

City of Grosse Pointe, MI - Tree Ordinance

ARTICLE III. TREE REGULATIONS

Sec. 82-51. 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:

Department means the department of parks of the city.

Park means all public parks having individual names, and all areas owned by the city to which the public has free access as a park.

Prohibited species means any tree of the species of poplar (*Populus Sp.*), willow (*Salix Sp.*) and box elder (*Acer Negundo*).

Public utility means any person owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

Street means all the land lying between property lines on either side of all streets, highways and boulevards in the city.

Tree means trees, shrubs, bushes and all other woody vegetation.

(Code 1980, § 3.51(1)--(6))

Cross references: Definitions generally, § 1-2.

Sec. 82-52. Scope.

The provisions of this article, except as otherwise specifically stated in this article, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

(Code 1980, § 3.51(7))

Sec. 82-53. Enforcement officer.

The city manager shall be charged with the duty of enforcing the provisions of this article.

(Code 1980, § 3.52)

Sec. 82-54. Permits for tree planting, care, removal.

The city manager shall have control over all trees located within the street right-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this article. The owner of land abutting on any street may, upon obtaining prior written permission of the city manager, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the city manager is authorized, in his discretion, to require, as a condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the department and assume all or any part of the costs of removing such tree.

(Code 1980, § 3.53)

Sec. 82-55. Public tree removal.

The department shall have the right to plant, trim, spray, preserve, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The city manager may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, or which is of a prohibited species, or is affected with any injurious disease, fungus, insect or otherpest. Whenever the department shall remove any tree, plant or shrub, solely for the purpose of constructing any public work, the city manager shall, if practicable, replace the same at public expense, at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

(Code 1980, § 3.54)

Sec. 82-56. Planting, spacing of shade, ornamental trees.

Future plantings of shade and ornamental trees in the streets, parks and public places of the city may be done by the department upon payment of certain fees and charges and in accordance with such rules and regulations as may be established by the city council insofar as such rules and regulations do not conflict with any other provisions of this article. No future planting of shade and ornamental trees or shrubs in the highways, parks and public places by owners or anyone employed by them shall be permitted without the approval of the city manager and in compliance with the following rules as to spacing: Elm trees shall be spaced not less than 40 feet, oak trees not less than 35 feet, and other shade and ornamental trees not less than 30 feet. However, any owner of a single lot may, in order to provide a shade or ornamental tree in front of his lot, secure special permission from the department to plant a shade or ornamental tree within a less distance from an existing tree than the spacing abovementioned, but shall in no case make special planting within 20 feet of any existing shade or ornamental tree located in the street or other public place. No tree shall be planted in parkways between the curb and sidewalk less than 3 1/2 feet from the curblines, nor less than three feet from the sidewalk; provided, however, where the parkways are less than six feet six inches in width any trees planted therein shall be located not less than two feet six inches from the curb and as near midway between the curb and sidewalk as possible. No tree shall be planted nearer to the intersection of any streets than 20 feet from the corner of the intersection.

(Code 1980, § 3.55)

Sec. 82-57. Tree protection.

No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire within ten feet of any tree, or permit any fire, or the heat thereof, to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree. No electric wires or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electricinsulation to any tree. No person shall use any tree as an anchor except by special written permit from the city manager, and no material shall be fastened to or hung on any tree. All persons having under their

care, custody or control facilities which may interfere with the trimming or removal of any tree shall, after notice thereof by the department, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the department.
(Code 1980, § 3.56)

Sec. 82-58. Excavations near trees.

Excavations and driveways shall not be placed within five feet of any tree without written permit from the city manager. Any person making such excavation or construction shall guard any tree within six feet thereof with a good substantial frame box to be approved by the department, and all building material or other debris shall be kept at least four feet from any tree.

(Code 1980, § 3.57)

Sec. 82-59. Covering surface near trees.

No person shall place within the street right-of-way any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

(Code 1980, § 3.58)

Sec. 82-60. Gas main leakage.

Gas pipes or mains within any public rights-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. If a leak exists or occurs, it shall be reported to the owner of the pipe and main, and the leak shall be repaired within 24 hours. Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired, and the cost of the work, including the cost of removal and the replacement of any trees, shall be levied against the owner of the pipe or main causing the damage.

(Code 1980, § 3.59)

Sec. 82-61. Private trees; clearance, trimming.

Every owner of any tree on private property overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or right-of-way. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

(Code 1980, § 3.60)

Sec. 82-62. Corner clearance.

All shrubs and bushes located at or adjacent to a street intersection shall conform to the requirements of chapter 90. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this section or section 82-61 shall be notified by the city manager, in the manner provided in section 1-14, to do so and such notice shall require

trimming in conformity with this section within ten days after the date of the notice. Upon the expiration of such period, the city manager may cause the trimming to be done and the cost thereof may be collected from the owner of the property as a single lot assessment in accordance with section 1-15.

(Code 1980, § 3.61)

Sec. 82-63. Private trees; diseases and infestations.

When the city manager shall discover that any tree growing on private property within the city is afflicted with any dangerous and infectious insect infestation or tree disease, he shall forthwith serve a written notice upon the owner or his agent, or the occupant of the property, in the manner specified in section 1-14, describing the tree, its location and the nature of the infestation or tree disease and ordering the owner, agent and occupant to take such measures as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within ten days after service thereof, upon the owner, agent or occupant of the property on which the afflicted tree is located, or within such additional time as may be stipulated in the notice.

(Code 1980, § 3.62)

Sec. 82-64. Diseased elms declared nuisance.

Any elm tree within the city which is found to be infected with the Dutch elm disease fungus (*Ceratostomella ulmi*), or any elm tree, or parts thereof, which are dead or dying and serve as a breeding place for the bark beetles (*Scolytus multistriatus* and *Hylurgopinus rufipes*), which carry and transmit Dutch elm disease, is declared a public nuisance.

(Code 1980, § 3.64)

Sec. 82-65. Elm tree condemnation and removal.

Every person who owns or has under his control an elm tree within the city limits which has been condemned as a public nuisance shall cut down and remove it. Any owner or person in control of any condemned elm tree located within the city limits who shall fail or refuse to cut down and remove it within 15 days after having been notified so to do by the city shall be guilty of a violation of this Code and shall be punished as provided in section 1-13. If, at the expiration of the 15-day time limit in the notice, the requirements thereof have not been complied with, the city manager shall cause the condemned elm tree to be cut down and removed. The cost of the nuisance abatement shall be charged against the premises and the owner in accordance with provisions of section 1-15.

(Code 1980, § 3.65)

Sec. 82-66. Inspections.

The city shall have power to go upon any private lands for the purpose of inspection and determining whether any elm tree located thereon is or may be infected with Dutch elm disease, and if any elm tree is found to be so infected to place a distinguishing mark thereon, by blaze or otherwise.

(Code 1980, § 3.66)

Sec. 82-67. Lawn extensions.

On residence streets, the abutting owner or occupant may maintain a planting strip on the lawn extension between the sidewalk and curb and may plant flowers, trees and shrubbery therein in conformity with this article. No person shall willfully injure or destroy any grass, flower, tree or shrub upon any such planting strip or throw any papers, refuse or other thing thereon. No person shall drive an automobile, bicycle or other vehicle upon or over any such planting strip.

(Code 1980, § 3.67)

Sec. 82-68. Overhead lines; trimming permits.

The city manager shall grant permission to public utilities to trim and keep trimmed all trees within the streets, alleys, parks and public places of the city, in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices and under the general direction of the department. Such permission, as provided for in this section, shall require reasonable prior notice to the city before any work is commenced thereunder. Provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of the public utilities, prior notice of commencing work under the permit shall not be required. The word "emergency" as used in this section shall be defined to mean the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.

(Code 1980, § 3.68)