

City of Mt. Clemens – Tree Ordinance

35.100 TREES, SHRUBS AND PLANTS CITY OF MOUNT CLEMENS, MICHIGAN
code eff. Oct., 1958; amend. Jan., 1978 further amend. eff. 8-19-00

35.101 Sec. 1. DEFINITIONS.

The word "*trees*" , as used in this Ordinance, includes shrubs which grow higher than fifteen feet; "*shrubs*" under fifteen feet in height may include vines and plants; the word "*growth*" includes any or all thereof unless the context otherwise requires.

(code eff. Oct., 1958; amend. Jan., 1978; further amend. eff. 8-19-00)

35.102 Sec. 2. APPLICATION FOR PERMIT.

Application for any permit required by the provisions of this Ordinance shall be made in the form and manner prescribed by the City Clerk. No permit shall be granted until it has been approved by the Superintendent of Streets.

(Ord. eff. 8-19-00)

35.103 Sec. 3. PUBLIC WAYS; TREES, CONTROL.

The Superintendent of Streets shall have complete charge and control of the planting, cutting, trimming and removal of trees and other growth upon all public highways and places, and the Superintendent may promulgate and adopt rules and regulations to effectuate the provisions of this Ordinance.

(Ord. eff. 8-19-00)

35.104 Sec. 4. PROHIBITED VARIETIES.

No person, except the City, shall plant, remove or destroy any ornamental shade tree or shrub in any public way; or plant any variety of the following species of trees, or other similar quick-growing trees:

Popular

Willow

Box Elder

Tree of Heaven

Silver Leaf Maple

Fruit

Horse Chestnut

Cottonwood

Chinese Elm

Siberian Elm

Catalpa

Berry

Black Walnut

Mulberry

Mountain Ash

Choke Cherry

anywhere within the City rights-of-way without first procuring a permit from the Superintendent of Streets.

Types of trees permitted: The types of trees permitted to be planted within the City and their locations shall be listed on a master list kept by the Superintendent of Streets which list shall have been recommended as acceptable or unacceptable species of trees for planting by resolution of the City Commission, which list may be updated or revised from time to time by the Tree Advisory Commission of the City. Copies of the approved list of species of trees permitted shall be made available by the Superintendent of Streets upon request of any individual.

(Ord. eff. 8-19-00)

35.105 Sec. 5. DAMAGE FROM LEAKING GAS.

Gas pipes or mains within any public right-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. In the event a leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within 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.

(Ord. eff. 8-19-00)

35.106 Sec. 6. TREES; MUTILATING, POSTING, PROHIBITED.

No person shall cut, mutilate, remove, saw or trim any tree within any public way in the City to make room for any telephone, cable or electric lines, moving building or machinery or other things, or for repairing sidewalks, without first procuring a permit from the Superintendent of Streets. No person shall attach, tack or in any manner fasten to any tree in a public way any wire, rope, chain, cable, sign, card, board, poster or other article, nor hitch any animal thereto.

(Ord. eff. 8-19-00)

35.107 Sec. 7. TRIMMING, PUBLIC UTILITIES, PERMIT REQUIRED.

No person owning or operating any bus line or other motor transportation over the city streets, or any public utility lines upon, above or below the surface, shall trim, cut or cause to be trimmed or cut any tree, shrub or plant along any public way or place, without first having submitted to the Superintendent of Streets a plan of the work to be done and having procured a permit for such work. Nothing in this section shall be construed to apply to the removal, under the direction of the Street Department, of any stump, roots, tree, shrub, vine, plant or part thereof, wherever such removal shall be found necessary in the construction or repair of any street, sidewalk, sewer, pavement or other public improvement.

(Ord. eff. 8-19-00)

35.108 Sec. 8. DUTIES OF OWNERS OF TREES ON PRIVATE PROPERTY.

The owner shall, or the City may, remove from any tree, shrub, plants or vine, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang or are close to the public way; and when any tree, shrub, plant or vine is dead, the owner shall remove the same, or after notice to the owner, the City may do so and charge the cost thereof to the owner.

Every owner of any tree, shrub or plant, overhanging the street or right-of-way within the City shall trim 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 ten (10) feet above the surface of the street, alley or right-of-way. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(Ord. eff. 8-19-00)

35.109 Sec. 9.EXCAVATIONS, GUARDS REQUIRED.

In any excavation, or the erection, alteration or repair of any building or structure, or other work, the property owner or someone for him shall place or cause to be placed such guards around all nearby trees, shrubs and plants in the public way to prevent injury to them.

(Ord. eff. 8-19-00)

35.110 Sec. 10.STONES, BRICKS, SAND, PROHIBITED.

No person, except the City, shall place or maintain upon the ground in any public way or property of the City any stone, brick, sand, concrete, planter box, or other material or article which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the root of any tree, shrub, vine or plant, without leaving an open space of ground not less than four feet in diameter surrounding same.

(Ord. eff. 8-19-00)

35.111 Sec. 11.DESTRUCTION OF DISEASED TREES; OWNER, OCCUPANT, DUTY.

The owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in a dangerous condition, shall destroy it when such destruction is necessary for the protection of other trees and growth and for the public safety, health and welfare.

(Ord. eff. 8-19-00)

35.112 Sec. 12.OWNERS, OCCUPANTS; FAILURE TO PERFORM ACTS; CITY AUTHORITY; COSTS AND CHARGES.

If the owner or occupant of any premises fails to perform any duty required of him by this Ordinance, the Superintendent of Streets may serve notice upon such owner or occupant, directing him to have the work done, and upon his failure to comply with the notice, the City may enter upon the premises and perform the work required and charge the cost thereof to the owner or occupant.

(Ord. eff. 8-19-00)

35.113 Sec. 13.SPACING OF TREES PLANTED IN RIGHT-OF-WAY.

In all future planting of shade trees in the right-of-way, such trees shall be spaced not less than forty feet from an existing tree in the right-of-way unless the existing tree has been approved for removal within a period of two years from the date of planting of the new tree, and except that in unusual cases any owner of a single lot may, in order to provide a shade or ornamental tree in front of this lot, secure special permission from the Superintendent of Streets to have a tree planted closer than forty feet from an existing tree, but in no case shall such planting be less than thirty feet from any existing tree on the right-of-way.

No tree shall be planted between the curb and sidewalk less than two and one-half feet from the sidewalk; trees on private property adjacent to the sidewalk shall be planted not less than three feet therefrom. No trees shall be planted where the distance between the back of the curb and the sidewalk is less than four feet six inches in width. No trees shall be planted nearer to the intersection of any two or more streets than twenty-five feet from the point of intersection of two right-of-way lines.

(Ord. eff. 8-19-00)

35.114 Sec. 14.CUTTING, PRUNING, SPRAYING AND PLANTING PROHIBITIONS.

No person shall prune, spray, cut, perform surgery or destroy any trees or shrubs in the right-of-way or parks at any time without first obtaining a permit from the Street Department. No person shall plant any shade or ornamental trees in the right-of-way or parks except by permit from the Superintendent of Streets, and then only if they are of a variety listed as acceptable. In no event shall any tree be planted in the right-of-way where police, fire, street lighting, traffic signal or public utility overhead wires and equipment are located that will exceed a maximum growth height of forty feet. No tree shall be planted which is less than eight feet in height above ground.

(Ord. eff. 8-19-00)

35.115 Sec. 15.PENALTIES.

Any person found guilty of violating this Ordinance is subject to a fine not to exceed five hundred dollars or imprisonment for a term not exceeding ninety days, or both.

(Ord. eff. 8-19-00)