

## City of Petoskey, MI - Tree Ordinance

[http://library1.municode.com/default-now/home.htm?infobase=14735&doc\\_action=whatsnew](http://library1.municode.com/default-now/home.htm?infobase=14735&doc_action=whatsnew)

### ARTICLE IV. TREES\*

---

**\*Editor's note:** At the discretion of the editor, Ord. No. 590, §§ 1--13, enacted July 21, 1986, being nonamendatory of the Code, has been included herein as art. IV, §§ 18-51--18-63.

---

#### Sec. 18-51. Definitions.

- (a) *City* shall mean the City of Petoskey and its administrative staff.
- (b) *Person* as used in this chapter shall include all individuals, firms, associations, corporations, and persons connected with such firms, associations and corporations.
- (c) *Park* shall include all public parks within and without the City of Petoskey which are owned by the city.
- (d) *Street right-of-way* shall mean all land lying between the property lines on either side of all public streets, roads, boulevards, alleys, or parts thereof.
- (e) *Public places* shall include all other grounds or property owned by the city or under its control or supervision whether owned, leased, or under contract of the city.
- (f) *Prohibited species in street right-of-way* shall mean any tree of the species of box elder ( *Acer negundo* ), silver maple ( *Acer Sccharinum* ), horse chestnut ( *Aesculus hippocastanum* ), tree of heaven ( *Ailanthus altissima* ), white birch ( *Betual paperifera* ), catalpa ( *Catalpa* species), white mulberry ( *Morus alba* ), poplar ( *Populus* species including cottonwood), black locust ( *Robinia pseudoacacis* ), willows ( *Salix* species), Siberian elm ( *Ulmus pumila* ), American elm ( *Ulmus americana* ). (Ord. No. 590, § 1, 7-21-1986)

#### Sec. 18-52. Intent and purpose.

The purpose of this article is to preserve, protect and enhance the tree population of Petoskey because the trees:

- (a) Moderate the climate in the community;
- (b) Buffer and screen noise and visual pollution;
- (c) Provide soil stabilization.
- (d) Maintain a filtered and fresh oxygen supply;
- (e) Provide a haven for wildlife such as birds and mammals; and
- (f) Present a visual relief to the harsh and harder features of the urban environment.

This article regulates the planting, maintenance and removal of trees on public and private property within city limits or trees on city-owned or controlled properties. The intent and purpose of this article is to establish standards to control the removal of, maintenance of, and replacement of trees sufficient to safeguard the tree population of Petoskey in a manner that will serve to protect the health, safety, and welfare of Petoskey citizens.

(Ord. No. 590, § 2, 7-21-1986)

Sec. 18-53. City authority.

The city shall have authority over all trees, plants, and shrubs planted or hereafter planted in the street rights-of-way, parks and public grounds of the city. The maintenance of such trees, plants and shrubs, shall be subject to such rules and regulations as the city may adopt. The city shall also have the right to add or revise the rules and regulations from time to time as may be required to ensure the proper care of such trees and shrubs.

(Ord. No. 590, § 3, 7-21-1986)

Sec. 18-54. Permits required.

It shall be unlawful to violate or fail to comply with the sections included in this article without first filing an application for and procuring a permit from the city or his designated agent. Every permit granted shall specifically describe the location and work to be done under it, and shall expire in 30 days, unless a later date is agreed and specified, from its date and shall be considered void at any time when the terms or intent of such permit are violated. No charge shall be made for any permit, unless it may be determined to be necessary to assign an inspector to supervise the provisions of the permit and in such case, the city shall determine the charge for the services leased on actual cost and such cost shall be charged to the person obtaining the permit.

(Ord. No. 590, § 4, 7-21-1986)

Sec. 18-55. Protection of trees and shrubs.

Except to abate a nuisance, it shall be unlawful for any person to:

- (a) Fasten any wire, rope, or other material to, around, or through, any tree or shrub or its guard, without a permit, except in emergencies such as storms or accidents.
- (b) Break, injure, mutilate, kill or destroy any tree or shrub, or permit any fire to burn where such fire will injure any portion of any tree or shrub.
- (c) Permit any toxic chemical or material to seep, drain, or to be emptied on or about any tree or shrub.
- (d) Deposit, store, place or maintain, on any street, highway, or other public place, any sand, stone, concrete or other material which may impede free passage of water, air, and fertilizer to the roots of any tree or shrub growing therein.
- (e) Fail to erect a suitable protective barrier around trees or shrubs apt to be injured during any building operation.
- (f) Excavate any ditches, tunnels, trenches, or install any structure such as sidewalks, driveways, etc., within a radius of 15 feet from any tree or shrub, without first having obtained a permit therefor.
- (g) No person shall move any building or other large object along any street without obtaining a permit at least seven days in advance of the move, and if deemed necessary, must furnish bond or cash sufficient to cover damage as a result of the move.

(Ord. No. 590, § 5, 7-21-1986)

Sec. 18-56. Planting restrictions.

No shade or ornamental tree or shrub shall be planted in any street rights-of-way, parks, or public places of the city until the city first approves the kind, size and variety of the

same and designates the location. Provided further, no prohibited species shall be set out, nor any other tree, unless it be free from infectious disease.  
(Ord. No. 590, § 6, 7-21-1986)

Sec. 18-57. Subdivision planting.

In residential subdivisions developed after the effective date of this article, one street tree as defined in section 18-51 shall be provided for each lot of 75 feet frontage or less, and at least two trees for every lot in excess of 75 feet frontage. For corner lots, at least one tree shall be provided for each street. The city shall furnish the subdivider a list of acceptable trees and a copy of the city's regulations and policy regarding planting of trees.

(Ord. No. 590, § 7, 7-21-1986)

Sec. 18-58. Tree care, treating or removal.

It shall be unlawful to cut, trim, prune, spray, brace, fertilize, do surgery, disturb, alter, remove, or replace any tree or shrub from any street, highway, or other public place, without first obtaining permission from the city.

(Ord. No. 590, § 8, 7-21-1986)

Sec. 18-59. Public nuisance.

Any tree or shrub or parts thereof growing upon private property but overhanging, or interfering with the use of any street, park, public improvement, street lighting, or public place of the city, that in the opinion of the city endangers the life, health, safety, or property of the public, shall be declared a public nuisance. Any tree growing on private property within the city, afflicted with any dangerous and infectious insect infestation or tree disease shall be declared a public nuisance.

(Ord. No. 590, § 9, 7-21-1986)

Sec. 18-60. Notice to remove.

Whenever any public nuisance exists, contrary to the provisions of the sections in this article, the city shall give notice to the owner, or his agent, or the occupant of the property, describing the tree, its location and the nature of the nuisance. The notice shall order the owner, agent, or occupant to take such measures as may be reasonably necessary to correct or cease such nuisance, specifying the measures required to be taken.

(Ord. No. 590, § 10, 7-21-1986)

Sec. 18-61. Failure to comply with notice.

It shall be unlawful for any person to permit, cause or suffer the existence of a public nuisance from and after 15 days following the date of the notice.

(Ord. No. 590, § 11, 7-21-1986)

Sec. 18-62. Removal, cost incurred; duty to pay; collection.

(a) In any case whereby the notice given shall not be complied with, the city is hereby authorized and empowered to order the removal or abatement of said public nuisance, and shall have authority to take necessary action to abate the nuisance. Work shall be contracted or completed by the city as directed.

(b) The owner, or other person to whom the notice was directed shall be notified by mail of the removal or abatement, and the cost of the work must be paid within 30 days after the date of mailing of the notice of completion. In the event the owner or other person fails to pay the cost within the 30-day period, the city shall have the right to assess the cost by resolution against any subject property for the purpose of collection in the same manner as general taxes are collected.

(Ord. No. 590, § 12, 7-21-1986)

Sec. 18-63. Violation; penalty.

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined or sentenced for imprisonment according to the determination of the court. Any violation of any provision of this article shall be punished by a fine of not to exceed \$500.00 and costs of prosecution, or by imprisonment at the discretion of the court or magistrate before whom the conviction may be had for a period not exceeding 90 days; or by both such fine and imprisonment.

(Ord. No. 590, § 13, 7-21-1986)