

City of Davison – Tree Ordinance

CHAPTER 1028

Trees

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CROSS REFERENCES

Trees, weeds and grass - see GEN. OFF. Ch. 684

Hedges - see B. & H. 1462.01 et seq.

Plant material specifications - see P. & Z. 1288.23

1028.01 APPLICATION OF CHAPTER.

Unless otherwise specifically stated, this chapter shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the City.

1028.02 DEFINITIONS.

As used in this chapter:

(a) "Park" means and includes all public parks having individual names, and all area owned by the City, or to which the public has free access, as a park.

(b) "Prohibited species" means and includes a poplar (*Populus Sp.*), willow (*Salix Sp.*), box elder (*Acer Negundo*), silver maple (*Acer Saccarium*), locust (*Robina Sp.*), tree of heaven (*Ailanthus Altissima*), catalpa (*Catalpa Sp.*), mulberry (*Morus Sp.*), American elm (*Ulmus Americana*) and Siberian elm (*Ulmus pumila*).

(c) "Public utility" means a person who owns or operates a pole, line, pipe or conduit, located in a public street or over or along a public easement or right of way, for the transmission of electricity, gas, telephone service or telegraph service.

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

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

1028.03 RESPONSIBILITY OF CITY MANAGER.

The City Manager shall be responsible for enforcing this chapter.

1028.04 PERMIT REQUIRED FOR TREE PLANTING, CARE AND REMOVAL BY ABUTTING LANDOWNERS.

The City Manager shall have control over all trees located within the street rights of way and parks in the City, including the planting, care and removal thereof, subject to the regulations contained in this chapter. The owner of land abutting on any street, upon first obtaining written permission therefor from the Manager, may prune, spray, plant or remove trees in that part of the street abutting his or her land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Such written permission shall specify the extent of the authorization and the conditions to which it is subject.

1028.05 TREE REMOVAL AND REPLACEMENT BY MANAGER; COST.

(a) If, in the opinion of the City Manager, an existing tree, located on City property between the curb and the sidewalk of platted property, needs to be replaced because of

death, disease, disfigurement or partial destruction, the Manager shall remove such tree and replace it with a new tree. (Adopting Ordinance)

(b) The cost of replacing a tree pursuant to subsection (a) hereof shall be as set forth in the City's user fee schedule, as amended from time to time by resolution of Council.

(Ord. 95-5. Passed 7-10-95.)

1028.06 SPACING OF SHADE AND ORNAMENTAL TREES.

(a) Public property. Future plantings of shade and ornamental trees in the streets and parks of the City will be done by the Department of Public Works in accordance with prescribed tree planting practices. Such trees shall be planted at least twenty-five feet from the corner of the intersection of any streets.

(b) Private property. Shade and ornamental trees planted on private property shall be planted at least nine feet from the nearest outer line of the street and at least four feet from the nearest edge of the sidewalk, and be in accordance with the provisions of Section 1288.12.

(c) Waviers. Council may, upon the application of an adjoining property owner, grant permission to vary from the restrictions imposed by this section.

(Ord. 2003-33. Passed 4-28-03.)

1028.07 PROTECTION OF TREES.

(a) No person shall break, injure, mutilate, kill or destroy a tree, or set a fire within twenty-five feet of a tree, or permit a fire, or the heat thereof, to injure any portion of a tree.

(b) No person shall allow toxic chemicals or other injurious materials to seep, drain or be emptied on, near or about a tree.

(c) No person shall permit electric wires or any other lines or wires to come in contact with a tree in any manner that may cause damage thereto, and no person shall attach any electrical insulation to a tree.

(d) No person shall use a tree as an anchor, except by special written permission from the City Manager, and no person shall fasten or hang any material on a tree.

(e) A person who has under his or her care, custody or control, a facility which may interfere with the trimming or removal of a tree, shall, after notice thereof from the

Department of Public Works, promptly abate such interference in such a manner as to permit the trimming or removal of such tree by the Department.

(f) The City Manager shall certify all City permits for the construction, installation, altering, moving or razing of all buildings, utilities, sidewalks, sewers or other operations where trees or shrubs, or parts thereof, are involved.

1028.08 EXCAVATIONS NEAR TREES.

No person shall make an excavation or place a driveway within five feet of a tree without a written permit from the City Manager. Any person making such an excavation or construction shall guard any tree within six feet thereof with a good and substantial frame box to be approved by the Department of Public Works, and all building materials or other debris shall be kept at least four feet from such tree.

1028.09 COVERING SURFACE NEAR TREES.

No person shall place, within any street right of way, any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

1028.10 TRIMMING REQUIRED.

The owner of a tree on private property overhanging any street or right of way in the City shall trim the branches of such tree so that such branches do not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there is a clear space of at least ten feet above the surface of the street or right of way. Such 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 may trim a tree on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of a traffic control device or sign, such trimming to be confined to the area immediately above the right of way.

1028.11 GAS MAIN LEAKAGE.

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. If a leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within twenty-four 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.

1028.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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