

**City of Iron Mountain, MI - Tree Ordinance 2009**

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ARTICLE III. TREES

Sec. 70-56. 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:

*Park trees* means all trees, shrubs, and all other plants in public parks having individual names, and all areas owned by the city, on which the public has free access as a park.

*Street trees* means trees, shrubs, and all other plants on land lying on all street rights-of-way on either side of all streets, avenues, or ways within the city.

(Ord. of 5-15-95, § 8-600)

**Cross references:** Definitions generally, § 1-2.

Sec. 70-57. Creation of tree board.

(a) *Composition.* This article hereby gives the responsibility to the city council to establish a city tree board for the city. The board shall consist of five members, citizens and residents of the city, who shall be appointed by the city council.

(b) *Terms of members.* The term of the five persons shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. If a vacancy shall occur during the term of any member, the successor shall be appointed for the unexpired portion of the term.

(c) *Compensation.* Members of the board shall serve without compensation.

(d) *Duties and responsibilities.* It shall be the responsibility of the board to study, investigate, counsel, and develop and/or update annually, and administer a written plan. The plan will deal with the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and other public areas. The plan will be presented annually to the council and, upon its acceptance, shall constitute the comprehensive city tree plan for the city. When requested by the council, the board shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. It shall further have the responsibility to ensure that all street tree species conform to the provisions of this article.

(e) *Operation.* The board shall choose its own officers, promulgate its own rules and regulations subject to city council approval, and keep a journal of its proceedings. A majority of its members shall be a quorum for the transaction of business.

(Ord. of 5-15-95, § 8-601)

Sec. 70-58. Permit required; allowable tree sizes established.

(a) Prior to planting any street or park tree species, written permission from the tree board shall be required, and planting without written permission will constitute a municipal civil infraction, penalties for which are specified in section 70-66. The tree board shall, in its rules and regulations, establish an official street tree species list for the city. Such list shall be available for public inspection at the city hall. No species other

than those listed in such rules and regulations may be planted as street trees. Any person that obtains permission to plant a street or park tree pursuant to this article, shall be responsible for the upkeep and maintenance of such tree.

(b) The following categories of tree size are hereby established:

- (1) Small, 20 feet or less at mature height.
- (2) Small to intermediate, 12 feet to 30 feet height, at maturity.
- (3) Medium size, 30 feet to 50 feet height, at maturity.
- (4) Large, 50 feet plus height, at maturity.

(Ord. of 5-15-95, § 8-602)

Sec. 70-59. Spacing.

(a) *Proximity to each other.* The spacing of trees will be in accordance with the tree size classes listed in section 70-58. No trees will be planted closer together than the following: Small trees, 12 feet; small to intermediate trees, 25 feet; medium trees, 40 feet; large trees, 50 feet; except in special plantings designed or approved by a landscape architect/designer.

(b) *Distance from curb and sidewalk.* No trees may be planted closer to any curb or sidewalk line than the following: small trees, three feet; medium trees, four feet; large trees, eight feet.

(c) *Distance from street corners and fire hydrant.* No tree shall be planted closer than 25 feet to any street corner. No trees shall be planted closer than ten feet from a fire hydrant.

(d) *Utilities.* No trees other than those designated as small trees by the tree board may be planted under or within ten lateral feet of any overhead utility wire. No trees, other than those designated as small trees by the tree board, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility. This does not include trees planted in concrete, wooden, or similar aboveground level planters that prohibit entangling of roots with the utilities listed in this subsection.

(Ord. of 5-15-95, § 8-603)

Sec. 70-60. Tree topping.

(a) *Prohibited generally; defined.* It shall be prohibited for anyone to top any street or park tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(b) *Exemption.* Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the tree board.

(Ord. of 5-15-95, § 8-604)

Sec. 70-61. Pruning; corner clearance.

The city or its duly contracted representative has the responsibility to maintain trees on public property, including site distance or obstructions at street intersections and streetlight clearance and clearance above streets or sidewalks. The city shall also remove all dead, broken, or decaying limbs on any tree which constitutes a menace to public safety. Tree board approval is not required under this section.

(Ord. of 5-15-95, § 8-605)

Sec. 70-62. Tree removal.

Removal of trees on public land shall only be done upon tree board approval, except as provided in section 70-61.

(Ord. of 5-15-95, § 8-606)

Sec. 70-63. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground to a depth of at least four inches.

(Ord. of 5-15-95, § 8-607)

Sec. 70-64. Arborist license and bond.

(a) It shall be unlawful for any person to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license from the city. However, no license shall be required for a city employee or public service company doing such work in the pursuit of their public service endeavors as long as it is done in accordance with good arboricultural practices and follows all sections of this article. Prior to city issuing such license, an applicant must have proof of proper knowledge, arborist certification, and any and all required licenses, to the satisfaction of the city.

(b) Prior to the city issuing a license, the applicant must obtain liability insurance in the amount of \$100,000.00 and property damage coverage in the amount of \$500,000.00. The city shall be an additional named insured. The applicant must also enter into an agreement to hold the city harmless from any and all liability and damages associated with work performed.

(Ord. of 5-15-95, § 8-608)

Sec. 70-65. Private trees.

(a) *Defined; exempt from other provisions of article.* Private trees are those planted on private property by property owners and are not regulated by terms of this article, except for the provisions in this section.

(b) *Removal and treatment by city in certain instances.* The city shall have the right to cause the removal or proper treatment of trees on private property which harbor insects or disease and which constitute a potential threat to other trees within the city. The city will notify, in writing, the owners of such trees. Removal or treatment shall be done by such owners, at their own expense, within a reasonable period of time as prescribed by the city, but, in no case, not more than 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have authority to remove or treat such trees and charge the cost of removal or treatment to such owners in the manner provided by special assessment ordinances, or in any other manner authorized for collection of debts owed the city.

(c) *Pruning and corner clearance.* Every owner of any tree overhanging any street or rights-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection, and so that there will be a clear space of 14 feet above the surface of the street or sidewalk.

Such owners shall remove all dead, broken, or decaying limbs which constitute a menace to the public safety.

(Ord. of 5-15-95, § 8-609)

Sec. 70-66. Enforcement and penalty for violation of article; civil infraction.

The city tree board is hereby charged with the enforcement of this article. It shall have the responsibility for investigating potential violations of this article. If, after investigation, the tree board determines that a person has violated a provision of this article, it shall report its findings to the city zoning administrator, who, if satisfied that a violation does exist, shall be authorized to issue a municipal civil infraction. Service of such civil infraction citation or civil infraction notice shall be made in accordance with chapter 38 and be assessed the following penalties:

- (1) Fifty dollars for the first offense;
- (2) One hundred fifty dollars for first repeat offense (repeat offenses shall be determined as defined in chapter 38); and
- (3) No less than \$250.00 nor more than \$500.00 for any second or subsequent repeat offense.

(Ord. of 5-15-95, § 8-610)