

HOMER, MI -2012

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CHAPTER 90: TREES, PLANTS, AND SHRUBS

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§ 90.01 VILLAGE AUTHORITY.

The village shall have full power and authority over the trees, plants, and shrubs planted or hereafter planted in the streets, alleys, parks, boulevards, and other public places of the village; to trim, remove, design the planting thereof, and otherwise control as in its discretion is deemed advisable.

(Prior Code, § 304.01)

§ 90.02 PERMIT.

No person shall plant, remove, or destroy any tree, shrub, or plant in any street, alley, or public place without first obtaining a written permit to do so from the village.

(Prior Code, § 304.02) Penalty, see § [10.99](#)

§ 90.03 PROHIBITED TREES.

No person shall plant on any private property within the village any poplar, box elder, basswood, willow, soft maple, horse chestnut, or tree of heaven without first obtaining a written permit to do so from the village.

(Prior Code, § 304.03) Penalty, see § [10.99](#)

§ 90.04 TREE GUARDS.

In the erection, alteration, repair, or removal of any building or structure, the owner thereof shall place or cause to be placed any guards around all nearby trees on the public highways as will effectually prevent injury to the trees.

(Prior Code, § 304.04) Penalty, see § [10.99](#)

§ 90.05 STREET CLEARANCE.

Any tree not growing on a public street, alley, park, boulevard, or other public place, but so located as to extend its branches over a street, alley, park, boulevard, or other public place, shall be so trimmed by the owner of the property on which the tree stands or by his or her agent, that there shall be a clear height of ten feet over that portion of the surface of the street, alley, park, boulevard, and other public places used for vehicular traffic and eight feet over all sidewalks, unobstructed by branches. The owner or his or her agent shall remove all trees, branches, or stubs on the tree or trees which are or may become a menace to the travelers in any public street, alley, park, boulevard, or other public places or which may be a menace to adjoining property owners. If the owner fails to remove the trees, branches, or stubs, then it shall be the duty of the Village Clerk to notify the property owner, in writing, to remove the tree, branch, or stub forthwith, and if the owner shall fail to comply with the written order of the Village Clerk within 30 days after the written notice, then the village employees may enter the premises and remove the same and the costs of the removal shall be recovered by the village in an action of assumpsit against the owner of the property.

(Prior Code, § 304.05) Penalty, see § [10.99](#)

§ 90.06 WIRES PROHIBITED.

No person shall attach any electric wire, telephone wire, insulation, or other device for holding electric or telephone wires to any tree now growing or hereafter planted in any street, alley, park, boulevard, or other public place in the village.

(Prior Code, § 304.06) Penalty, see § [10.99](#)

§ 90.07 UTILITY WIRE INTERFERENCE.

(A) A person or public or private utility, after written notice by the Director of the Department of Public Works, when in his or her discretion any tree, whether on public or

private property, is interfering with the wires of any utility which would constitute a hazard, must, within two weeks from the receipt of the notice and the issuance of the required permit therefor, counter-signed by the property owner, correct the interference either by trimming or removal of the tree or part thereof at his or her or its own expense pursuant to § [90.05](#). Should the tree or trees, in the discretion of the above official, require removal, if on private property, the owner or the utility shall be required to remove same and remove the brush at the owner's expense.

(B) Should the tree or trees in the discretion of the above official require removal, if on public property, the utility shall be required to remove same to a point below the wires or remove the wires for tree or limb removal and the balance of the tree and brush shall be removed by the village at its expense.

(Prior Code, § 304.07) Penalty, see § [10.99](#)

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