the owner.

(b)

Whenever the village is required to prune, cut or remove trees pursuant to provisions of this division, the village department of public works director is hereby authorized and directed to keep an accurate account of all expenses incurred, and, based upon these expenses, to issue a certificate determining and certifying the reasonable cost involved for the work with respect to each parcel of property in accordance with the council resolution.

(c)

Within ten days after receipt of the certificate, the village treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown as the owner by the last current tax roll and the assessment shall be payable to the village treasurer within 30 days from the date the statement was forwarded.

(d)

If the owner of a lot, lots or premises fails to pay the bill within 30 days from the date the bill is mailed, the council may cause the amount of the expense incurred, together with a penalty and administrative fee of ten percent, to be levied by them as a special assessment upon the lot, lots or premises as provided in this Code for single lot assessments, or the amount thereof shall be collected by court action.

(Ord. No. 209, § 6, eff. 3-19-1980; Ord. No. 401, § 11, 2-4-2008)
