

Village of Nashville – Tree Ordinance (1997)

http://www.nashvillemi.us/parks_trees.htm

ORDINANCE #10-23-1997-C - TREE ORDINANCE

SECTION 1. DEFINITIONS:

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, or ways within the Village.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

SECTION 2. ESTABLISHMENT OF A VILLAGE TREE BOARD:

There is hereby created and established a Village Tree Board for the Village of Nashville, Michigan, which shall consist of the DPW committee members, who shall be appointed by the Village President, and the Director of Public Works.

SECTION 3. TERM OF OFFICE:

The terms of two persons appointed by the Village President shall be one year.

SECTION 4. COMPENSATION:

The members of the board shall serve without compensation.

SECTION 5. DUTIES AND RESPONSIBILITIES:

It shall be the responsibility of the board to study, investigate, council, and develop and/or update annually, and administer a plan, for the care, preservation, pruning, planting, replanting, removal, or disposition of trees in parks, along streets and other public places. Such plan will be presented annually to the Village Council and upon their acceptance and approval shall constitute the official city tree plan of the Village of Nashville. The board, when requested by the Village Council shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.

SECTION 6. OPERATION:

The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for transaction of business.

SECTION 7. THE SPECIES TO BE PLANTED:

The publication "STREET TREE" by the Municipal Tree Restoration Program constitutes the official reference publication for the Village of Nashville. This book should be referenced when selecting a tree species for planting on village controlled property. A copy of this publication will be available in the Public Works Department Office for review. All species of trees selected should meet the following qualifications before planting or have special authorization by the Village Tree Board to waive the set standards.

1. Hardiness should be for Zone 5 or higher.
2. Only non fruit bearing trees should be planted.
3. Tree species should be drought tolerant.
4. Tree species should be salt tolerant.

SECTION 8. SPACING:

The spacing of street trees will be in accordance with the three size classes; SMALL - 25 feet apart, MEDIUM - 40 feet apart, LARGE - 50 feet apart; except in special plantings approved by the board and a landscape architect.

SECTION 9. DISTANCE FROM CURB AND SIDEWALK:

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with tree size. No trees may be planted closer to any curb or sidewalk than the following; SMALL & MEDIUM - 2 feet, LARGE - 4 feet.

SECTION 10. DISTANCE FROM STREET CORNERS AND FIRE PLUGS:

No tree shall be planted closer than 35 feet to any corner, measured from the nearest intersecting curb lines. No tree shall be planted closer than 10 feet to any fireplug.

SECTION 11. UTILITIES:

No street trees other than small trees may be planted within 10 feet of any overhead utility wire, or over, or within 5 feet of any underground utility.

SECTION 12. PUBLIC TREE CARE:

The Village shall have the right to plant, prune, maintain, and remove trees and shrubs within the lines of all streets, alleys, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds. The Village Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to any utility or public improvements, or is affected with any injurious fungus, insect, or other pest. This does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of said trees is in accordance with this ordinance.

SECTION 13. TREE TOPPING:

It shall be unlawful as a normal practice for any person or firm to top any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the trees crown to such a degree so as to remove the normal canopy and disfigure the tree. 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 ordinance at the determination of the Village Tree Board.

SECTION 14. PRUNING, CORNER CLEARANCE:

Every tree owner having any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there is a clear space of 8 feet above the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that are a menace to the public's safety. The Village shall have the right to prune any tree or shrub on private property when it interferes with the spread of light from any street light, or interferes with visibility of any traffic control device or sign.

SECTION 15. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY:

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease that constitute a potential threat to other trees within the Village. The Tree Board shall notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of work on the owners property tax notice.

SECTION 16. REMOVAL OF STUMPS:

All stumps in street right-of-way and parks shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 17. INTERFERENCE WITH VILLAGE TREE BOARD:

It shall be unlawful for any person to prevent, delay, or interfere with the Village Tree Board, or any of its agents, while engaging in and about planting, or caring or removing any trees on public or private grounds, as authorized in this ordinance.

SECTION 18. REVIEW BY VILLAGE COUNCIL:

The Village Council shall have the right to review the conduct, acts, and decisions of the Village Tree Board. Any person may appeal from any ruling or order of the Village Tree Board to the Village Council who may hear the matter and make a final decision.

SECTION 19. PENALTY:

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation, and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.00.

SECTION 20. EFFECTIVE DATE:

This Ordinance shall be effective thirty (30) days after its publication.

ORDINANCE #5 (6-11-1878) - Defacing Trees

AN ORDINANCE TO PREVENT THE DEFACING OR OTHERWISE INJURING SHADE TREES.

SECTION 1.

The Council of the Village of Nashville ordain, that any person or persons shall not injure or deface any shade or other tree, in any street or alley of this village, or on any lot not his own, or upon any of the public grounds in said village, either by fastening any horse or other animal thereto, or in any other manner.

SECTION 2.

Penalties for Violation: Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation, and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 3.

This ordinance shall take effect on the tenth day of July, AD 1878.

ORDINANCE #22 (9-5-1910) - Poplar & Box Alder Trees

AN ORDINANCE TO PROHIBIT THE PLANTING OF POPLAR OR BOX ALDER TREES WITHIN THREE HUNDRED (300) FEET FROM ANY EXISTING SEWER OR FROM THE LINE OF ANY SEWER TO BE HEREAFTER BUILT AS SHOWN ON THE MAPS, PLANS AND PROFILES FOR THE SEWER SYSTEM OF THE VILLAGE OF NASHVILLE AS HERETOFORE ADOPTED AS AND FOR THE OFFICIAL MAPS FOR SAID SEWER SYSTEM.

THE VILLAGE OF NASHVILLE, MICHIGAN ORDAINS:

SECTION 1.

It shall be unlawful for any persons, firm or corporation to set out or plant any poplar or box alder trees within three hundred (300) feet

from any existing sewer or from the line of any sewer to be hereafter built as shown on the maps, plans and profiled for the sewer system of the Village of Nashville, Michigan as heretofore approved and adopted by the Village Council of the Village of Nashville as and for the official maps, plans and profile for a sewer system for the Village of Nashville.

SECTION 2.

Penalties for Violation: Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$25 for a first violation, \$50 for a second violation, and \$100 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

This ordinance shall take effect the 6th day of October, AD, 1910