

CHAPTER 22 - TREE REGULATIONS

22-1 DEFINITIONS (As used in this Chapter):

Department means the Department of Public Services of the City.

Park means and includes all public parks, public cemeteries, and areas owned by the City to which the public has free access.

Prohibited species means any tree of the species of poplar (*populus sp.*), willow (*salix sp.*), and box elder (*acer negundo*).

Public utility means any person or company 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, telegraph service or cable television.

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

Superintendent means the Superintendent of the Department of Public Services.

Tree (unless the context clearly indicates otherwise) means trees, shrubs, bushes, and all other woody vegetation.

22-2 TREES ON PUBLIC STREETS AND PUBLIC PROPERTY. The provisions of Sections 22-4 through 22-9 except as otherwise specifically stated shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the City.

22-3 ENFORCEMENT. The City Manager shall be charged with the duty of enforcing the provisions of this Chapter.

22-4 PERMITS FOR TREE PLANTING, CARE, REMOVAL.

- (A) The City Manager shall have control over all trees located within the right-of-way of streets and City parks, and the planting, care and removal of trees therein subject to the provisions of this Chapter. Upon obtaining prior written permission of the City Manager, the owner of land abutting on any street may prune, spray, plant or remove trees in that part of the street abutting his or her land which is not used for public travel. No person shall prune, spray, plant or remove any tree in any street right-of-way or City Park without first obtaining a written permit from the City Manager. The permit shall specify the extent and conditions of the authorization.
- (B) Where an owner of abutting property requests the removal of a tree, the City Manager is authorized as a condition to granting approval for removal of a tree to see that the removal be made according to regulations established by the Department, that the property owner assume all or part of the costs of removing the tree, and that the cost of replacing the tree by another tree of an approved species.
- (C) Any abutting property owner or other person who removes a tree in violation of this Chapter shall be responsible for the value of the tree, determined in accordance with the Michigan Tree Evaluation Guide as prepared by the Michigan Forestry and Park Association.

22-5 REMOVAL OF DEAD, DISEASED AND PROHIBITED TREES. All dead trees and trees afflicted with any fatal or communicable disease shall be removed by the Department. The Department is authorized to remove any tree of a prohibited species.

22-6 REMOVAL OF OTHER TREES. A tree may be removed by the Department which is not dead or infected with any disease when the tree of an undesirable (though not prohibited) species, but only upon notice to the owner of the abutting property. If the owner files written objection with the City Clerk within forty-eight (48) hours after service of the notice, a public hearing on the removal shall be had before the City Commission, and the abutting owner shall be notified of the time and place of the hearing. The Department is authorized to remove any tree growing within any street, park or public place when the tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic control devices or construction within street right-of-way.

22-7 TREE PLANTING REGULATIONS.

- (A) A prohibited tree may not be planted on any private property within fifty (50') feet of any street or sidewalk right-of-way or any sewer extension.
- (B) Shade trees planted in any street right-of-way shall be spaced not less than forty (40') feet apart except that trees may be planted less than forty (40') feet from an existing tree in the right-of-way, provided the existing tree has been approved for removal within a period of two (2) years from the date of planting of a new tree. In order to provide a shade or ornamental tree in front of his or her lot, the owner of a single lot may secure special written permission from the Department to have a tree planted closer than forty (40') feet from an existing tree, but in no case shall the planting be within thirty (30') feet of an existing tree within the right-of-way.
- (C) Ornamental trees planted in any street shall be spaced not less than thirty (30') feet apart or not less than thirty (30') feet from an existing tree.
- (D) Multi-stem trees (clump trees) or trees which have multiple branches which begin lower than thirty (30') feet shall not be planted in a street.
- (E) Trees to be planted in a street shall have a minimum caliper of one and one-fourth (1 ¼") inches.

22-8 TREE PROTECTION. No person shall break, injure, mutilate, kill or destroy any tree or set any fire, or permit any fire, or the heat of a fire 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 in any manner that shall cause damage. No person shall attach any electric insulation to a tree. No person shall use any tree as an anchor, and no material shall be fastened to or hung on a 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 by the Department, promptly remove the interference in a manner that shall permit the trimming or removal of the tree by the Department.

22-9 EXCAVATIONS NEAR TREES. Without a prior written permit from the City Manager, no person shall construct a driveway or make an excavation within six (6') feet of a tree having a diameter of twelve (12") inches or less, or within ten (10') feet for every twelve (12") inches of diameter or part thereof of a tree. Any person making an excavation or construction shall guard any tree within six (6') feet thereof with a frame box to be approved by the Department. All building materials or other debris shall be kept at least four (4') feet from any tree. All persons desiring to make an excavation or construction shall deposit with the City a sum sufficient to cover the cost of inspection and any damage which may result therefrom. The amount of the deposit shall be determined by the City Manager.

22-10 TREES ON PRIVATE PROPERTY.

22-10.1 Tree Clearance. Every owner of any tree on private property overhanging any street or right-of-way shall trim the branches so that branches do 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 (8') feet above the surface of the street or right-of-way. An owner 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 on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign. The trimming shall be confined to the area immediately above the right-of-way. 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 shall not be permitted to grow a height of more than thirty (30") inches above the surface of the roadway in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Single trunk trees may be planted and maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8') feet above the roadway surface.

22-10.2 Diseases and Infestations. When the City Manager shall discover that any tree growing on private property is afflicted with any dangerous and infectious insect infestation or tree disease, the City Manager shall serve a written notice upon the owner of the property describing the tree, its location and the nature of the infestation or tree disease, ordering the owner to take measures as may be reasonably necessary to cure the infestation or disease and to prevent the spreading thereof, and specifying the measures required to be taken. The order may require the pruning, spraying or destruction of a tree as may be reasonably necessary. Every notice shall be complied with within ten (10) days after service upon the owner of the property on which the afflicted tree is located, or within such additional time as may be stated in the notice.

22-10.3 Appeal. In case the owner of the property shall feel aggrieved by an order of the City Manager requiring the treatment or destruction of a tree, he or she may within forty-eight (48) hours make an appeal to the City Commission by communication filed with the City Clerk. The Commission shall hear the appeal at its next regular meeting unless another time shall be set, and shall determine the matter under expert advice that may be necessary.

22-10.4 Owners Failure to Comply. In case the owner of the property refuses to carry out the order of the City Manager within the time limit, or in case of an appeal within five (5) days after the City Commission shall have

affirmed the order, the City Manager shall carry out the pruning, spraying, or destruction of the tree(s) as deemed necessary and shall bill the owner of the property for the cost thereof. In case the owner of the property shall fail to pay the bill within thirty (30) days after the same has been rendered, the City Manager shall report the same to the City Commission for collection as a single lot assessment against the property in accordance with the City Charter. Without serving the above notice when the owner of any private property shall consent to and pay the reasonable cost of, the City Manager may cause trees growing on private property to be sprayed when necessary on account of any infestation or disease, or threat of infestation or disease.

22-10.5 Inspection. The City Manager shall have authority to enter upon private premises for the purposes 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 in accordance with this Chapter.

22-11 RULES AND REGULATIONS. The City Manager, subject to the approval of the City Commission, shall make rules and regulations supplementary to this Chapter as from time to time he or she deems necessary. 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 pursuant to this Section.