

Chapter 58

**VEGETATION\***

**Article I. In General**

Secs. 58-1—58-20. Reserved.

**Article II. Trees**

- Sec. 58-21. Purpose of article.
- Sec. 58-22. Definitions.
- Sec. 58-23. Application of article provisions.
- Sec. 58-24. Penalty for violation of article.
- Sec. 58-25. Enforcement of article and appeals.
- Sec. 58-26. Trees and shrub management.
- Sec. 58-27. Builder responsibility.
- Sec. 58-28. Protection of trees and shrubs.
- Sec. 58-29. Compensation for trees damaged or destroyed.
- Sec. 58-30. Authority of village superintendent to inspect trees on private property.
- Sec. 58-31. Private trees; disease, insects and other hazards.
- Sec. 58-32. Trimming and removal of trees on private property.
- Secs. 58-33—58-50. Reserved.

**Article III. Weeds**

- Sec. 58-51. Definitions.
- Sec. 58-52. Responsibility of owners.
- Sec. 58-53. Written notice of violation.

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\***Cross references**—Buildings and building regulations, ch. 14; community development, ch. 22; parks and recreation, ch. 38; planning, ch. 42; streets, sidewalks and other public places, ch. 46; utilities, ch. 54.



**ARTICLE I. IN GENERAL**

**Secs. 58-1—58-20. Reserved.**

**ARTICLE II. TREES**

**Sec. 58-21. Purpose of article.**

The purpose of this article is to provide for the management and protection of trees for the public health, safety and general welfare of the residents of the village and to preserve and promote the village and its landscape resource values.

(Ord. No. 147, § 1, 11-1-1993)

**Sec. 58-22. 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:

*Builder* means all property owners who shall engage in new construction in any zoning district of the village.

*Commission* means the village parks and tree commission created and established by ordinance.

*Curb tree lawn* means that part of the street not covered by sidewalk or paving, lying between the property line and the portion of the street paved for vehicular traffic.

*Department* means the department of public works of the village.

*Park* means all public parks having individual names, and all areas, whether owned by the village or not, to which the public has free access as a park.

*Prohibited species* means any tree on public property of poplar (*Populus Sp.*), willow (*Salix Sp.*), box elder (*Acer Negundo*), silver maple (*Acer Saccharinum*), locust (*Robina Sp.*), tree of heaven (*Ailanthus Altissima*), catalpa (*Catalpa Sp.*), mulberry (*Morus Sp.*), Siberian elm (*Ulmus pumila*), birch (*Betula Sp.*) and any other species so determined by the commission.

*Pruning* means the proper trimming and/or cutting of limbs, branches and leaves as prescribed in section 58-26(3).

*Public utility* means any person, 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, cable TV, etc.

*Street* means all the land lying between property lines on either side of all streets, and highways and public rights-of-way in the village.

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

*Tree topping* means the severe cutting back of tree limbs to stubs larger than three inches in diameter within the crown of the tree to such a degree so as to remove the normal canopy and disfigure the tree. The term "tree topping" shall also include stubbing, heading, heading-back, stubbing-off, hatracking, topping-off, dehorning, lopping and other similar practices as provided by the rules promulgated under section 58-26(3).

*Village superintendent* means superintendent of the department of public works or his authorized representative.

(Ord. No. 147, § 2(A)—(I), (L), (M), 11-1-1993)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 58-23. Application of article provisions.**

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

(Ord. No. 147, § 2(J), 11-1-1993)

### **Sec. 58-24. Penalty for violation of article.**

(a) Any person who shall violate any provision of this article or who shall disobey any lawful order issued in pursuance of the provisions of this article, shall be guilty of a misdemeanor. Imposition of any penalty for a violation of this article shall not be construed as a waiver of the right of the village to collect from the defendant the costs of the tree work done by the village which the defendant was required but failed to pay under the provisions of this article or the right of the village to collect from the defendant the value of any tree illegally damaged or destroyed.

(b) The village retains the right to seek and obtain injunctive relief in addition to, or as an alternative to, the penalties prescribed in subsection (a) of this section in order to promote the purpose of this article.

(c) Each tree for which there is a violation of the provisions of this article shall constitute a separate violation.

(Ord. No. 147, § 10, 11-1-1993)

### **Sec. 58-25. Enforcement of article and appeals.**

The village police chief is hereby designated as the enforcing agency to see that the provisions of this article are obeyed and all complaints as to the violation of this article shall be presented in writing to the village attorney and shall be prosecuted in the name of the village. If at any time a dispute arises or shall exist relative to or under the provisions of this article, such dispute shall first be submitted to the commission for review and recommendation.

(Ord. No. 147, § 11, 11-1-1993)



**Sec. 58-26. Trees and shrub management.**

The planting, maintenance, pruning or removal of trees in places open to the public in the village shall be done by the department of public works by order of the superintendent upon recommendation of the commission. Such action may be initiated by the commission, village superintendent, village president, village council or by petition of parties owning a majority of the lineal footage on the fronting property along a street.

- (1) No persons shall hereafter plant, transplant, prune or remove any tree on any street, street lawn, park or public place in the village nor cause such act to be done by others without first obtaining a written permit from the office of the village superintendent. Application for permits must be made not less than 72 hours in advance of the time the work is intended to commence, and each permit granted shall contain an expiration date not to exceed 60 days from the date of issuance.
- (2) Each permit issued by the village superintendent shall describe the work to be done; the number of trees to be removed or planted; the location, size, species or variety of each tree; the method of planting; and other information that the village superintendent may require to ensure that the work will be done properly. Any permit issued will be void if its terms are violated. Whenever any tree shall be planted in conflict with the provisions of the permit, it shall be lawful for the superintendent to cause removal of the tree, and the cost for such removal shall be assessed to the permittee as provided by law in the case of special assessments or as otherwise provided in this article.
- (3) The village superintendent shall promulgate rules for the proper pruning techniques to be used on trees located on public property or publicly maintained rights-of-way. The rules and any modifications to the rules shall be subject to approval by resolution of the village council. A copy of the rules shall be kept on file at the village office for public inspection.

(Ord. No. 147, § 3, 11-1-1993)

**Sec. 58-27. Builder responsibility.**

(a) *Generally.* Builders shall be required to fulfill tree planting and protection requirements as provided under the ordinances and policies of the village and its village parks and tree commission including, but not limited to, subdivision regulations and site plan requirements.

(b) *Minimum planting requirements.* One street tree of an approved species measuring at least 1½-inch caliper shall be planted on all new construction sites, residential or otherwise, for each site or lot of 75 feet or less, and at least two trees for every lot in excess of 75 feet frontage. Corner lots shall require at least one tree for each street. The builder shall be responsible for fulfilling these requirements.

(Ord. No. 147, § 4, 11-1-1993)

**Sec. 58-28. Protection of trees and shrubs.**

It shall be unlawful for any person to do any of the following acts in any curb tree lawn, park or other public place:

- (1) Fasten any sign, card, poster, wire, rope or other material to, around or through any tree or shrub or its guard, except in emergencies such as storms or accidents.
- (2) Remove, break, injure, mutilate, kill, cut, peel or destroy any tree or shrub by any means or in any manner.
- (3) Permit any fire to burn where such fire will injure any portion of any tree or shrub.
- (4) Permit any toxic chemical to seep, drain or to be emptied on or about any tree or shrub.
- (5) Deposit, store, place or maintain on any street, highway or other public place, any brick, sand, stone, concrete or other material which may impede free passage of water, air and fertilizer to the roots of any tree or shrub growing therein.
- (6) Fail to repair or stop any leak existing or occurring in any gas pipe or main within a radius of 40 feet of any tree.
- (7) Knowingly permit any electrical wires to come into contact with any tree or shrub.
- (8) Allow excavations and driveways to be placed within five feet of any tree without a written permit from the superintendent. Any person making such excavation or construction shall guard any tree within six feet thereof with a good substantial frame box to be approved by the department, and all building materials or other debris shall be kept at least four feet from any tree.
- (9) Plant any prohibited species of tree as set forth under section 58-22. Exceptions to these prohibitions may be granted by the parks and tree commission after review on a case-by-case basis.
- (10) Allow the practice of tree topping or any other prohibited pruning technique prescribed by section 58-26(3). Exceptions to this prohibition may be granted by the village council upon recommendations by the parks and tree commission after review on a case-by-case basis for trees severely damaged by storms or other natural or accidental causes, or if permitted pruning practices are impractical due to location of a tree under utility wires or because of some other obstruction.

(Ord. No. 147, § 5, 11-1-1993)

**Sec. 58-29. Compensation for trees damaged or destroyed.**

Any tree growing on any street, curb tree lawn, park or other public place which is destroyed or damaged to the point where repair or replacement is needed shall be the responsibility of the party responsible for such damage or destruction in an amount necessary to replace or repair the destroyed or damaged trees.

(Ord. No. 147, § 6, 11-1-1993)



**Sec. 58-30. Authority of village superintendent to inspect trees on private property.**

The superintendent will have authority to enter upon private property at all reasonable hours for purposes of examining any trees, shrubs, plants or vines where hazardous conditions, destructive insects or diseases are suspected. The superintendent may remove such specimens as required for analysis to determine the presence of insect, disease or other detrimental conditions. It shall be unlawful for any person to prevent the superintendent or his agents from entering private property for purposes of carrying out his duties under this article.

(Ord. No. 147, § 7, 11-1-1993)

**Sec. 58-31. Private trees; disease, insects and other hazards.**

(a) When the village superintendent shall discover that any tree growing on private property within the village is afflicted with any dangerous insect, infestation, disease or condition, he shall immediately serve a written notice upon the property owner or his agent describing the trees; their location; the nature of the insect infestation, disease or condition; and ordering the owner or his agent to take necessary measures to abate the insect infestation or disease or condition; to prevent the spreading thereof; and specifying the corrective measures required to be taken. This notice may require the pruning, treatment or destruction of the affected trees as reasonably necessary.

(b) Every such notice shall be complied with within a definite time as stated in this notice, but not less than ten days after service thereof upon the property owner.

(c) If at the expiration of the time limit in the notice, the owner has not complied with the requirements thereof, the superintendent shall carry out the requirements of that notice. The cost of completing the work necessary to resolve the condition complained of shall be assessed against the property on the next general assessment roll of the village.

(Ord. No. 147, § 8, 11-1-1993)

**Sec. 58-32. Trimming and removal of trees on private property.**

(a) Any tree growing on private property and so located as to extend its branches over a public street, highway, sidewalk, park or other public place, or so located as to become a traffic hazard, shall be trimmed or removed by the property owner on whose property the tree stands, so as to remove the obstruction from the public street, highway, sidewalk, park or public place and so as to eliminate the traffic hazard and the menace and the danger to the public, pursuant to written notice by and under the supervision of the superintendent.

(b) When such notice is given, the property owner will be given a reasonable and definite time to comply with the order, but not less than ten days.

(c) If the work is not satisfactorily completed within the time, then the superintendent may enter upon the property, make the necessary trimming or removals and properly dispose of the same; provided, however, that all or part of the costs involved in the trimming or removal, when done by the superintendent, shall be assessed against the property on the next general assessment roll of the village.

(d) The village 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.  
(Ord. No. 147, § 9, 11-1-1993)

**Secs. 58-33—58-50. Reserved.**

**ARTICLE III. WEEDS**

**Sec. 58-51. 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:

*Noxious weeds* means Canada Thistle, Dodders, Mustards, Wild Carrot, Bind Weed, Perennial Sowthistle, Hoary Alyssum, Ragweed, Poison Ivy, Poison Sumac, or any other plant which, in the opinion of the village council, is regarded as a nuisance.

(Ord. No. 105, § 2, 3-21-1962)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 58-52. Responsibility of owners.**

It shall be the duty of all owners, occupants or person having charge of any land within the village on which noxious weeds, grass or brush are found growing, to destroy the same before they reach a seed bearing stage, and to prevent such weeds, grass or brush from perpetuating themselves or to prevent such weeds, grass or brush from becoming a detriment to public health or safety.

(Ord. No. 105, § 3, 3-21-1962)

**Sec. 58-53. Written notice of violation.**

Authorized agents of the village shall notify the owner, occupant or person in charge of any lands upon which noxious weeds, grass or brush are found growing, in writing, of such fact. The form shall read as follows:

To owners, possessors or occupiers of land in the Village of Centreville. Notice is hereby given that all noxious weeds, grass or brush growing on any land in the Village of Centreville, Michigan, must be cut down and destroyed on or before the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_\_. Failure to comply with this notice on or before the date mentioned or within ten days thereafter shall make the parties so failing liable for the cost of cutting same, to be levied and collected against the property in the same manner as any other taxes are levied and collected. Date \_\_\_\_\_ (Official Title).

(Ord. No. 105, § 4, 3-21-1962)