

City of Flint, MI Code of Ordinances

PART II. THE CODE

CHAPTER 45. TREES AND SHRUBS

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Section

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Cross-reference:

Business of cutting, removing or trimming

trees, see § 12-43 et seq.

Community Beautification Commission, see

§ 2-4 et seq.

Defacing trees in parks prohibited, see § 33-3

Destroying or removing trees, flowers and the

like in cemeteries, see § 33-4

Trimming trees for community television

antenna equipment, see § 15-18

ARTICLE I. PLANTING AT INTERSECTIONS

§ 45-1 LIMITATION ON HEIGHT.

In any residence district on a corner lot there shall be no fence, wall or hedge more than three feet in height, nor any obstruction to vision other than a post or column or tree not extending one foot in greater cross-sectional dimension between a height of three feet and a height of ten feet above the established grade of either street within an area formed by the lot lines on the street sides of such lot and a line joining points on such lot lines located at a distance of 33 feet from the point on their intersection; provided that any open construction four foot fence lawfully existing as of the effective date of this section shall be permitted to remain.

(Ord. 1119, passed 6-2-53; Am. Ord. 2141, passed 7-14-69; Am. Ord. 3046, passed 9-28-87)

§ 45-2 OBSTRUCTIONS TO VIEW TO BE REMOVED BY OWNER; NOTICE TO REMOVE.

Any obstruction to the view as mentioned in this article shall be removed by the owner or agent within ten days after service of written notice to do so by the Director of Public Works and Utilities or his designee. Such notice may be served on the owner if he can be located in the City, and if not, on the occupant of the premises and on the owner by registered mail.

(Ord. 1119, passed 6-2-53; Am. Ord. 3046, passed 9-28-87)

§ 45-3 OBSTRUCTION DECLARED PUBLIC NUISANCE; ABATEMENT BY CITY; LIEN.

(a) The obstructions mentioned in this article are declared to be a public nuisance, and if the owner, agent or occupant shall neglect or fail to comply with the order of the Director of Public Works and Utilities or his designee and abate the same within the time specified in the notice required by this article to be given, it shall be the duty of the City Administrator to cause to be done and in such case, the cost and expense of removal of such obstructions, in which costs shall be included all items of the cost of abatement thereof, shall, when ordered by the City Council, be assessed by the Board of Special Assessors on each description of land, which shall be and remain a lien thereon until collected and paid as provided by this article.

(b) Upon completion of the removal or abatement of such obstruction, the City Administrator shall make a report to the City Council, setting forth therein the names of the owners, agents or occupant, with a description of the premises, together with an itemized statement verified by him showing the cost and expense of all labor and material used.

(Ord. 1119, passed 6-2-53; Am. Ord. 3046, passed 9-28-87)

§ 45-4 ASSESSMENT OF CITY'S COST IN ABATING OBSTRUCTION.

Upon receiving the report mentioned in § 45-3, the City Council shall, and it is hereby authorized to, direct the Board of Special Assessors to make and prepare special assessment rolls which shall contain the description of each lot or parcel of land upon which removal of obstructions were made, the names of the owners of such lots or parcels of land, together with the total cost of removing or abating obstructions to vision as in this article provided to be assessed and the Board shall levy as a special assessment on each description of land appearing on its rolls its portion of the costs. Upon receiving such direction, the Board of Special Assessors shall make an assessment roll as provided

in Section 7-402 of the Charter and § 18-11.6 of this code of ordinances, thereupon the same proceedings shall be had and with

like effect as is provided in the Charter for special assessments in other cases.

(Ord. 1119, passed 6-2-53)

ARTICLE II. TREES AND SHRUBS IN PUBLIC PLACES

§ 45-5 AUTHORITY AND DUTIES OF RECREATION AND PARK BOARD; CITY FORESTER.

The Recreation and Park Board shall have full power and authority over all trees, plants and shrubs planted and to be planted in the streets and public highways of the City, including the right to plant new trees and care for the same, and to that end the Board is authorized to appoint a person, to be known as the City Forester, and such other employees and assistant as may be necessary, and to prescribe and define their respective duties and to fix the amount of their compensation. The Forester shall be an expert, trained in the care and culture of trees and whose duty it shall be, under the control and direction of the Park Board to superintend, regulate and encourage the preservation, culture and planting of shade and ornamental trees, plants and shrubs on the public highways of the City, to prune, spray and cultivate and otherwise maintain such trees, plants and shrubbery, and to direct the time and methods incident to all trimming, spraying, pruning, and care of same. It shall be the further duty of the Park Board to advise without charge the owners or occupants of lots regarding the planting of trees, plants and shrubbery best adapted to their particular street, and to advise as to the proper kinds of trees, plants and shrubs, and to take such measures as may be deemed necessary to control and exterminate all insect pests and plant diseases that may injuriously affect trees, plants and shrubs that are now growing or may be hereafter growing on the streets or public highways of the City.

(Ord. 111, passed 12-2-18)

§ 45-6 PERMIT FOR REMOVING, PLANTING, AND THE LIKE.

It shall be unlawful for any person to remove, plant, prune, trim, spray, paint, whitewash, cut or repair any tree, shrub or plant in any public square, street, boulevard, lane or alley in the City, either for himself or for anyone else until he has secured a written permit therefor from the Recreation and Park Board. And before any tree or shrub shall be so planted, the person desiring so to do shall make an application in writing to the Park Board upon blanks, specifying the location, alignment and kind of

trees and shrubs to be planted, and agreeing that such trees or shrubs, when so planted shall become the property of the City.

(Ord. 111, passed 12-2-18)

§ 45-7 LIMITATIONS ON LOCATION FOR PLANTING.

No permit for planting trees, plants or shrubs shall be given where the clear space between the sidewalk and curb is less than three feet, neither shall a permit be given where the soil is too poor to insure the growth of the tree, plant or shrub, unless the applicant agrees to excavate a hole of not less than five feet in diameter and two and one-half feet deep and to replace the material removed with suitable good loam.

(Ord. 111, passed 12-2-18)

§ 45-8 LIMITATION ON SIZE OF TREES TO BE PLANTED.

(a) No tree shall be planted which is less than two inches in diameter one foot above ground. The permanent crown of new planting shall be not less than eight to eight and one-half feet from the ground and not more than nine and one-half feet from the ground. No permanent tree shall be planted closer than 40 feet apart. Intermediate temporary trees may be planted at 20-foot intervals subject to removal at any time upon order of the Recreation and Park Board.

(b) Wherever when the owner of an undeveloped plat desires to plant trees, the City Forester is authorized to permit planting of special sizes of street trees for that location.

(Ord. 111, passed 12-2-18; Am. Ord. passed 1-7-29)

§ 45-9 ACTS PROHIBITED GENERALLY.

No person shall do or be permitted to do any of the following acts or practices in relation to any trees planted on any public square, grounds, streets, boulevards or alleys in the City:

(a) Destroy, break, chop, girdle, deface, climb, injure, misuse or interfere with any tree.

(b) To attach to or in any manner fasten any wire, rope, chain, cable, sign, card, poster or other article to any tree or to any guard or stake intended for the protection of any tree.

(c) To hitch or fasten any animal to any tree or shrub or to any guard intended for the protection of same or to allow any animal to stand nearer than six feet to any tree or shrub.

(d) To pile, dump or otherwise place or deposit within a distance of four feet of any tree, plant or shrub any brick, stone, sand, cement, lumber, mortar, lime, dirt or any other material.

(e) To allow coal gas or other gaseous substances deleterious to tree life, any salt, brine, dust, oil or liquid to come in contact with or to flow or drip on or into the soil about the base of any tree, plant or shrub.

(f) To dig a trench under or within six feet of any tree, shrub or plant for the laying of any kind of pipe, main, tile or conduit without first obtaining from the Recreation and Park Board a written permit therefor, in which case the work shall be done in strict accordance with the requirements as set forth in such permit.

(g) To erect, repair, alter or remove any building, structure or portion thereof, to excavate for any building, structure or for any other purpose in such close proximity as to injure any tree or shrub without first having placed good and efficient guards around such tree or shrub.

(Ord. 111, passed 12-2-18)

§ 45-10 MOVING BUILDINGS NECESSITATING MOVING TREES AND THE LIKE.

If the moving of any building should cause or make necessary the moving of any tree, plant or shrub in any public highway, it shall be done under the supervision of the Recreation and Park Board at the expense of the owner. Should the moving cause the death of such tree, plant or shrub, the owner of the building shall replace and make good the loss at his expense. All instructions contained in the printed permits shall be strictly observed by the parties to whom such permit is issued.

(Ord. 111, passed 12-2-18)

§ 45-11 DANGEROUS OR DISEASED TREES AND THE LIKE.

It shall be unlawful for any person to permit to be or remain upon any land or premises owned or controlled by such person, any dangerous, diseased or obnoxious trees, limbs or shrubs, after notice or knowledge thereof, and the Recreation and Park Board may cause any such dangerous, diseased or obnoxious tree, limbs or shrubs, to be

removed and the conditions caused thereby abated at any time after three days' notice in writing to the owner or persons in charge or control of the land or premises upon which the same exists.

(Ord. 111, passed 12-2-18)

§ 45-11.1 EMERGENCY REMOVAL OF TREES, LIMBS, SHRUBS AND THE LIKE.

(a) In case of emergency, but not limited to, windstorms, floods, freezes, or other natural disasters or due to the effects of accident, or the advancement of age or disease, and upon the finding by Forestry personnel at the scene that the condition of any tree, limb, bush or shrub or parts thereof constitutes and immediate hazard and that danger exists to persons and/or property which requires immediate action to alleviate such hazard and danger, the Forestry Division shall remove the tree, limb, bush or shrub, or any part thereof as soon as possible.

(b) Determination as to what constitutes the existence of an immediate hazard and danger shall be at the discretion of the Forestry Supervisor.

(Ord. 2686, passed 1-24-83)

§ 45-11.2 SAME NOTICE.

(a) Before commencing work to remove any tree, limb, bush or shrub, or any parts thereof, which have been determined to be an immediate hazard or a danger to persons and/or property, the Forestry Division shall first attempt to notify the owner or person in charge of the premises upon which the tree, limb, bush or shrub is located, of the impending action, by the methods set forth below:

(1) By delivery of an oral or written notice to the owner or person in charge of the property; or

(2) By delivery of such oral or written notice to a person of suitable age and discretion at the premises.

(b) The notice shall advise as to the date and estimated time on which such action shall commence, the location of the tree, limb, bush or shrub or parts thereof, which are to be removed or trimmed, the reason for such action and the name and telephone number of a person at the Forestry Division who can be contacted for further information.

(Ord. 2686, passed 1-24-83)

§ 45-11.3 SAME WHEN OWNER NOT LOCATED.

(a) If the Forestry Division is unable to located either the owner or the person in charge of the premises, within a reasonable amount of time after it has been determined that the tree, limb, bush or shrub constitutes a hazard and immediate danger to persons and/or property, and must be trimmed or removed as soon as possible, they may commence the work necessary to alleviate the hazard and remove the danger, in the manner prescribed in § 45-11.1 hereof.

(b) Determination of what constitutes a reasonable amount of time under the circumstances, shall be at the discretion of the Forestry Supervisor or his designee.

(Ord. 2686, passed 1-24-83)

§ 45-11.4 SAME NOTICE FOLLOWING COMPLETION.

(a) Following completion of the work, the Forestry Division shall then mail notice to the owner of record and/or the person in charge of the premises. Such notice shall contain the following information:

(1) The location of the tree, limb, bush or shrub which was removed or trimmed.

(2) The reason for emergency removal or trimming.

(3) The date on which the work was done.

(4) The date of any prior attempt to notify the owner or person in charge of the premises of the impending work, and where the notice was sent or delivered.

(5) The cost of the work performed by the Forestry Division and to be assessed against the property involved.

(6) The name and telephone number of the person at the Forestry Division who can be contacted for further information.

(b) This notice shall be:

(1) Mailed, by registered mail, to the owner of record of the property, at their last known address; or

(2) Personally delivered to the premises to the person in charge of the premises or a person of suitable age and discretion at the premises.

(Ord. 2686, passed 1-24-83)

§ 45-12 DUTCH ELM DISEASE.

Elm trees infected with the fungus *Ceratocystis ulmi*, commonly known as Dutch elm disease, or infested with beetles known to be a vector of this disease are hereby declared to be dangerous, and obnoxious trees and public nuisances and all aboveground portions of such trees shall be removed and destroyed by burning or by burying under a minimum of two feet of each by the owner or person in charge or control of the property upon which same are located, within ten days after receipt of notice in writing by the Recreation and Park Board; provided, that between the dates of September 1 and April 30 the Recreation and Park Board shall have the authority to grant an extension for a reasonable length of time to the owners of property upon which such diseased elm trees are located, upon a showing that the requirements of removal within ten days of receipt of notice would work a hardship. All notices issued by the Recreation and Park Board during the period of September 1 through April 30 shall advise the property owner of the right to request this extension of time.

(Ord. 1939, passed 10-3-66)

§ 45-13 WIRES COMING IN CONTACT WITH TREES AND THE LIKE.

(a) It shall be unlawful for any person, having notice or knowledge that any wire, cable or other thing, owned or controlled by any such person is so suspended or placed as to come in contact with any tree or shrub standing or being in any public street, boulevard, lane, alley or public place in the City, to permit such wire, cable or other thing to remain so suspended or placed for a period extending over five days after such notice or knowledge, unless such person shall insulate such wire or cable in a manner satisfactory to the Chief Electrical Inspector, or in the even such insulation cannot be done to the satisfaction of the Electrical Inspector, then, unless such tree or shrub shall be trimmed in such a manner satisfactory to the Recreation and Park Board, such person shall remove such electric wire or cable or other thing, if in the opinion of the Chief Electrical Inspector it cannot be insulated and if, in the opinion of the Park Board, such tree or shrub cannot be so trimmed without injury thereto, the cost and expense of such insulation or trimming is to be paid by the person owning or controlling such electric wire, cable or other thing.

(b) The Recreation and Park Board shall have power to cause to be removed any wire, conduit or other thing now existing, that burns or chafes any part of any tree, whether trunk, root or branch in any street, lane, alley or public place in the City, in case the owner of the wire, conduit or other thing shall fail, after three days' written notice, to take adequate steps to prevent further injury.

(Ord. 111, passed 12-2-18)

§ 45-14 APPROPRIATIONS TO RECREATION AND PARK BOARD.

The City Council every year shall grant the Recreation and Park Board such sums of money as it shall require and to the City Council shall appear reasonable and just for planting, maintaining and care of trees, of the City, for purchasing, or raising new trees, plants and shrubs and for other expenses contemplated.

(Ord. 111, passed 12-2-18)

§ 45-15 ENFORCEMENT.

It shall be the duty of the Recreation and Park Board aided by the Department of Police, to see that the provisions of this article are obeyed.

(Ord. 111, passed 12-2-18)