

ARTICLE 1-04-03. TREES

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1-04-03-001 Findings and Purpose.

The Village of Holly finds that a substantial and healthy stock of trees maintained throughout the community enhances the beauty, livability and health of a community and increases property values. To that end, it is the purpose of this article to provide for the protection, maintenance and propagation of trees in the Village of Holly; to prohibit actions which are injurious to the Village's tree stock; and provide for the maintenance of trees in a manner designed to protect public safety. (Ord. No. 282, 11-26-97)

1-04-03-002 Appointment of Village Forester; Duties; Interference with prohibited.

- (1) The Director of the Village Department of Public Works shall serve as the Village Forester. (Ord. No. 282, 11-26-97)
- (2) It shall be the duty of the Village Forester or employees or persons working under his/her direction, to control, superintend, regulate, promote and encourage the preservation, maintenance, culture, planting, treatment and care of trees planted in the rights of way, parks, and other public places.(Ord. No. 282, 11-26-97)
- (3) No person shall willfully interfere with, hinder or prevent the village forester or employees or persons working under his/her direction or control, from exercising the rights, duties, powers and work herein provided. (Ord. No. 282, 11-26-97)

1-04-03-003 Appointment of Tree Board

- (1) The Village Park Commission shall serve as the tree board and develop an annual community forestry work plan to be submitted to the Village Forester for review, approval and implementation.(Ord. No. 282, 11-26-97)

1-04-03-004 Prohibited Practices.

No person shall endanger trees in a public right-of-way, park, or other public place by:

- (1) Fastening any sign, card, poster, wire, rope or other material to, around or through any tree except in emergencies such as storms or accidents. Signs must be removed after abatement of emergencies by person who placed same.(Ord. No. 282, 11-26-97)
- (2) Injuring, defacing, disfiguring, cutting, disturbing, removing, killing or destroying any portion of any tree.(Ord. No. 282, 11-26-97)
- (3) Permitting any fire to burn where such fire or its heat, smoke or fumes will injure any portion of any tree. (Ord. No. 282, 11-26-97)
- (4) Permitting any toxic chemical to seep, drain, or to be emptied on or about any tree. (Ord. No. 282, 11-26-97)
- (5) Depositing, storing, placing or maintaining on any street or other public place, any brick, block, stone, concrete or other material which may impede free passage of water, air, and fertilizer to the roots of any tree. (Ord. No. 282, 11-26-97)
- (6) Failing to erect a suitable protective barrier around trees likely to be injured during any construction activity.(Ord. No. 282, 11-26-97)
- (7) Permitting any primary electrical service wire to be attached to any tree.(Ord. No. 282, 11-26-97)
- (8) Digging a trench under or within fifteen (15) feet of any tree for the laying of pavement, pipe or conduit, without first cutting roots in a skillful workman like manner, with a trenching machine. Boring under trees for the purpose of pushing pipe or conduit is permitted with the use of an approved boring or auguring machine. In the event of emergency repairs, the Village Department of Public Works or its agent shall be exempt.(Ord. No. 282, 11-26-97)
- (9) Construction of new driveways or parking areas within fifteen (15) feet of any tree in a public place except with the permission from the Village Forester.(Ord. No. 282, 11-26-97)

- (10) Planting of new trees in the right-of-way within fifteen (15) feet of an existing or proposed driveway or apron. (Ord. No. 282, 11-26-97)

1-04-03-005 Public Improvements.

- (1) The provision of this article shall not apply to the removal of a tree or any part thereof when such removal is necessary for the construction of public sidewalks, streets, alleys, sewers or other public improvement authorized by any public governmental agency. (Ord. No. 282, 11-26-97)
- (2) Except for emergency work on a public improvement, whenever any person desires to remove a tree in whole, or in part, because of the placing of a public improvement, such person shall provide the Department of Public Works with notice of its intent to remove such a tree, or part thereof, prior to such removal.(Ord. No. 282, 11-26-97)
- (3) The Village Forester shall determine the appropriate species of a tree to be planted, tree size, distance from curb and sidewalk, distance from street corners and fire hydrant, considering parkway width, location of underground utilities, height of overhead utilities, spacing of existing trees and traffic visibility requirements. Guidelines are available at the Village Hall. (Ord. No. 282, 11-26-97)
- (4) Planting of private trees in the public right of way is encouraged but no person shall plant a tree in the public right of way except by and in accordance with the written permission of the Village Forester. Such written permission shall, upon consideration of the factors set forth in (3) above, specify the location and appropriate species to be planted in the right of way. (Ord. No. 282, 11-26-97)

1-04-03-006 Public Tree Care.

The Village Forester shall have the right to plant, prune, maintain and remove trees planted in rights of way, parks or other public places as may be necessary to insure continuity of service or safety of crews when servicing utilities, to preserve the beauty of such public places or to protect the public health and welfare.(Ord. No. 282, 11-26-97)

- (1) The Village Forester shall remove any tree or part thereof which is injurious to sewer, electric power lines, gas lines, water lines, or other public improvements, after all reasonable attempts to save the tree are exhausted.(Ord. No. 282, 11-26-97)
- (2) The Village Forester shall remove any tree or part thereof which is affected with any injurious fungus, virus, insect or other pest, which constitutes a potential threat to other trees. (Ord. No. 282, 11-26-97)
- (3) The Village Forester shall have the right to preserve any tree in a public place as it deems necessary to serve the public interest.(Ord. No. 282, 11-26-97)

1-04-03-007 Public Tree Removal.

Before removal of any tree growing in a public place and so located as to extend its branches over adjacent private property, the Village Forester shall notify the owners or occupant of the adjacent property prior to acting, except in cases where health or property are endangered. (Ord. No. 282, 11-26-97)

1-04-03-008 Loss of Public Trees; Value.

Any person who removes, severs, destroys, or injures, in a manner which will cause the immediate or future removal of a tree in a public right of way, park or other public place shall be liable to the Village for the cost of removal of the damaged tree and the value of a comparable, if possible, or suitable, if not, tree as determined by the Village Forester after consideration of the factors set forth in Section 1-04-03-005(3), and any other damages permitted by law, including, without limitation, treble damages under MCL 600.2919 (MSA 27A.2919). (Ord. No. 282, 11-26-97)

1-04-03-009 Trees Overhanging Streets or Sidewalks.

Any tree not growing in a right of way, park or public ground, but so located as to extend its branches over a street, sidewalk, streetlight, or other public grounds which is, or becomes, a menace or danger to the public safety, or a traffic hazard, shall be trimmed or removed by the owner of the property on which the tree stands and to provide a clear space of ten (10) feet above the surface of public sidewalks and fifteen (15) feet above the surface of the street, so as to remove the obstruction from the street, sidewalk, or public grounds and so as to eliminate the traffic hazard and the menace and danger to the public. The Village Forester shall have the right to remove, or trim any tree or shrub on private property when it interferes with the proper spread of light, electrical utility facilities, or any traffic control device or sign. (Ord. No. 282, 11-26-97)

1-04-03-010 Violation; Penalty.

Any person who violates any of the provisions of this article shall be responsible for a municipal civil infraction and shall be subject to the sanctions set forth in Article 1-02-05 of the Code of Ordinances of the Village of Holly. (Ord. No. 282, 11-26-97)

01-04-03-011 Appeals.

All appeals of penalties shall be heard by and decided upon by the Village Council. Such appeals must be noticed before the next regularly scheduled council meeting after written notice has been given, pursuant to this chapter. (Ord. No. 282, 11-26-97)