

City of Eastpointe – Tree Ordinance

# CHAPTER 1024

## Trees

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### CROSS REFERENCES

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151

Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241,  
752.701 et seq.

Malicious destruction of trees - see M.C.L.A. Sec. 750.382

Lawn extension improvements - see S.U. & P.S. [1020.05](#)

Grass clippings and leaves - see H. & S. [1840.06](#)

Weeds - see H. & S. [Ch. 1890](#)

## **1024.01 DEFINITIONS.**

As used in this chapter:

- (a) "Public property" means any land currently held in public ownership by the City, regardless of size or dimensions, or any street right of way as determined by the City Assessor.
- (b) "Shrub" means any plant material that at maturity is less than ten feet in height.
- (c) "Tree" means any shade or decorative tree that at mature growth exceeds ten feet in height, either annual or evergreen.

(1973 Code Sec. 3.21)

## **1024.02 CONTROL OF PUBLIC TREES.**

The City shall have the power and control over the planting, removal, spraying, trimming, pruning, cultivation and preservation of all trees and shrubs on public parks, boulevards, highways, streets and other public grounds within the City limits.

(1973 Code Sec. 3.22)

## **1024.03 PERMIT REQUIRED FOR OPERATIONS ON PUBLIC GROUNDS.**

No person shall do or cause to be done any of the following operations on any public grounds within the City without first obtaining a written permit therefor from the City:

- (a) Break, injure or remove any tree or shrub, or cut, disturb or interfere with any root of any tree or shrub;
- (b) Spray any tree or shrub with any chemicals that would be injurious thereto;
- (c) Fasten in any manner any rope, wire, sign or other device to any tree or shrub, or any guarding device on any tree or shrub, which device is hazardous to the public or injurious to the tree;

(d) Remove, injure or alter any guarding device placed on or about any tree or shrub;

(e) Close or obstruct any open space provided about the base of any tree or shrub to permit the access of air, water or protective and preventive chemicals to the roots of any tree or shrub; or

(f) Plant any tree or shrub either directly in the ground or in any form or planter box. (1973 Code Sec. 3.23)

#### **1024.04 PERMIT FEE; SCOPE OF PERMITS.**

The fee for the permit required by Section 1024.03 shall be as established by resolution of Council. More than one operation may be included on each permit at the discretion of the City.

#### **1024.05 DANGEROUS TREES AND SHRUBS AS NUISANCE; ABATEMENT.**

No person shall place or cause to be placed any tree or shrub in such a position as to be judged to be dangerous to the life, health, safety or property of the public. Such an offense shall be deemed to be a public nuisance. Notice shall be given to the person responsible for such nuisance of such a determination with a time allotment for the correction of the public nuisance. If such person fails to comply within the allotted time, the City shall correct such nuisance with the necessary financial reimbursement by the person involved. (1973 Code Sec. 3.25)

#### **1024.06 PLANTING AND REMOVAL STANDARDS.**

The following standards governing the planting and removal of trees and shrubs shall be enforced by the City. These standards shall be made available in written form with every permit issued. Any person who fails to comply with any of such standards shall correct the deficiency and effect compliance at his or her own expense:

(a) There shall be a minimum of approximately thirty feet spacing between trees planted in the strip between the sidewalk and the curb on all public streets and highways.

(b) The types of trees to be planted between the sidewalk and the curb on all public streets and highways shall be of the recommended species for this area and climate as listed by the City.

(c) To be planted on public parks and boulevards, trees and shrubs shall be of the size and type as indicated in the beautification plan of the City.

(d) The City will remove, at no cost to the resident, any tree or shrub on public property that is judged to be either dead or diseased past the stage of renovating. The removal of trees and shrubs for other reasons will not be undertaken by the City unless the tree or shrub can be determined to be a public nuisance as set forth in Section 1024.05.

(e) The minimum sizes of trees for planting on public property shall be two and one-half inches in diameter for shade trees and one and one-half inches in diameter for ornamental trees, both measurements being taken on the trunk one foot above ground level. A description of ornamental and shade trees shall be as determined in the policy of the City.

(f) There shall be a minimum of three and one-half feet of width between the sidewalk and the curb to allow the planting of any tree.

(g) Consideration as to the locations of public utilities, such as sewers, power and telephone lines, water lines and gas lines, must be made prior to the planting of any tree or shrub as set forth in the policy of the City.

(h) Any person who removes a tree from private property within the City shall be responsible for the complete removal and disposal of the stump, trunk, logs and branches, as contracted. Further, any person engaging in the removal, pruning or repairing of trees within the City must remove all debris, including soil, from the work site when the job is completed. Brush, limbs, trunks and logs from a diseased tree must be disposed of by burial at a point outside the City limits. It will not be the responsibility of the City to pick up brush, limbs, trunks, logs or any other part of a tree, shrub or plant, or any other materials left by a person for hire or a commercial operator, the same being the sole responsibility of such person for hire or commercial operator.

(1973 Code Sec. 3.26; Ord. 599. Passed 5-27-80.)

## **1024.07      CHEMICALS, FUMES AND GAS.**

No person shall place salt, brine, oil or any other substance injurious to plant growth in any public grounds in such a manner as to injure any tree or shrub growing thereon, nor shall any person place any machinery giving off injurious fumes in a position to cause damage to any tree or shrub growing on public grounds.

No person shall knowingly permit any leak to exist in any gas line within the root zone of any tree or shrub growing on any public grounds.

(1973 Code Sec. 3.27)

## **1024.08 PROTECTION DURING BUILDING CONSTRUCTION OR REPAIR.**

(a) No person shall:

(1) Do any excavating within fifteen feet of any tree or shrub growing on public grounds without first obtaining written permission therefor from the City; or

(2) Operate or cause to be operated any machinery, implements or tools in any manner as to cause damage to any tree or shrub growing on public grounds.

(b) In connection with the erection, alteration or repair of any building or other structure, the owner and the contractor shall be individually and jointly responsible for placing such guards around all nearby trees and shrubs in the public grounds, highways and parks, as will effectively prevent injury to such trees during the period of such construction.

## **1024.09 LICENSE REQUIRED FOR TREE PRUNING AND REMOVAL; TRANSFERABILITY; EXPIRATION.**

Every person desiring to engage in the business of pruning, removing or repairing of trees within the City shall make written application to the City Clerk for a license for that purpose. Licenses issued hereunder shall not be transferable and shall expire on December 31 subsequent to the date of issuance.

(Ord. 599. Passed 5-27-80.)

## **1024.10 LICENSE PLATE AND FEES.**

No person, licensed under Section 1024.09, shall use any vehicle in the conduct or maintenance of the business licensed under such section, unless such vehicle has placed upon it, in a conspicuous place, a plate furnished by the City Clerk's office, identifying such vehicle as the vehicle of the licensee. The fee for such plate shall be established by resolution of Council and shall be paid annually. Trailers attached to vehicles equipped with such plates shall not be required to be equipped with such plates, but trailers attached to passenger vehicles shall be required to have a plate placed thereon.

## **1024.11 DUTCH ELM DISEASE.**

(a) Infected Trees. Trees of all species and varieties of elm, zelkova and planera, affected with the fungus *Ceratostomella ulmi*, as determined by field diagnosis or laboratory analysis, are hereby declared to be a public nuisance and shall be removed and buried within ten days following notification of the discovery of such infection. No person, being the owner of property whereon such a tree is situated, shall possess or keep such a tree after the expiration of ten days following notification of the discovery of such infection. (1973 Code Sec. 3.31)

(b) Dead or Dying Trees as Nuisance.

(1) Trees or parts thereof of elm, zelkova or planera in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle, *Scolytus Multistriatus*, are hereby declared to be public nuisances, and no person owning property whereon the same is situated shall possess or keep the same.

(1973 Code Sec. 3.32)

(2) Trees or parts thereof of elm, zelkova or planera, damaged beyond recovery or killed by contractors operating within the City, are hereby declared to be a public nuisance and shall be removed and disposed of within ten days. Contractors shall immediately notify the Director of Parks and Recreation of damage to trees. (1973 Code Sec. 3.34)

(c) Notice.

(1) The Director of Parks and Recreation or his or her designate, upon discovering infected trees as herein described on private property, shall give to the owner where such trees or parts thereof are situated, written notice of the existence of such disease, and require the removal and burial of such tree or trees or parts thereof within a period of ten days following such notice, such removal and burial to be under the direction and supervision of the Director.

(2) Such notice shall also notify the owner of such premises that unless such tree or trees or parts thereof are removed and buried in compliance with the terms thereof within such ten-day period, the City will proceed with the removal of such tree or trees or parts thereof and assess the cost thereof against the property on which they were situated. (Adopting Ordinance)

(d) Service of Notice. Service of such notice shall be by personal service or registered or certified mail, addressed to such owner at his or her last known address as shown in the records in the office of the City Assessor. (1973 Code Sec. 3.36)

(e) Right of Entry. The Director of Parks and Recreation or his or her designate is hereby charged with the enforcement of this section and to that end may enter upon private property at all reasonable hours for purposes of inspecting trees thereon and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. No person shall prevent any employee or agent of the City from entering on private property for purposes of carrying out his or her duties hereunder or interfere with such City employee or agent in the lawful performance of his or her duties under this chapter. The City employee or agent shall carry his or her official identification card while on duty and present the same when necessary to identify himself or herself in the performance of his or her duties.

(f) Removal of Private Trees. After service of the notice referred to in subsection (c) hereof, it shall thereupon become the duty of the owner of such premises to cause such tree or trees or parts thereof to be removed and buried, under the direction and supervision of the Director of the Department of Parks and Recreation or his or her designate. In lieu thereof, the person charged with such removal and burial may request that the same be done by the City. If the City removes and buries any tree or trees or parts thereof, the Director of the Department of Parks and Recreation or his or her designate shall keep an accurate account of all expense incurred in connection therewith and shall forward to the Director of Finance a statement of all costs incurred, including overhead, on each of the several descriptions or parcels of property entered upon in carrying out the provisions of this chapter. Such total charges shall immediately constitute a lien and tax upon the property upon which such tree or trees or parts thereof were removed. Within ten days after receipt of such report, the Director of Finance shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and such assessment shall be payable within thirty days without additional costs. If such assessments are not paid within thirty days, a penalty of five percent shall be added, and the total amount of assessments and penalty will be transferred or reassessed upon the next County Tax Roll. The Director of Finance shall, on or before October 10 of such year, prepare a report of all parcels of property upon which such assessments have not been paid and such unpaid assessments shall be reassessed upon the next County Tax Roll in a column headed "Dutch Elm Disease Ordinance Assessment," together with the penalty of five percent to cover the cost thereof. Such assessments, when reassessed upon the County Tax Roll, shall be collected and paid in all respects as provided for the collection of County Taxes. When these assessments are collected they shall be paid into the City Treasury to reimburse the outlay therefrom.

(Adopting Ordinance)

(g) Removal of Public Trees. Trees on public lands within the City shall be removed at the expense of the City. (1973 Code Sec. 3.38)

## **1024.99 PENALTY.**

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

Imposition of any penalty for a violation of this chapter shall not be construed as a waiver of the right of the City to collect the costs of removal of a tree or trees or parts thereof in accordance with the provisions of this chapter and the provisions of the City Charter in such case made and provided, where it is necessary for the City to remove such tree or trees or parts thereof.

(1973 Code Sec. 3.39)

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