

City of Rogers City, MI – Tree Ordinance

http://library1.municode.com/default-test/home.htm?infobase=12347&doc_action=whatsnew
http://library1.municode.com/default-test/home.htm?infobase=12347&doc_action=whatsnew

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means all public parks having individual names and all areas owned by the city to which the public has free access as a park.

Prohibited species means any **tree** of poplar (*Populus sp.*), willow (*Salix sp.*), box elder (*Acer negundo*), silver maple (*Acer saccharium*), locust (*Robina sp.*), **tree** of heaven (*Ailanthus altissima*), catalpa (*Catalpa sp.*), mulberry (*Morus sp.*) and Siberian elm (*Ulmus pumila*).

Public utility means any person, owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

Street means all the land lying between property lines on either side of all streets, highways and boulevards in the city.

Tree means **trees**, shrubs, bushes and all other woody vegetation.

(Code 1968, § 4.61)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 30-2. Applicability.

The provisions of this chapter, except as otherwise specifically stated, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

(Code 1968, § 4.61)

Sec. 30-3. Rules and regulations.

The city manager shall make such rules and regulations supplementary to this chapter and not in conflict herewith, as he may from time to time deem necessary, to be effective upon approval by the council. Until changed pursuant to this section, the rules and regulations in effect at the adoption of this Code, shall continue in effect. No person shall fail to obey any rule or regulation made effective by this chapter.

(Code 1968, § 4.77)

Sec. 30-4. Enforcement.

The director of public works shall be charged with the duty of enforcing the provisions of this chapter.

(Code 1968, § 4.62)

Sec. 30-5. Authority to plant, trim, spray, remove **trees** on public property.

The department of public works shall have the right to plant, trim, spray, preserve, and remove **trees**, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The director of public works

may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, or which is of a prohibited species, or is affected with any injurious disease, fungus, insect or other pest. Whenever the department of public works shall remove any tree, plant or shrub, solely for the purpose of constructing any public work, the director of public works shall, if practicable, replace the same at public expense, at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

(Code 1968, § 4.64)

Sec. 30-6. Permits for tree planting, care, removal.

The city manager shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the city manager, prune, spray, plant or remove trees 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 in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the city manager is authorized, in his discretion, to require as a condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the department of public works and assume all or any part of the costs of removing such tree.

(Code 1968, § 4.63)

Sec. 30-7. Spacing of shade trees.

Future plantings of shade and ornamental trees in the streets and parks of the city will be done by the department of public works in accordance with prescribed tree planting practices. Trees shall be spaced not less than twenty-five (25) feet apart. No trees shall be planted in the parkway between the curb and sidewalk when that area is less than three (3) feet wide. No tree shall be planted nearer to the intersection of any streets than twenty-five (25) feet from the corner of such intersection.

(Code 1968, § 4.65)

Sec. 30-8. Lawn extensions.

On residence streets, the abutting owner or occupant may maintain a planting strip on the lawn extension between the sidewalk and curb and may plant flowers, trees and shrubbery therein in conformity with this chapter. No person shall wilfully injure or destroy any grass, flower, tree or shrub, upon any such planting strip or throw any papers, refuse or other thing thereon. No person shall drive an automobile, bicycle or other vehicle upon or over any such planting strip.

(Code 1968, § 4.75)

Sec. 30-9. Overhead lines; trimming permits.

The director of public works shall grant permission to public utilities to trim and keep trimmed all trees within the streets, alleys, parks and public places of the city, in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices and under the general direction of the department of public works. Such permission, as provided for in this section, shall require reasonable prior notice to the city before any work is commenced. If an emergency requires immediate maintenance work on the

overhead lines of such public utilities, prior notice of commencing work under such permit shall not be required. The word "emergency" as used in this section means the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.

(Code 1968, § 4.76)

Sec. 30-10. Tree protection.

No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire within twenty-five (25) feet of any tree, or permit any fire, or the heat thereof, to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree. No electric wires or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electric insulation to any tree. No person shall use any tree as an anchor except by special written permit from the director of public works, and no material shall be fastened to or hung on any tree. All persons having under their care, custody or control, facilities which may interfere with the trimming or removal of any tree, shall after notice thereof by the department of public works, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the department of public works. The director of the department of public works shall certify all city permits for construction, installation, altering, moving or razing of all buildings, utilities, sidewalks, sewers or other operations where trees or shrubs, or parts thereof, are involved.

(Code 1968, § 4.66)

Sec. 30-11. Excavations or driveways near trees.

Excavations and driveways shall not be placed within five (5) feet of any tree without written permit from the director of public works. Any person making such excavation or construction shall guard any tree within six (6) feet thereof with a good substantial frame box to be approved by the department of public works, and all building material or other debris shall be kept at least four (4) feet from any tree.

(Code 1968, § 4.67)

Sec. 30-12. Covering surface near trees.

No person shall place within the street right-of-way any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

(Code 1968, § 4.68)

Sec. 30-13. Gas main leakage.

Gas pipes or mains within any public rights-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. If a leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within twenty-four (24) hours. Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired, and the cost of the work including the cost of removal and the replacement of any trees, shall be levied against the owner of the pipe or main causing the damage.

(Code 1968, § 4.69)

Secs. 30-14--30-40. Reserved.

ARTICLE II. PRIVATE TREES

Sec. 30-41. Obstructions prohibited.

Every owner of any tree on private property overhanging any street or right-of-way within the city shall trim the branches so that the branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the surface of the street or right-of-way. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic-control device or sign, such trimming to be confined to the area immediately above the right-of-way.

(Code 1968, § 4.70)

Sec. 30-42. Clearance at intersections.

All shrubs and bushes located on the triangle formed by two (2) right-of-way lines at the intersection of two (2) streets, and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines on any corner lot within the city, shall not be permitted to grow to a height of more than thirty (30) inches in height from top of curb at street level, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Any owner of any property failing to trim any trees, shrubs or bushes in conformity with this section or section 30-41, shall be notified by the director of public works in the manner provided in section 1-9 to do so and such notice shall require trimming in conformity with this section within ten (10) days after the date of such notice. Upon the expiration of such period, the director of public works may cause the trimming to be done and the cost thereof may be collected from the owner of such property as a single lot assessment in accordance with sections 14.17 through 14.19 of the Charter.

(Code 1968, § 4.71)

Sec. 30-43. Diseases and infestations--Authority of director of public works to make inspection.

The director of public works 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 diseases. No damages shall be awarded for the destruction of any tree, shrub, or plant or fruit or injury to the same, if done by the director of public works or under his direction, in accordance with this chapter.

(Code 1968, § 4.74)

Sec. 30-44. Same--Order to owner to curb, prevent spreading.

When the director of public works shall discover that any tree growing on private property within the city is afflicted with any dangerous and infectious insect infestation or tree disease, he shall forthwith serve a written notice upon the owner or his agent, or the occupant of the property, in the manner specified in section 1-9, describing the tree, its

location and the nature of the infestation or **tree** disease and ordering the owner, agent and occupant to take such measures as may be reasonably necessary to curb such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of **trees** as may be reasonably necessary. Every such notice shall be complied with within ten (10) days after service thereof upon the owner, agent or occupant of the property on which the afflicted **tree** is located, or within such additional time as may be stipulated in such notice.

(Code 1968, § 4.72)

Sec. 30-45. Same--Failure of owner to comply with order.

In case the owner, agent and occupant of the property refuse to carry out the order of the director of public works within the time limited, or in case of an appeal, within five (5) days after the council shall have affirmed such order, the director of public works 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 cost thereof. In case the owner of such property shall fail to pay such bill within sixty (60) days after the same has been rendered, the city manager shall report the same to the council for collection as a single lot assessment against the property in accordance with the Charter. The director of public works 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 on account of any infestation or disease or threat thereof.

(Code 1968, § 4.73)