

# Sebewaing, MI 2012

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## CHAPTER 100: TREES

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§ 100.01 VILLAGE STREET SUPERINTENDENT; POWERS AND DUTIES.

The Village Street Superintendent shall have power and control over all trees, shrubs and plants planted, or to be planted, in the public highways, parks or other public places of the village, and the power to plant, prune, spray and otherwise maintain those trees, plants and shrubs. The Village Street Superintendent shall have the power to determine the type or kind of trees to be planted on any particular street to conform to the landscaping plan for the street; and when the determination has been made, all trees thereafter planted shall be in conformity thereto.

(1988 Code, § 3.3200) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988)

### § 100.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PUBLIC HIGHWAYS.** Includes all of the land lying between property lines on either side of all public streets, boulevards and alleys.

(1988 Code, § 3.3201) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988)

### § 100.03 DAMAGING PROHIBITED.

No person, firm or corporation shall cut down, deface, destroy or damage or injure any tree, shrub or plant upon the public highways or parks or other public places of the village without first obtaining permission from the Village Street Superintendent.

(1988 Code, § 3.3202) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

### § 100.04 FIRES PROHIBITED.

No person, firm or corporation shall kindle a fire, or cause or permit a fire to be kindled, or start a so-called "grass fire" on any of the streets, alleys or public places of the village or on property within ten feet of a tree located on the streets or public places without first obtaining permission from the Village Street Superintendent and without taking proper precautions to prevent damage to trees and shrubs.

(1988 Code, § 3.3203) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

### § 100.05 ATTACHING ITEMS TO TREES OR SHRUBS PROHIBITED.

No person, firm or corporation shall attach any wire, rope, chain or cable to any tree or shrub for the purpose of anchorage without a written permit from the Village Street Superintendent; nor shall any person, firm or corporation tie livestock or other animals to any tree, shrub or plant growing upon any public highway, park or other public building in the village.

(1988 Code, § 3.3204) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

#### **§ 100.06 EXCAVATIONS NEAR TREES.**

No person, firm or corporation shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of five feet from any tree now growing upon any public highway or other public place within the village without first obtaining a written permit from the Village Street Superintendent. Any person, firm or corporation making an excavation or construction shall guard any tree within five feet thereof with a good, substantial frame box to be approved by the Village Street Superintendent and all building material or other debris shall be kept at least four feet from any tree.

(1988 Code, § 3.3205) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

#### **§ 100.07 OVERHANGING TREES, SHRUBS OR PLANTS.**

Every owner of any tree, shrub or plant overhanging the streets or highways within the village shall trim the branches so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street highway. The owner or owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

(1988 Code, § 3.3206) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

#### **§ 100.08 CORNER LOTS.**

All bushes, shrubs or plants located on any corner lot within the village shall not be permitted to grow to a height of more than three feet above the surface of the roadway in order that the view of the drivers of vehicles approaching the street intersection shall not be obstructed. It shall be the duty of the Village Street Superintendent in all cases of violation of this section to order the owner or owners of the bush, shrub or plant to cut the same within ten days to the height specified; the Superintendent shall report the matters to the Village Council, who may then order the bush, shrub or plant to be cut to the height specified, and the cost of the work shall be levied against the owner or owners and collected by special assessment against the property.

(1988 Code, § 3.3207) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

### **§ 100.09 RULES FOR FUTURE PLANTINGS IN HIGHWAYS, PARKS AND PUBLIC PLACES.**

(A) In all future planting of shade and ornamental trees in the highways, parks and public places of the village, the following rules as to spacing shall be observed:

- (1) Elm trees shall be spaced not less than 40 feet.
- (2) Oak trees shall be spaced not less than 35 feet; and
- (3) Other shade trees and ornamental trees shall be spaced not less than 30 feet.

(B) Provided, however, that any owner of a single lot may, in order to provide a shade or ornamental tree in front of his or her lot, secure special permission from the Village Street Superintendent to plant a shade or ornamental tree within less distance from any existing tree than the spacing above mentioned, but shall in no case make special planting within 20 feet of any existing shade or ornamental tree located on the public highway or other public property or public place.

(1988 Code, § 3.3208) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

### **§ 100.10 RULES FOR PLANTINGS IN PARKWAYS.**

No trees shall be planted in parkways between the curb line less than three and one-half feet from the curb line, nor less than three feet from the sidewalk; provided, however, where the parkways are less than six feet six inches in width, any tree planted within shall be located not less than two feet six inches from the curb and as near midway between the curb and sidewalk as possible.

(1988 Code, § 3.3209) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

### **§ 100.11 PLANTINGS AND INTERSECTIONS.**

No tree shall be planted nearer to the intersection of two or more streets than 15 feet from the nearest street line bounding the intersection.

(1988 Code, § 3.3210) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

**§ 100.12 PROHIBITED PLANTINGS IN PUBLIC HIGHWAYS, PARKS AND OTHER PUBLIC PLACES.**

No poplar (populus), soft maples (acer), willows (salix) or box elders (acer) shall hereafter be planted in the public highways, parks or other public places of the village.

(1988 Code, § 3.3211) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)

**§ 100.13 PUBLIC NUISANCE; REMOVAL.**

It shall be the duty of the Village Street Superintendent to remove or cause the removal of all trees, shrubs or plants planted upon the public highways, parks or other places within the village which constitute a public nuisance, or where in his or her opinion, the removal shall be beneficial to the peace, health and safety of the public.

(1988 Code, § 3.3212) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988)

**§ 100.14 RULES FOR REMOVAL OF LIVING TREES FROM THE PUBLIC HIGHWAY, PARKS OR OTHER PUBLIC PLACES.**

Any person, firm or corporation desiring to remove a living tree from the public highway, parks or other public places of the village for the construction of walks, drives, buildings or other structures for his or her own private purpose, shall make a deposit equal to the replacement value of the tree or trees, as determined by the Village Street Superintendent. The deposits shall be paid into the village treasury and shall be used first for the replacing of a tree in front of the lot from which it is removed, if the replacement is considered advisable or desirable, otherwise to be used for planting on public highways in some other location where needed.

(1988 Code, § 3.3213) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988)

**§ 100.15 INTERFERENCE WITH AGENTS OR EMPLOYEES OF DEPARTMENT OF THE VILLAGE STREET SUPERINTENDENT.**

No person shall hinder, prevent or interfere with the agents or employees of the Department of Village Street Superintendent while engaged in carrying out the provisions of this chapter.

(1988 Code, § 3.3214) (Ord. passed 5-2-1955; Ord. passed 4-3-1978; Ord. passed 1-18-1988) Penalty, see § [10.99](#)