

City of Grandville, MI – Tree Ordinance 2009 (www.municode.com)

ARTICLE II. STREET TREES

Sec. 27-26. 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:

City forester means the city manager of the City of Grandville or other person designated by the city council.

Street tree or *tree* means a tree in a public place or immediately adjacent to a public street, except where otherwise indicated.

(Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27.042)

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

Sec. 27-27. Permits required.

(a) *Preserve or remove.* No person shall trim, spray, preserve, or remove trees, other plants, or grassy areas in public places without first filing an application and procuring a permit from the city forester.

(1) *Application data.* The application required by this subsection (a) shall state the number and kinds of trees to be 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 for a fair determination of whether a permit should issue pursuant to this subsection (a).

(2) *Standards for issuance.* The city forester shall issue the permit provided for in this subsection (a) when he finds that the desired action or treatment is necessary and that the proposed method and workmanship are necessary. Such permit shall expire sixty (60) days from the date of its issuance or may be revoked upon written notice by the city forester.

(3) *Fees.* Fees for such permits may be charged in such amounts as may be established by the city council by resolution.

(b) *Planting.* No person shall plant or set out any tree or plant in a public place without first filing an application and procuring a permit from the city forester.

(1) *Application data.* The application required by this subsection (b) shall state the number of trees or plants to be planted or set out; the location, grade, and variety of each tree or plant; the method of planting, including the supplying of suitable soil; and such other information as the city forester shall find reasonably necessary for a fair determination of whether a permit should issue pursuant to this subsection (b).

(2) *Standards for issuance.* The city forester shall issue the permit provided for in this subsection (b) when he finds that the proposed plantings conform as to species and location to the street tree plan.

(3) *Large scale planting procedure.* Upon receipt of an application for a permit to plant or set out in excess of six (6) trees or plants, the city forester shall have the authority to

require a drawing showing location of each species and such other information as he shall require. Information shall be presented in a manner as prescribed by the city forester. (Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27.044(A), (B)(1)-(3))

Sec. 27-28. Authority of city forester.

- (a) *Generally.* The city forester shall have exclusive jurisdiction and supervision over all trees, other plants, and grassy areas planted or growing in public places.
 - (b) *Preserve or remove.* The city forester shall have the authority and it shall be his duty 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 such public places.
 - (c) *Order to preserve or remove.* The city forester shall have the authority and it shall be his duty to order the trimming, preservation, or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.
 - (d) *Supervision.* The city forester shall have the authority and it shall be his duty to supervise all work done under a permit issued in accordance with the terms of this article.
 - (e) *Issue conditional permit.* The city forester shall have the authority to affix reasonable conditions to the grant of a permit under this article.
- (Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27.043)

Sec. 27-29. Duties of private owners.

- It will be the duty of any person growing a tree within a public highway or responsible for trees growing on property abutting on public places supporting trees or plants to:
- (1) *Trim.* Trim his trees so as not to cause a hazard to public places or interfere with the proper lighting of a public highway and so that minimum clearance of any overhanging portion thereof shall be nine (9) feet.
 - (2) *Treat or remove damaged trees.* Treat or remove any tree or plant so diseased or insect-ridden as to constitute a hazard to trees or plants in public places.
 - (3) *Remove and refrain from planting prohibited species.* Remove and refrain from planting any of the following species, unless approved in writing by the city forester: Poplar, Boxelder, Basswood, Soft Maple, Catalpas, Mulberry Cottonwood, fruit trees, or others which, in the opinion of the city forester are objectionable.
 - (4) *Trees on private property.* Trees on private property adjacent to the sidewalk or other public property shall not be less than three (3) feet therefrom and shall not interfere with any fire hydrant, public or private water main, traffic-control device, highway, or sidewalk.
- (Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27.045)

Sec. 27-30. Procedure upon order to preserve or remove.

- (a) *Authority of city forester.* 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 section 27-28(c), he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant, or other person responsible for its existence.
- (b) *Method of service.* The order required by this section shall be served in one of the following ways:

- (1) By personal delivery of order to the person responsible;
- (2) By leaving the order with some person of suitable age and discretion upon the premises;
- (3) By affixing a copy of the order to the door at the entrance of the premises in violation;
- (4) By mailing a copy of the order to the last known address of the owner of the premises by certified mail; or
- (5) By publishing a copy of the order in a newspaper of local circulation for three (3) successive weeks.

(c) *Time for compliance.* The order required by this section 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.

(d) *Appeal from order.* A person to whom an order is directed shall have the right to appeal to the city council by filing such appeal in writing with the city clerk within forty-eight (48) hours of the service of such order. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed, within two (2) days after an appeal shall have been determined.

(e) *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 such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made pursuant to this subsection shall be authorized to enter the premises for that purpose.

(f) *Special assessment.* If the cost of remedying a condition is not paid within ninety (90) days after receipt of a statement therefor from the city forester, such cost shall be levied against the property upon which the hazard exists, as a special assessment. The levy of such assessment shall not affect the liability of the person to whom the order is directed to other remedies, penalties, or fines as provided in this article. Such special assessment shall be certified by the city forester to the city treasurer and shall thereupon become and be a lien upon such property, shall be included in the next tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

(Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27.046; Ord. No. 213, § 15, eff. 5-26-95)

Sec. 27-31. Regulations for planting along streets or in a public place.

Work done under a permit issued under this article shall be performed in strict accordance with the terms thereof and with the following regulations established for planting, trimming, and care of trees:

- (1) Trees must not be less than one (1) inch in diameter of trunk one (1) foot above the ground.
- (2) All trees from one (1) inch to three (3) inches in diameter of trunk one (1) foot above the ground must be protected and supported by tree guards.
- (3) No tree shall be placed so as, in the opinion of the city forester, to cause a traffic hazard.

- (4) In felling trees, the same must be removed with root stump grubbed out when so required by the city forester.
 - (5) All cuts above one (1) inch in diameter must be waterproofed.
 - (6) Trees shall be planted at least thirty (30) feet apart, except where a special permit is obtained from the city forester.
 - (7) No tree shall be planted where the clear space between the curb and sidewalk is less than five (5) feet.
 - (8) No tree shall be planted where the soil is too poor to ensure the growth of such tree, unless the owner excavates a suitable hole of not less than thirty-six (36) cubic feet and replaces the material removed with suitable loam or stripped soil.
 - (9) No tree shall be planted nearer than two (2) feet from the curblineline or outer line of the sidewalk unless a special permit is granted by the city forester.
 - (10) No tree shall be planted on any street except of the variety selected by the city forester for that street.
- (Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977, § 27 .044(B)(4))

Sec. 27-32. Abuse or mutilation of trees.

No person shall:

- (1) Damage, cut, carve, transplant, or remove any tree or plant or injure the bark;
- (2) Pick the flowers or seeds of any tree or plant;
- (3) Attach any rope, wire, or other contrivance to any tree or plant;
- (4) Dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area; or
- (5) 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.

(Ord. No. 103, eff. 10-23-60; Comp. Ords. 1977 § 27.047)

Sec. 27-33. Street trees violation as civil infraction; authorized official.

(a) A person who violates any provision of this article is, in addition to other remedies available at law, responsible for a municipal civil infraction in accordance with section 1-9 of this Code; and subject to payment of a civil fine, plus costs and other sanctions, for each infraction or repeat offense, as provided by section 1-9(c) of this Code.

(b) The city forester is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing the alleged violator to appear at the municipal ordinance violation bureau) as provided in this Code.

(Ord. No. 213, § 16, eff. 5-26-95)