

City of Madison Heights – Tree Ordinance

ARTICLE III. TREES, SHRUBS AND PLANTS

Sec. 27-34. Definitions.

The following words and phrases when used in this article shall have the meanings respectively ascribed to them:

Growth includes any or all trees and shrubs unless the context otherwise requires.

Shrubs under 15 feet in height may include vines and plants.

Trees includes shrubs which grow higher than 15 feet.

(Code 1958, § 7-201)

Sec. 27-35. Authority to control growth on public ways; promulgation of rules.

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 removal of same.

(Code 1958, § 7-202)

Sec. 27-36. Permit required for planting certain trees.

No person shall plant any poplar, box, elder, basswood, cottonwood, willow, soft maple, American 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 1958, § 7-203)

State law references: Authority to destroy box elder trees, MSA 12.270(1).

Sec. 27-37. Permit required for actions affecting growth on public ways.

(a) No person, including public utilities, except the city, shall plant, remove, cut, injure, destroy or in any [way] deface any tree or shrub in any public way without first procuring a permit from the department of public works.

(b) This section shall not be construed to prohibit any person owning or occupying any lot in front of or adjacent to which there may be any tree or shrub from trimming the same.

(Code 1958, §§ 7-129, 7-203, 7-205, 7-206; Ord. No. 82, § 3, 2-5-58)

State law references: Destroying or injuring trees, MSA 9.336, 9.355, 9.361, 13.1064(1); right of public utilities to trim or remove trees subject to regulation by municipalities, MSA 26.430(190).

Sec. 27-38. Application for and approval of permits.

Application for any permit required by the provisions of this article 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 1958, § 7-207)

Sec. 27-39. Attaching articles and hitching animals to trees on public ways prohibited. No person shall attach, tack or in any manner fasten, to any tree in a public way any wire, rope, chain, cable, sign, card, board, poster or other article, nor hitch any animal thereto. (Code 1958, § 7-205)

State law references: Similar provisions, MSA 9.361.

Sec. 27-40. Growth on adjacent land obstructing public way prohibited; notice to remove; removal by city; costs.

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 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. 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 1958, § 7-208)

Sec. 27-41. Barriers required for excavations, etc., on public ways.

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 barriers around all nearby trees, shrubs and plants in the public way as will effectually prevent injury to them.

(Code 1958, § 7-209)

Cross references: Excavations and landfills, Ch. 11.

Sec. 27-42. Obstruction of roots of growth on public ways prohibited.

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 feet in diameter around the same.

(Code 1958, § 7-210)

Sec. 27-43. Destruction of diseased growth required.

The owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in a dangerous condition, shall destroy same which such destruction is necessary for the protection of other trees and growths and for the public safety, health and welfare.

(Code 1958, § 7-211)

State law references: Insect pest and plant disease act, MSA 12.201 et seq.; commissioner of agriculture authorized to destroy diseased growth, MSA 12.263(1).

Sec. 27-44. City authority to perform acts and assess costs; procedure.

If the owner or occupant of any premises fails to perform any duty required of him by this article, the department of public works may serve notice upon such owner and occupant directing him to cause such work to be done and upon his failure to comply with the notice, the city may enter upon the premises and perform the work required and charge the cost thereof to the owner or occupant. The notice and cost shall be served and charged.

(Code 1958, § 7-212)

Secs. 27-45--27-55. Reserved.