

Village of Dexter – Tree Ordinance

ARTICLE II. TREES

Sec. 62-31. Title.

This article shall be known as the municipal tree ordinance for the community of the Village of Dexter in Washtenaw County, State of Michigan.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-32. Purpose.

It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the Village of Dexter.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-33. Definitions.

Large trees. Those trees attaining a height of 45 feet or more.

Park. All public parks having individual names.

Shrub. Low woody plant with several stems.

Tree lawn or lawn extension. That part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street usually used for vehicular traffic.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-34. Tree board.

(a) There is hereby created and established a tree board for the Village of Dexter, which shall consist of five members. Members of the board shall serve without compensation. The term of the tree board shall be three years, except that the term of two members appointed to the first board shall be only one year and the term of two members shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. The community development manager or the department of public services superintendent will serve as ex officio member of the tree board.

(b) The tree board will assist in the development of a comprehensive plan for the Village of Dexter Michigan, including planning, tree planting, and maintenance programs for all public trees. The board will promote the goals of the tree program.

(c) The Village of Dexter Manager shall appoint the community development manager or other designee to facilitate the tree board and the comprehensive tree plan. This individual shall serve as an ex officio member of the tree board.

(d) The village manager or his/her designee shall have the following general powers and duties:

- (1) To direct, manage, supervise, and control the village street program to include all planting, removal, maintenance, and protection of all trees and shrubs on village areas;
- (2) To guard all trees and shrubs within the village to prevent the spread of disease or pests and to eliminate dangerous conditions that may effect the life, health, or safety of persons or property; and

(3) Such other powers and duties as are provided by ordinance of the village and the Village of Dexter Tree Board.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-35. Authority.

The village manager or his/her designee shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The village manager or designee shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this article. The village manager or designee shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-36. Permits.

(a) No person shall plant, fertilize, prune, remove, cut above or below ground, or otherwise disturb any tree on any street or municipal-owned property without first filing an application and procuring a permit the Village of Dexter or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the tree board.

(b) The Village of Dexter shall have the authority to require posting of a bond adequate to fully repay the Village of Dexter for any and all costs attendant to the completion of the work under the permit. In addition, the contractor is required to show adequate insurance coverage from potential damages during the execution of the work. All permittees are required to call MISS DIG 72 hours prior to any work.

(Ord. No. 5-2005, 4-28-2005)

Sec. 62-37. Maintenance.

(a) All trees planted shall have trunks not less than two inches in diameter at six inches above the ground. Trees shall be planted in the middle of the extension or no closer than three feet from the curb line or outer line of the sidewalk. All trees shall be planted in line with each other and at a spacing of 30--60 feet depending on the species planted and width of lot. No street tree shall be planted under or within ten lateral feet of any overhead utility wire, or over or within eight lateral feet of any underground utility wire. No trees shall be planted within 30 linear feet from corners or intersections.

(b) All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk shall have said branches trimmed to a clearance height of 14 feet on the street side and ten feet on the sidewalk side.

(c) All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-38. Species, cultivars, and varieties.

The tree board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large. A list of tree species not suitable for planting

as street trees will also be created and enforced by the tree board, or as otherwise noted in village ordinances.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-39. Obstruction.

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be ten feet over sidewalks and 14 feet over all streets.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-40. Nuisance and condemnation.

All street trees planted in violation of, or not maintained in strict compliance with the provisions of this article, or that are dead or dangerous are declared to constitute a public nuisance. The Village of Dexter shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of construction and abatement will be transferred to the village tax roll.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-42. Appeals.

Any person who receives an order from the Village of Dexter and objects to all or a part thereof, may, within eight days of receipt thereof, notify the Village of Dexter Village Council, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held at the next regular village council meeting following the notice to the appellant. Within eight days after such hearing, the village council shall notify the appellant and the village manager or designee of the final decision.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-43. Interference.

No person shall prevent, delay, or interfere with the village manager or designees execution or enforcement of the article.

(Ord. No. 15-2005, 4-28-2005)

Sec. 62-44. Penalties.

Any person or firm, or corporation violating or failing to comply with any of the provisions of this article shall be guilty of a civil infraction, per section 22-9 of the Village of Dexter General Code.

(Ord. No. 15-2005, 4-28-2005)