

City of Harper Woods - Tree Ordinance

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Chapter 26 TREES AND SHRUBS

Art. I. In General, §§ 26-1--26-25

Art. II. Dangerous or Infected Trees, §§ 26-26--26-30

ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

As used in this chapter the word "trees" includes shrubs which grow higher than fifteen (15) feet; "shrubs" under fifteen (15) feet in height may include vines and plants; the word "growth" includes any or all thereof unless the context otherwise requires.

(Code 1962, § 7-201)

Sec. 26-2. Function of department of public works.

The department of public works shall have complete charge and control over the planting, cutting, trimming and removal of trees and other growth upon all public highways and places and the department may promulgate and adopt rules and regulations for the control of same.

(Code 1962, § 7-202)

Sec. 26-3. Application for permits.

Application for any permit required by the provisions of this chapter shall be made in the form and manner prescribed by the city clerk. No permit shall be granted unless same is approved by the superintendent of public works.

(Code 1962, § 7-207)

Sec. 26-4. Permit to plant, destroy, etc.

No person, except the city, shall plant, remove or destroy any ornamental shade tree or shrub in any public way; or plant any poplar, box elder, basswood, cottonwood, willow, soft maple, common catalpa, horse chestnut, or "ailanthus glandulosa" tree anywhere within the city without first procuring a permit from the department of public works.

(Code 1962, § 7-203)

Sec. 26-5. Gas pipes and mains; leaks; repair, etc.

Gas pipes or mains within or beneath any public way shall be so maintained as to avoid any leakage therefrom. If any 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 (24) hours. The city may repair any leak not stopped within twenty-four (24) hours and the owner of the pipe or main causing the leak shall be charged with the cost of repair and the damage caused thereby.

(Code 1962, § 7-204)

Sec. 26-6. Tree trimming.

(a) The owner, or person in charge or control of any lot or parcel of land within the city, upon which any tree, shrub, vine or plant may be standing adjacent to any public way, shall trim or cause to be trimmed, either at the property line, or to a clear height of at least eight (8) feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets.

(b) The city may enter upon any such private premises to do such trimming as it determines necessary, or to remove such obstructions herein prohibited upon the failure of the owner so to do after notice to him in writing. The said owner shall, or the city may, remove from such tree, shrub, plant or vine, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang, or are close to the public way; and when any such tree, shrub, plant or vine is dead, the owner shall remove the same, or after notice of such intention to the owner, the city may do so and charge the cost thereof to such owner.

(Code 1962, § 7-208)

Sec. 26-7. Permit for public utility to trim trees.

No person owning or operating any bus line or other motor transportation over the city streets, or any public utility lines upon, above or below the surface, shall trim, cut or cause it to be trimmed or cut, along any public way or park, without first having submitted to the department of public works a plan of the work to be done and having procured a permit for such work; provided, however, that nothing in this section shall be construed to apply to the removal, under the direction of the department, of any stump, roots, tree, shrub, vine, plant or part thereof, wherever such removal shall be found necessary in the construction, or repair of any street, sidewalk, sewer, pavement or other public improvement.

(Code 1962, § 7-206)

Sec. 26-8. Excavations, etc.

In any excavation, or the erection, alteration or repair of any building or structure, or other work, the owner thereof, or someone for him shall place or cause to be placed such guards around all nearby trees, shrubs and plants in the public way as will effectually prevent injury to them.

(Code 1962, § 7-209)

Sec. 26-9. Stones, bricks, sand, etc.

No person shall place or maintain upon the ground in any public way or place of the city, any stone, brick, sand, concrete or other material or article, which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine or plant, without leaving an open space of ground not less than four (4) feet in diameter around the same.

(Code 1962, § 7-210)

Sec. 26-10. Other provisions applicable to trees and shrubs in public ways.

The following provisions of this section shall apply only to trees and shrubs within any public way in the city:

(1) No person shall break, injure, mutilate, kill or destroy any tree or shrub or set any fire within ten (10) feet of any tree, or permit any fire, or the heat thereof, to injure any portion of any tree.

(2) No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree.

(3) No electric wires or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electric insulation to any tree.

(4) No person shall use any tree as an anchor except by special written permit from the department of public works, and no material shall be fastened to or hung on any tree.

(5) All persons having under their care, custody or control, facilities which may interfere with the trimming or removal of any tree shall, after notice thereof by the department of public works, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the department.

(Code 1962, § 7-205; Ord. No. 251, § 1, 11-15-76)

Secs. 26-11--26-25. Reserved.

ARTICLE II. DANGEROUS OR INFECTED TREES

Sec. 26-26. Declared nuisance.

Any elm tree within the city which is found to be infected with the Dutch elm disease fungus (*Ceratostomella ulmi*), or any elm tree or parts thereof which are dead or dying and serve as a breeding place for the bark beetles (*Scolytus multistriatus* and *Hylurgopinus rufipes*), which carry and transmit Dutch elm disease, is hereby declared a public nuisance.

(Code 1962, § 7-212; Ord. No. 251, § 3, 11-15-76)

Charter references: Power of city to define, abate, etc., nuisances, § 2.2(q)(v).

Sec. 26-27. Removal, spraying, etc., upon order required.

When the superintendent of public works shall discover that any tree growing on any public or private property within the city is afflicted with any dangerous and infectious insect infestation or tree disease, or is in a dangerous condition, he shall forthwith serve a written notice upon the owner or his agent, or the occupant of the property, describing the tree, its location and the nature of the infestation or tree disease or dangerous condition and ordering the owner, agent and occupant to take such measures specified in such written notice as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof or to remedy such dangerous condition. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within ten (10) days after service thereof, upon the owner, agent or occupant of the property on which the afflicted tree is located, or within such additional time as may be stipulated in such notice. (Ord. No. 251, § 1, 11-15-76)

Sec. 26-28. Inspections.

The department of public works shall have power to go upon any private lands for the purpose of inspecting any tree to enforce the provisions of this article.

(Code 1962, § 7-213; Ord. No. 251, § 3, 11-15-76; Ord. No. 87-5, § 1, 5-20-87)

Sec. 26-29. Elm tree removal.

Upon discovering an elm tree infected with Dutch Elm Disease, the superintendent of public works shall give notice in the same manner as in Section 26-27 of this article. That notice may require cutting down and removing the infected tree.

(Code 1962, § 7-214; Ord. No. 251, § 3, 11-15-76; Ord. No. 87-5, § 2, 5-20-87)

Sec. 26-30. Cost of work done by city.

If the owner or occupant of any premises fails to comply with the terms of any notice given under Section 26-27 or Section 26-29, the city may enter upon the premises and perform the work required and charge the costs thereof to the owner or occupant. The expenses incurred by the city shall be costs of abating a public nuisance in accordance with the provisions of Section 12.9 of the Charter. The provisions of Section 12.9 of the Charter shall be construed as supplementary to this article and constitute a part of this article with the same effect as though that section was fully written and contained herein.

(Code 1962, § 7-215; Ord. No. 251, § 2, 11-15-76; Ord. No. 87-5, § 3, 5-20-87)

Cross references: Special assessments, Ch. 22.