

# City of Grand Blanc – Tree Ordinance

6/17/05

## **CHAPTER 1026**

### **Trees**

1026.01 Purpose.

1026.02 Authority of Public Works Director; authority to enact chapter.

1026.03 Application of chapter.

1026.04 Definitions.

1026.05 Review of landscaping plans.

1026.06 Tree planting, maintenance and removal.

1026.07 Removing or damaging public trees.

1026.08 Private trees.

1026.09 Enforcement.

1026.10 Appeals.

1026.99 Penalty.

#### CROSS REFERENCES

Authority of Council re trees - see CHTR. Ch. 14, Secs. 1, 2, 8

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 752.751 et seq.

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

#### 1026.01 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and general welfare, as well as to enhance the quality of life, by providing for the regulation of planting, maintenance, and removal of trees, shrubs and other plants within the City of Grand Blanc. (Ord. 216. Passed 10-10-90.)

#### 1026.02 AUTHORITY OF PUBLIC WORKS DIRECTOR; AUTHORITY TO ENACT CHAPTER.

The Director of Public Works or his or her designee shall have the authority to plant, maintain, protect or remove trees, shrubs and other plants within the City of Grand Blanc. The authority to enact this chapter is derived from the Home Rule Act, Act. 279 of the Public Acts of 1909, as amended (M.S.A. 5.2083). (Ord. 216. Passed 10-10-90.)

#### 1026.03 APPLICATION OF CHAPTER.

This chapter provides full power and authority over all trees, shrubs and plants located within the street rights-of-way, parks, and public places of the City, and over trees, shrubs and plants, public or private, which constitute a hazard, prohibited tree, public nuisance, or diseased or infected tree as described herein. (Ord. 216. Passed 10-10-90.)

#### 1026.04 DEFINITIONS.

As used in this chapter:

- a. "Tree" means a woody perennial plant with one main stem or trunk, ordinarily growing to considerable height and usually developing many branches at some distance from the ground.
- b. "Shrub" means a woody plant smaller than a tree, usually having multiple permanent stems that branch from or near the ground.
- c. "Plant" means a young tree, shrub, vine or herb.
- d. "Designee" means a person or firm contracted for by the City for evaluating, planting, maintaining, or removing trees, shrubs or plants within the City of Grand Blanc.
- e. "Park" means any area owned by the City and to which the public has access for the purpose of passive or active recreation.
- f. "Public tree" means any tree, shrub, or plant located within the street rights-of-way, parks or public places of the City.
- g. "Private tree" means any tree, shrub, or plant located within the City on the property of a resident or business owner.
- h. "Right-of-way" means that area controlled, developed and/or maintained by the City.
- i. "Prohibited tree" means any tree specifically listed as not permitted as per Sec. 1708, Paragraph 5(e), of the Zoning Ordinance of the City of Grand Blanc.
- j. "Nuisance" means any public or private tree which has been evaluated by the Director of the Department of Public Works or his or her designee to be diseased, infested or a public hazard.
- k. "Diseased or infested tree" means any tree with a fatal or communicable disease or infestation.
- l. "Hazard" means any public or private tree or part thereof which has been evaluated by the Director of the Department of Public Works or his or her designee to be a danger to the life, health or property of the public.
- m. "Topping" means the severe cutting back of tree limbs or the crown, removing the normal canopy of the tree.
- n. "Private property" means all property within the City not owned or controlled by the City. (Ord. 216. Passed 10-10-90.)

#### 1026.05 REVIEW OF LANDSCAPING PLANS.

In new subdivisions or when the development of commercial property occurs, the Planning Commission will review landscaping plans and may require trees to be planted as per Sec. 1708 of the Zoning Ordinance. (Ord. 216. Passed 10-10-90.)

#### 1026.06 TREE PLANTING, MAINTENANCE AND REMOVAL.

- a. Planting Public Trees.
  1. Only the Director of Public Works or his or her designee shall have the authority to plant trees within the street rights-of-way, parks, and public places of the City.
  2. Trees may be planted within the street rights-of-way, parks, and public places of the City by private citizens or businesses after first obtaining written permission from the Director of Public Works or his or her designee.
  3. No prohibited trees may be planted within the street rights-of-way, parks, or public places of the City.
- b. Planting Private Trees. Citizens are encouraged to plant and nurture trees, shrubs and plants on their private or commercial property to further beautify the City and enhance the environment.

- c. Spacing.
  - 1. The location and spacing of public and private trees and other plantings shall be appropriate to the species planted and shall be determined by the Director of the Department of Public Works or his or her designee.
  - 2. No public or private tree shall be planted that will interfere with overhead utility wires or underground water, sewage or utility lines.
- d. Signs and Fastenings. No person shall fasten any sign, card or poster, wire, rope or other material to, around, or through any tree except in emergencies such as storms or accidents. Signs must be removed after the abatement of emergencies by the persons who placed the same.
- e. Topping or Removal. It shall be unlawful for any person, firm or business to top or remove any public tree without the express written approval of the Director of the Department of Public Works or his or her designee. (Ord. 216. Passed 10-10-90.)

#### 1026.07 REMOVING OR DAMAGING PUBLIC TREES.

The removal, cutting, maiming, breaking, or altering of a public tree, in such a way as to cause harm to such public tree, by any person other than the Director of the Department of Public Works or his or her designee, is prohibited and shall be considered a violation of this chapter. (Ord. 216. Passed 10-10-90.)

#### 1026.08 PRIVATE TREES.

- a. When the Director of the Department of Public Works or his or her designee suspects a tree, shrub or plant on private property to be diseased, infested or a public nuisance, he or she shall cause written notice to be served upon the owner of the property specifying his or her authority and intent to enter onto the private property for the specific purpose of evaluating the tree, shrub or plant which is suspected to be diseased, infested or a public nuisance. A reasonable response time shall be delineated at the time of notification.
- b. Upon discovery of any communicable disease, pestilence or infestation which endangers the growth or health of trees, or upon the discovery of any hazard, the Director of Public Works or his or her designee shall cause written notice to be served to the owner of the property, describing the tree, its location and the nature of the infestation, disease or public nuisance. This notice shall specify the steps deemed necessary by the Director of the Department of Public Works or his or her designee to remedy the situation. Such steps may include pruning, spraying or removal of the diseased or infested tree to eradicate or control the infestation, disease or hazard. A reasonable response or compliance time shall be delineated at the time of notification in accordance with the nature and severity of the infestation, disease or hazard.
- c. Failure to comply with the written notice shall result in one or more of the following:
  - 1. The City or its designee shall prune, spray or remove the tree in question at the owner's expense.
  - 2. The bill for pruning, spraying or removal, if not paid within sixty days, shall be added to the tax bill of the owner. (Ord. 216. Passed 10-10-90.)

#### 1026.09 ENFORCEMENT.

- a. Public Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal,

trimming, spraying and treatment of all trees, shrubs, and plants on any street right-of-way, park or other public place in the City.

- b. Private Trees. The Director of the Department of Public Works shall have the power to promulgate and enforce rules, regulations and specifics concerning the planting, removal, trimming, spraying and treatment of only such private trees as are deemed a public nuisance. (Ord. 216. Passed 10-10-90.)

#### 1026.10 APPEALS.

All appeals of penalties shall be heard and decided upon by the City Council. Such appeals must be noticed before the next City Council meeting after written notice has been given, pursuant to this chapter. (Ord. 216. Passed 10-10-90.)

#### 1026.99 PENALTY.

Any person violating any provision of this chapter, or who fails to comply with any notice issued pursuant to this chapter, shall be subject to a fine not to exceed five hundred dollars (\$500.00) and, if replacement of public trees, shrubs or plants is necessary because of the violation, the replacement value shall be determined by the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture, or updates or amendments thereafter. (Ord. 216. Passed 10-10-90.)