

CITY OF GRAND LEDGE – TREE ORDINANCE

Chapter 198: TREES

[HISTORY: Adopted by the City Council of the City of Grand Ledge as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noxious weeds — See Ch. 139.

Parks and park facilities — See Ch. 145.

paodias f-- See ch. 2145

ARTICLE I Dangerous Trees [Adopted 9-23-1968 by Ord. No. 180]

§ 198-1. Keeping of unsafe trees prohibited.

It is unlawful for any owner or agent thereof to keep or maintain on his property within the City of Grand Ledge any tree which because of decay, defects, disease, wind damage or any other cause is unsafe or in a dangerous condition so that it, or any part of it, is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or property damage.

§ 198-2. Notice of unsafe condition; hearing.

Whenever the Chief of Police, Building Inspector, or such other appropriate public official determines that any tree is a dangerous tree, or that the whole or any part of any tree is in a dangerous or unsafe condition, the Chief of Police or Building Inspector shall issue a notice of the dangerous and unsafe condition to the owner of record to appear at a hearing before the hearing officer who shall be appointed by the Mayor and show cause why the tree should not be removed or otherwise made safe. All notices shall be in writing and shall be personally delivered or shall be sent by certified mail to the last known address of the owner. If none of these parties can be found after a diligent search, the notice shall be posted upon the tree.

§ 198-3. Determinations of hearing; cost of removal by City to become lien against property.

The hearing officer shall take the testimony of the Chief of Police, the Building Inspector, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the tree to be removed or otherwise be made safe. When it is determined at the hearing that the tree should be removed or otherwise made safe, and the owner fails to appear or neglects or refuses to act, the hearing officer shall file a report of his findings with the City Council. A copy of the findings shall be mailed to the last known address of the owner of record. The City Council shall hold a hearing at which it will either approve, disapprove or modify the request for removal or making safe of the tree. The owner of record shall be notified by certified mail of the date of hearing before the City Council, where he will be given an opportunity to show cause why the tree should not be removed or otherwise made safe. The cost of removal or of making safe the tree shall be a lien against the real property and shall be reported to the Board of Assessors who shall assess the cost against the property in question. The liens shall be enforced in the manner prescribed by the Charter of the City of Grand Ledge or by the laws of the State of Michigan, providing for the enforcement of special assessment liens or tax liens or by the ordinance passed by the City of Grand Ledge.

§ 198-4. Appeal of decision.

An owner aggrieved by the decision of the City Council may appeal the decision or order to the Circuit Court by filing a petition of superintending control within 20 days from the date of the decision.

ARTICLE II Planting, Care and Removal [Adopted 4-10-1978 by Ord. No. 256]

§ 198-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LARGE TREES — Those attaining a height of 45 feet or more.

MEDIUM TREES — Those attaining a height of 30 to 45 feet.

PARK TREES — Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as park.

SMALL TREES — Those attaining a height of 20 to 30 feet.

STREET TREES — Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

§ 198-6. Creation and establishment of City Tree Board.

There is hereby created and established a City Tree Board for the City of Grand Ledge, Michigan, which shall consist of five members, who shall be appointed by the mayor with the approval of the City Council.

§ 198-7. Terms of office.

The terms of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year, and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

§ 198-8. Compensation.

Members of the Board shall serve without compensation.

§ 198-9. Duties and responsibilities.

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall

constitute the official comprehensive City tree plan for the City of Grand Ledge, State of Michigan. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

§ 198-10. 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 the transaction of business.

§ 198-11. Planting.

No trees shall be planted in any of the streets, highways or parks of the City until the Tree Board shall have first approved of the kind, size and variety of same, designated the location thereof, and granted a permit for planting of same; provided, further, that no willow or poplar tree shall be set out hereafter on the streets, highways or parks, nor any other tree unless it be free from infectious disease and has a diameter of 1 1/2 inches or over one foot above ground.

§ 198-12. Permit; fee.

A permit to plant trees and a guide to planting must be obtained at City Hall. No fee shall be required, and the permit shall be valid for not more than 60 days.

§ 198-13. Distance from street corners and fireplugs.

No street tree shall be planted closer than 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of any fireplug.

§ 198-14. Utilities.

No street trees other than those designated in the planting guide may be planted under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground waterline, sewer line, transmission line or other utility.

§ 198-15. Public tree care.

- A. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The City Tree Board may remove or cause of 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 sewers, electric power lines, gaslines, waterlines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is not in violation of the provisions of this article.

§ 198-16. Tree topping.

It shall be unlawful for any person, firm or City department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's 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 article at the determination of the City Tree Board.

§ 198-17. Shade trees. Editor's Note: This section was derived from Section 2 of Ord. No. 9, adopted 8-6-1906, and was amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

No person shall cut, mark, deface, mangle, cut down or pull up any tree which has been set out or reserved for a shade tree within the corporate limits of the City of Grand Ledge.

§ 198-18. Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such 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 or sidewalk. Said 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 prune 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.

§ 198-19. Dead or diseased tree removal on private property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 45 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

§ 198-20. Removal of stumps.

All stumps of street and park trees 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.

§ 198-21. Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

§ 198-22. Loss of public trees; value recovered.

- A. Whenever the City Tree Board shall determine that a tree in any street, park, or public place has been impaired, damaged, broken, severed, destroyed or removed in a manner which will cause immediate or future removal of the tree, which is deemed premature and untimely

based on the conditions vigor, location, kind and age of the tree, and the City Tree Board shall have knowledge of the person causing said damage, then the City Tree Board shall assess against the responsible person the value of the tree as determined by use of the Michigan Forestry and Parks Association Shade Tree Evaluation Chart.

- B. This shall not construe that the value received by the City shall be less than the cost of the removal of the said damaged tree and replacement of a comparable tree as determined by the City Tree Board, of not less than three-inch trunk diameter measured at the height of six inches above the ground, nor shall the City Tree Board be restricted in its choice of the replacement planting site.
- C. It shall be the duty of the Grand Ledge Police Department having knowledge of such damage or persons causing said damage to immediately report same to the City Tree Board for investigation.
- D. It shall be the duty of the City Tree Board to notify the City Administrator and City Attorney of any said tree damage which shall dictate value recovery to the City.
- E. The full amount of the value recovered for the said damaged tree shall be conveyed to the City Tree Board for future tree planting purposes notwithstanding the deduction of the removal cost of the said damaged tree and replacement of the said tree.
- F. The City Tree Board shall determine the time of the removal of said damaged tree, but it shall not be required that all said damaged trees must be immediately removed if found to be in safe condition in order for value recovery to take place.

§ 198-23. Arborists license and bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees with the City without a valid State of Michigan license and proof of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.

§ 198-24. Review by City Council.

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

§ 198-25. Violations and penalties.

Any violation of this article shall be punishable as a misdemeanor as provided in Chapter 1, General Provisions, Article II, Penalties, § 1-17B. However, this sum is not to be deemed a limitation of value recovery as set forth in § 198-22 of this article.