

City of Ironwood, MI – Tree Ordinance (2008)

ARTICLE II. TREE PROTECTION

Sec. 32-26. Definitions.

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

Department means the public works department of the city.

Park includes all public parks and all areas owned by the city or to which the public has free access as a park.

Prohibited species means any tree of the species of poplar (*Populus S.P.*), willow (*Salix S.P.*) 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 or telegraph service.

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

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

(Code 1975, § 4.81(1)--(6))

Sec. 32-27. Applicability.

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

(Code 1975, § 4.81(7))

Sec. 32-28. Enforcement.

The city manager shall be charged with the duty of enforcing the provisions of this article.

(Code 1975, § 4.82)

Sec. 32-29. Permits for planting, care and 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 article. The owner of land abutting on any street may, upon obtaining prior written permission of the city manager, prune, spray or remove trees in that part of the street abutting the owner's land not used for public travel, but no person shall otherwise prune, spray or remove any tree in any street or park. No new trees shall be planted in the boulevard area except by special authorization of the city commission. 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 the city manager's discretion, to require, as a condition to granting of approval for such removal of a tree, that such property owner make the

removal in accordance with regulations established by the department, assume all or any part of the costs of removing such tree and also to require that the tree removed be replaced at some other nearby location by planting another tree, not necessarily of the same type.

(Code 1975, § 4.83)

Sec. 32-30. 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, and the department is hereby authorized to remove any tree of a prohibited species.

(Code 1975, § 4.84)

Sec. 32-31. Removal of other trees.

Trees may be removed which are not dead or infected with any disease when such trees are of an undesirable, though not prohibited, species, but only upon notice to the owner of the abutting property, and if such owner shall file written objection with the city clerk within forty-eight (48) hours after service of such notice, a public hearing on such removal shall be had before the city commission and the abutting owner shall be notified of the time and place of such hearing. The department is hereby authorized to remove any tree growing within any street, park or public place when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic-control devices, traffic and pedestrians or construction within street rights-of-way.

(Code 1975, § 4.85)

Sec. 32-32. Planting prohibited trees.

No tree of any prohibited species shall be planted in any street or park nor shall any such tree be planted on any private property within ten (10) feet of any street or sidewalk right-of-way or any sewer extension unless authorized by the city manager in writing.

(Code 1975, § 4.86)

Sec. 32-33. Damages.

No person shall break, injure, mutilate, kill or destroy any tree or shrub or set any fire 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, and no material shall be fastened to or hung on any tree. All persons having under their care, custody or control any facilities which may interfere with the trimming or removal of any tree shall, after notice thereof by the department, promptly abate such interference in such manner as shall permit the trimming or removal of the tree by the department.

(Code 1975, § 4.87)

Cross references: Destruction of property generally, § 18-111 et seq.

Sec. 32-34. Excavations and driveways.

Excavations and driveways shall not be placed within six (6) feet of any tree without a written permit from the city manager. 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, and all building material or other debris shall be kept at least four (4) feet from any tree. All persons desiring to make such excavation or construction shall deposit with the city a sum sufficient to cover the cost of inspection and any damage which may result therefrom, provided that such charge shall not be less than an amount to be prescribed by resolution of the city commission.

(Code 1975, § 4.88)

Sec. 32-35. Private trees--Trimming; obstruction of visibility.

Every owner of any tree on private property overhanging any street or right-of-way within the city shall trim the branches so that such 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 eight (8) feet above the surface of the street or right-of-way. The 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 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. 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 (20) 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 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. 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.

(Code 1975, § 4.89)

Sec. 32-36. Same--Diseases and infestations; order for corrective measures.

When the city manager shall discover that any tree growing on private property within the city is afflicted with any dangerous and infectious insect infestation or tree disease, the city manager shall forthwith serve a written notice upon the owner or the owner's agent or the occupant of the property describing the tree, its location and the nature of the infestation or tree disease and ordering the owner, agent or occupant to take such measures as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. The order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every 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 the notice.

(Code 1975, § 4.90)

Sec. 32-37. Same--Owner's failure to comply with order to correct.

If the owner, agent and occupant of the property refuse to carry out the order of the city manager as provided in section 12-36 within the time limited or in case of an appeal, within five (5) days after the city commission shall have affirmed such order, the city manager shall carry out the pruning, spraying or destruction of the trees as deemed necessary by the city manager and shall bill the owner, agent or occupant of the property for the cost thereof. If the owner of such property shall fail to pay such bill within thirty (30) days after the bill 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 chapter 28. The city manager may, without serving the notice as provided in section 32-36, 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 the city manager deems the spraying necessary because of any infestation or disease or threat thereof.

(Code 1975, § 4.92)

Sec. 32-38. Same--Inspection.

The city manager and the city manager's 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 city manager or under the city manager's direction in accordance with this article.

(Code 1975, § 4.93)

Sec. 32-39. Appeal.

If the owner, agent or occupant of the property shall feel aggrieved at an order of the city manager requiring the treatment or destruction of any tree, the owner, agent or occupant may, within forty-eight (48) hours, make an appeal to the city commission by communication filed with the city clerk. The commission shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.

(Code 1975, § 4.91)

Sec. 32-40. Additional rules and regulations.

The city manager, subject to the approval of the city commission, shall make such rules and regulations supplementary to this article and not in conflict with this article, as the city manager may, from time to time, deem 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 effective under this article.

(Code 1975, § 4.94)