

Village of Pigeon, MI – Tree Ordinance

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ARTICLE III. TREES AND SHRUBS*

*State law references: Care of trees and shrubs, MCL 247.241 et seq., MSA 9.361 et seq.

DIVISION 1. GENERALLY

Sec. 82-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved trees means species of the following:

- (1) Little leaf linden.
- (2) White ash and green ash (seedless).
- (3) Hard maple.
- (4) Silver queen maple.
- (5) Locusts, except thorn and podded varieties.

Parks includes all public parks having individual names.

Public place includes all other grounds owned or leased by the village.

Private property means property not owned or leased by the village.

Street means all land lying between the private property lines on each side of all public streets, highways and alleys.

Superintendent means the village department of public works superintendent.

(Comp. Ords. 1983, § 35.151)

Cross references: Definitions generally, § 1-2.

Sec. 82-52. Jurisdiction; scope.

The village shall have full power and authority over and with respect to all trees, shrubs and bushes planted, situated or growing in the public streets, alleys, parks, public places, but only on private property as provided for in this article, within the village. The village shall regulate the planting, protection, trimming and removal thereof and the trimming of all trees that overhang such streets, highways, alleys, parks, public places, but only on private property as provided for in this article.

(Comp. Ords. 1983, § 35.152)

Sec. 82-53. Penalty for violation.

Any person violating this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for a period of not more than 90 days or by both fine and imprisonment in the discretion of the court. Imposition of any costs or any penalty for a violation of this article shall not be construed as a waiver of the right of the village to collect the costs of removing, pruning or spraying such trees, shrubs or bushes in accordance with this article where it is necessary for the village to remove, prune or spray such tree, shrub or bush.

(Comp. Ords. 1983, § 35.162)

Sec. 82-54. Permit for pruning, spraying, planting or removing.

Individuals and owners of private property abutting any street, alley, park and public place shall be required to obtain a permit from the village clerk prior to pruning, spraying, planting or removing trees, shrubs and bushes in that part of the street abutting private property not used for public travel.

(Comp. Ords. 1983, § 35.153)

Sec. 82-55. Location of planting.

(a) No tree shall be planted nearer to the intersection of two or more streets than 15 feet from the nearest street line abutting such intersection. All shrubs and bushes planted within this area on the owner's private property shall be trimmed to a height of not more than three feet above the curb.

(b) No tree, except an approved tree, shall be planted in any street right-of-way. Only approved trees shall be planted on private and village property that is less than 15 feet from any street right-of-way or any sewer or sewer extension. Approved trees planted in any street right-of-way shall be spaced not less than 20 feet apart.

(c) No approved tree shall be planted where the clear space between the curb and the sidewalk is less than three feet.

(d) Any approved tree, when planted, shall have a diameter of at least one inch at a height of one foot above the ground level.

(e) No tree, shrub or bush shall be planted unless it is free from infectious diseases.

(f) No bush or shrub shall be planted within the street right-of-way, except within center parkways on divided streets. Any bush or shrub within the street right-of-way, except as provided by this article, shall be removed.

(Comp. Ords. 1983, § 35.154)

Sec. 82-56. Payments for planting.

Payments to individuals or property owners for planting approved and accepted trees on village street rights-of-way shall be paid in accordance with a resolution adopted by the village council. No payment shall be made where an individual or property owner has not been issued a permit.

(Comp. Ords. 1983, § 35.155)

Sec. 82-57. Attaching rope, wire or advertisements; hitching animals.

No person shall attach or place on any tree planted or placed in any street right-of-way, alley, park or public place any rope, wire, sign, poster, handbill or any similar object, and no person shall hitch or tie any animal to a tree, shrub or bush.

(Comp. Ords. 1983, § 35.156)

Sec. 82-58. Removal of dead, diseased and nonapproved trees.

All dead trees and trees infected with any fatal or communicable disease shall be removed by the superintendent, and he may remove any tree of a nonapproved species. The superintendent is authorized to remove any tree growing within any street right-of-way, alley, park or public place, when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic control devices or construction within street rights-of-way.

(Comp. Ords. 1983, § 35.157)

Secs. 82-59--82-70. Reserved.

DIVISION 2. PRIVATE TREES

Sec. 82-71. Inspection.

The superintendent and his assistants and employees or an expert in forestry shall have the authority to enter upon private property for the purpose of examining any tree, shrub, bush, plant or vine for the presence of destructive insects or plant diseases. (Comp. Ords. 1983, § 35.161)

Sec. 82-72. Notice of and order to remove or treat diseased or infested trees.

When the superintendent shall discover that any tree, shrub or bush on private property within the village is affected by any dangerous insect infestation or infected with any infectious disease, he shall forthwith serve a written notice upon the property owner or his agent or the occupant of the property. The notice shall describe the tree, shrub or bush, its location and the nature of the infestation or disease and shall order the owner, agent or occupant to take such measures as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees, shrubs or bushes, as may be reasonably necessary. Every such notice shall be complied with within five days after service upon the owner, agent or occupant of the property on which the affected tree, shrub or bush is located or within such additional time as may be stipulated in such notice. (Comp. Ords. 1983, § 35.158)

Sec. 82-73. Appeal.

If the owner, agent or occupant of the property shall feel himself aggrieved by an order of the superintendent requiring the treatment or destruction of any tree, shrub or bush as provided in section 82-72, he may within 48 hours make an appeal to the village council by letter filed with the village clerk. The council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter after further expert advice has been secured when necessary. (Comp. Ords. 1983, § 35.159)

Sec. 82-74. Owner's failure to comply with order.

(a) Under this division, if the owner, agent or occupant of the property refuses to carry out the order of the superintendent within the time limited or, in an appeal within five days after the council shall have affirmed such order, the superintendent shall carry out the pruning, spraying or destruction of the tree, shrub or bush as deemed necessary by him and shall bill the owner, agent or occupant of the property for the cost. If the owner of such property shall fail to pay such bill within 30 days after the bill has been rendered, the superintendent shall report the nonpayment to the village council for collection as a single lot assessment against the property in accordance with village ordinances.

(b) The superintendent may, without serving notice, when the owner or agent or occupant of any private property shall consent and pay the reasonable cost, cause trees, shrubs or bushes growing on private property to be pruned, sprayed or destroyed when he deems such necessary.

(Comp. Ords. 1983, § 35.160)