

35.000

TREES
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987

THE VILLAGE OF MANCELONA ORDAINS:

35.001 Section 1. **DEFINITIONS**

The following definitions shall apply in the interpretation of this Chapter.

- (a) **“Street”** shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the Village.
- (b) **“Prohibited Species”** shall mean the species of poplar (*Populus Sp.*), willow (*Salix Sp.*), and box elder (*Acer Negundo*).
- (c) **“Superintendent”** shall mean the Superintendent of Public Works of the Village.
- (d) **“Council”** shall mean the governing body of the Village of Mancelona.
(ord. no. 73 eff. July 7, 1987)

35.002 Section 2. **PERMITS FOR TREE PLANTING, CARE, REMOVAL.**

The Council shall have control over all trees located within the street right of ways and parks in the Village, including the planting, care and removal thereof, subject to the regulation contained in this chapter. The owner of land abutting on any street may, upon obtaining prior permission of the Council, prune, spray, plant or remove trees or shrubs 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 or shrub in any street or park. The Council shall specify the extent of the authorization and the conditions to which it is subject.

(ord. no. 73 eff. July 7, 1987)

35.003 Section 3. **REMOVAL OF DEAD, DISEASED AND PROHBITED TREES.**

All dead trees and trees afflicted with any fatal or communicable disease shall be removed by the Superintendent and he may remove any tree of a prohibited species. The Superintendent is authorized to remove any tree growing within any street, park or public place, when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic control devices or construction within street right-of-ways.

(ord. no. 73 eff. July 7, 1987)

35.004 Section 4. **PRIVATE TREES – DISEASES AND INFESTATIONS.**

When the Superintendent shall discover that any tree growing on private property within the Village is afflicted with any dangerous insect infestation or infectious tree disease, he

shall inform the owner or the owner's agent or the occupant of the property, describing the tree, its location and the nature of the infestation or tree disease and shall order the owner, agent, or occupant to take such measures required to be taken. Such orders may require the pruning, spraying or destruction of the infected tree. The owner, agent or occupant shall comply with the Superintendent's orders within thirty (30) days after being notified of the insect infestation or infectious tree disease.
(ord. no. 73 eff. July 7, 1987)

35.005 Section 5. **APPEAL.**

In case the owner, agent or occupant of the property shall feel himself aggrieved at an order of the Superintendent requiring the treatment or destruction of any tree, he may within forty-eight (48) hours make an appeal to the Village Council by communication filed with the Village Clerk. The Council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.
(ord. no. 73 eff. July 7, 1987)

35.006 Section 6. **PRIVATE TREES – OWNER'S FAILURE TO COMPLY.**

In case the owner, agent or occupant of the property refuses to carry out the order of the Superintendent within the time specified in Section 4, being Section 35.004 of the Village Code, or in the event of an appeal, within thirty (30) days after the Council shall have rendered its decision on the appeal, the Superintendent shall carry out the pruning, spraying or destruction of the trees as deemed necessary by him and shall bill the owner, agent or occupant of the property for the costs thereof. In case the owner of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the Superintendent shall report the same to the Village Council for collection as a single lot assessment against said property in accordance with Sections 19, 20 and 21 of Chapter VII of the Charter. The Superintendent may, without serving the above notice when the owner or occupant of any private property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property to be sprayed when he deems the same necessary.
(ord. no. 73 eff. July 7, 1987)

35.007 Section 7. **PRIVATE TREES – INSPECTION.**

The Superintendent and his assistants and employees shall have authority to enter upon private premises for the purpose of examining any trees, shrubs, plants or vines for the presence of destructive insects or plant disease.
(ord. no. 73 eff. July 7, 1987)