

City of Highland Park, MI – Tree Ordinance

http://library1.municode.com/minutes/home.htm?infobase=50019&doc_action=whatsnew

CHAPTER 1026

Trees, Plants and Shrubs

- 1026.01 Definitions.
- 1026.02 Inspections.
- 1026.03 Care and treatment.
- 1026.04 Planting; permit required.
- 1026.05 Permit applications; investigations; granting; revocation.
- 1026.06 Trimming, spraying and destruction.
- 1026.07 Business permit required.
- 1026.08 Compliance with rules and regulations.
- 1026.09 Placement and kinds of trees.
- 1026.10 Attaching ropes, cables and advertising materials to trees.
- 1026.11 Mutilation of trees for improvements or moving of buildings.
- 1026.12 Tree surgery.
- 1026.13 Removal or replanting.
- 1026.14 Infected vegetation.
- 1026.15 Obstructing view of traffic.
- 1026.16 Injuring vegetation by use of chemicals.
- 1026.17 Precautions during building construction and removal.
- 1026.18 Trimming trees overhanging streets and alleys.
- 1026.19 Leaks in gas pipes.
- 1026.20 Construction of sidewalks.
- 1026.21 Electrical wires.
- 1026.22 Interference with enforcement.
- 1026.99 Penalty.

CROSS REFERENCES

- 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, 752.701 et seq.
- Malicious destruction of trees - see M.C.L.A. Sec. 750.382
- Damaging gardens - see GEN. OFF. 668.04
- Weeds and grass - see GEN. OFF. Ch. 694
- Hedges - see B. & H. 1460.05

1026.01 DEFINITIONS.

As used in this chapter:

- (a) "Person" means and includes natural persons, firms, copartnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee.
- (b) "Superintendent" means the Superintendent of Parks and Boulevards.
(Ord. 953; 1959 Code Sec. 7-601)

1026.02 INSPECTIONS.

All **trees**, shrubs and vegetation in the streets and public places of the City, and, whenever occasion may require, on private premises in the City, shall be subject to inspection by the Superintendent of Parks and Boulevards for the purpose of detecting the presence of parasites or insects or any disease of such vegetable growth which may be detrimental to such growths and which may endanger the growth of other **trees**, shrubs and vegetation in the community.

(Ord. 953; 1959 Code Sec. 7-602)

1026.03 CARE AND TREATMENT.

The Superintendent of Parks and Boulevards may provide for the proper treatment and care of all **trees**, shrubs and vegetation in the streets and in the public places of the City, and may require the owner or occupant of premises, whereon there exists any **tree**, shrub or vegetation attacked by any disease, parasite or insect, to take the proper steps and adopt proper measures to check the spread of such disease, parasite or insect, and to protect the community from damage therefrom. If such owner or occupant refuses or neglects, within a reasonable time to be fixed in a proper notice, to take the proper precautions or to give any **tree**, shrub or vegetation proper care, for its preservation or protection, the Superintendent shall cause proper measures to be taken for the protection of such **tree**, shrub or vegetation and to prevent the spread of any disease, parasite or insect.

(Ord. 953; 1959 Code Sec. 7-603)

1026.04 PLANTING; PERMIT REQUIRED.

No person shall plant any **tree**, shrub, hedge, flower, plant or other vegetation, except grass, in a public street in the City, without first obtaining a permit therefor from the Superintendent of Parks and Boulevards. No person shall do such planting in the parks and public places of the City.

(Ord. 953; 1959 Code Sec. 7-604)

1026.05 PERMIT APPLICATIONS; INVESTIGATIONS; GRANTING; REVOCATION.

(a) An application for the permit required by Section 1026.04 shall be made in writing to the Superintendent of Parks and Boulevards and shall contain the name of the applicant and the street number, or a description, of the property to be improved. Such application shall also contain the width of the lot in front of which the planting is to be done, the kind and number of **trees**, shrubs, etc., to be planted, the kind and condition of the nearest **trees** upon the adjoining lots and their distances from the adjoining lot lines of the lot where

planting is asked to be done and such other information as shall be deemed necessary by Council. A sketch or drawing, showing the location to be occupied if permission to plant is granted, shall be filed with the application. If it is proposed to erect any ornamental structure on such location, a sketch of the same shall also be filed with such application.

(b) Before issuing any such permit, the Superintendent shall make or cause to be made a careful investigation of all the conditions and circumstances relative to the case, and if it appears that the permission asked can be given without violating any of the provisions of this chapter, such permit shall be granted subject to revocation by the Superintendent, upon the approval of Council, whenever it shall be deemed best for the public interest to do so. The Superintendent and Council, however, shall first give a reasonable notice of their intention to revoke such permit to the permittee for the purpose of allowing such person an opportunity to remove any vegetation or ornamental structure from within the lines of the public place or thoroughfare occupied.

(Ord. 953; 1959 Code Sec. 7-605)

1026.06 TRIMMING, SPRAYING AND DESTRUCTION.

No person shall trim, spray, remove, cut down, injure, destroy, break, deface or disturb a **tree**, vine, shrub, plant or flower in a public street, alley, thoroughfare, park, boulevard or other public place in the City. All such trimming and spraying shall be done by the Superintendent of Parks and Boulevards. No **tree** located in any such way or place shall be removed, cut down or destroyed unless first authorized by Council. When authorized, such work shall be done under the supervision of the Superintendent. No person, other than the owner or one having the owner's consent, shall break, injure, disturb or deface a **tree**, shrub, plant or growing thing on any private premises in the City.

(Ord. 953; 1959 Code Sec. 7-606)

1026.07 BUSINESS PERMIT REQUIRED.

No person shall engage in the business of planting, cutting, removing, trimming, spraying or caring for **trees**, shrubs, vines, hedges, etc., located on private premises in the City without first obtaining a written permit therefor from the Superintendent of Parks and Boulevards.

(Ord. 953; 1959 Code Sec. 7-607)

1026.08 COMPLIANCE WITH RULES AND REGULATIONS.

Trees shall be planted between the sidewalk and curb in accordance with rules and regulations of Council, which regulations are hereby made a part of this chapter.

(Ord. 953; 1959 Code Sec. 7-608)

1026.09 PLACEMENT AND KINDS OF TREES.

(a) All trees planted shall be of healthy stock, the first limbs at least ten feet above the sidewalk. No tree shall be planted unless it is at least two inches caliper and at least ten feet between the ground and the first limbs.

(Ord. 953; 1959 Code Sec. 7-609)

(b) No person shall plant a poplar in the City. In addition, no basswood (linden), catalpa, cottonwood, ailanthus, box elder or nut-bearing tree of any kind shall be planted in a public street or alley in the City.

(Ord. 953; 1959 Code Sec. 7-610)

(c) From and after the passage of this chapter (Ordinance 953), elm trees, hard maple trees or such other trees, except those enumerated in subsection (b) hereof, as are approved by the Superintendent of Parks and Boulevards, shall be used in all cases for tree planting.

(Ord. 953; 1959 Code Sec. 7-611)

1026.10 ATTACHING ROPES, CABLES AND ADVERTISING MATERIALS TO TREES.

No person shall attach a guy rope or other rope, wire or cable or other contrivance to a tree in a public street, alley, park or other public place, or use the same for any banner, sign or business purpose.

(Ord. 953; 1959 Code Sec. 7-612)

1026.11 MUTILATION OF TREES FOR IMPROVEMENTS OR MOVING OF BUILDINGS.

No person shall cut, trim, saw or otherwise mutilate trees to make room for telephone or telegraph wires, the moving of buildings or machinery, or the building of sidewalks, without first obtaining a permit therefor from the Superintendent of Parks and Boulevards.

(Ord. 953; 1959 Code Sec. 7-613)

1026.12 TREE SURGERY.

No person except the Superintendent of Parks and Boulevards or his or her workmen shall do surgery work within the limits of a public street, alley, park or other public place of the City.

(Ord. 953; 1959 Code Sec. 7-614)

1026.13 REMOVAL OR REPLANTING.

If a tree, plant or shrub is placed in a public street after a permit to do so has been granted, but such tree, plant or shrub is not planted or located in accordance with this chapter, such tree, plant or shrub may be removed by the Superintendent of Parks and Boulevards and be replanted to comply with this chapter.

(Ord. 953; 1959 Code Sec. 7-615)

1026.14 INFECTED VEGETATION.

No person shall, in the City, plant, keep, maintain or cultivate any tree, shrub or other vegetation infected or attacked by any parasite, insect or disease, or permit the same on premises owned or occupied by him or her.

(Ord. 953; 1959 Code Sec. 7-616)

1026.15 OBSTRUCTING VIEW OF TRAFFIC.

(a) No hedge or bush located on a corner lot at an intersection of streets, or on a lot at an intersection of a street with an alley, in the City, which hedge or bush interferes with the proper view of persons approaching such an intersection, shall be permitted to grow to a height of more than three feet above the nearest street curb.

(Ord. 953; 1959 Code Sec. 7-617)

(b) In case of a violation of subsection (a) hereof, the Chief of Police shall order the owner or occupant of the property containing any such hedge or bush to cut the same within five days to the height specified in such subsection.

(Ord. 953; 1959 Code Sec. 7-618)

(c) If such owner or occupant fails to cut the same to such specified height within five days after being notified to do so, the Chief shall report such failure to the Superintendent of Parks and Boulevards. The Superintendent shall then cut the hedge or bush to the height herein specified, and the cost of the same shall be charged to such owner or occupant.

(Ord. 953; 1959 Code Sec. 7-619)

(d) The cost of cutting such hedge or bush, as charged to such owner or occupant, may be collected by a proper action in a court of competent jurisdiction or may be collected by a special assessment upon the property.

(Ord. 953; 1959 Code Sec. 7-620)

1026.16 INJURING VEGETATION BY USE OF CHEMICALS.

No person shall pour or deposit salt, brine or another injurious material on a public highway, park or other public place in such manner as to injure a **tree** or shrub planted or growing thereon.

(Ord. 953; 1959 Code Sec. 7-621)

1026.17 PRECAUTIONS DURING BUILDING CONSTRUCTION AND REMOVAL.

In the erection, alteration, repair or removal of a building or structure, the owner thereof shall place or cause to be placed such guards, of a size and type approved by the Superintendent of Parks and Boulevards, around all nearby **trees** on the public highway as will effectually prevent injury to such **trees**.

(Ord. 953; 1959 Code Sec. 7-622)

1026.18 TRIMMING **TREES** OVERHANGING STREETS AND ALLEYS.

Any **tree** not growing on a public street or alley, but so located as to extend its branches over a public street or alley, shall be so trimmed by the owner of the property on which the **tree** stands, or by his or her agents, that there shall be a clear height of thirteen feet above the surface of the street or alley unobstructed by branches. All dead branches and stubs on any such **tree** which are or may become a menace to travelers on such street or alley shall be removed by the owner.

When a clearance greater than thirteen feet is needed for construction of utility wires or for other lawful purposes, an application may be made to Council setting forth such purpose and the amount of clearance required. Council may, thereupon, determine to what height such **trees** involved shall be trimmed by the owner thereof, as set forth in this section.

If any such owner fails or refuses to trim any such **tree** or fails to remove any such dead branches or stubs in accordance with this section, or any resolution of Council adopted pursuant thereto, after receiving five days written notice to do so from the Superintendent of Parks and Boulevards, such trimming shall be done by the City at the expense of the owner of such **tree**, to be collected in the same manner as special assessments are collected. However, nothing in this section shall prohibit recovery by an action in assumpsit.

(Ord. 953; 1959 Code Sec. 7-623)

1026.19 LEAKS IN GAS PIPES.

No person owning, maintaining or operating a gas pipe or main laid beneath the surface of a public street, alley, park or other public place in the City shall permit any leak to exist in such pipe or main within forty feet of a tree. If such a leak exists or occurs in such a pipe or main, the person, upon notice from the Superintendent of Parks and Boulevards, shall make the necessary repairs immediately.

(Ord. 953; 1959 Code Sec. 7-624)

1026.20 CONSTRUCTION OF SIDEWALKS.

A sidewalk between the curb and an established sidewalk line shall be so constructed as to leave an open space of at least one foot around the trunk of a tree. If a tree grows within a distance of less than one foot from the inner or outer established sidewalk lines, then the sidewalk shall be so constructed as to leave an open space of one foot around the trunk of such tree.

(Ord. 953; 1959 Code Sec. 7-625)

1026.21 ELECTRICAL WIRES.

(a) No person shall attach any electrical wire, insulation or other device for holding electrical wire to a tree in a street under the control of the City.

(Ord. 953; 1959 Code Sec. 7-626)

(b) Every person having any wire charged with electricity shall securely fasten the same so that such wire does not come in contact with a tree in any street in the City.

(Ord. 953; 1959 Code Sec. 7-627)

1026.22 INTERFERENCE WITH ENFORCEMENT.

No person shall hinder, obstruct or interfere with the Superintendent of Parks and Boulevards, or any agent or employee thereof, while he or she is engaged in carrying out the provisions of this chapter.

(Ord. 953; 1959 Code Sec. 7-628)

1026.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) for a first offense; shall be fined not more than one hundred dollars (\$100.00) for a second offense; and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than sixty days, or both, for a third or subsequent offense.