

Reading, MI - Tree Ordinance



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Ordinances for the City of Reading:

89.000 MUNICIPAL TREES*

Ord. No. 69

Adopted: November 9, 1988

*Cross reference(s)--Nuisance and hazard abatement, Pt. 2.

An ordinance to regulate and control the planting, maintenance and removal of trees, stumps and branches within the city.

THE CITY OF READING ORDAINS THAT:

Short title. The ordinance codified in this chapter shall be known and cited as the municipal tree ordinance of the city.

Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

A. "City forestry chairman" is the designated official of the city of Reading, lying within the county of Hillsdale, state of Michigan, assigned to carry out the enforcement of this chapter.

B. "Large trees" are designated as those attaining a height of forty-five feet or more.

C. "Medium trees" are designated as those attaining a height of thirty to forty-five feet.

D. "Municipality" is the city of Reading, lying within the county of Hillsdale, state of Michigan.

E. "Park" includes all public parks having individual names.

F. "Parkway" is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

G. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

H. "Plants" includes all "non-woody" vegetation now or hereafter growing on any public street, highway, alley, or public place.

I. "Property line" means the outer edge of a street or highway and does not pertain to the traveled pavement surface in itself.

J. "Property owner" means the person owning such property as shown by the records on file at the county register of deeds office.

K. "Public places" includes all other grounds owned by the city of Reading, lying within the county of Hillsdale, state of Michigan, or under its control or supervision whether owned, leased, or under contract of the city.

L. "Public trees" includes all trees now or thereafter growing on any street or any public area where otherwise indicated.

M. "Small trees" are designated as those attaining a height of twenty to thirty feet.

N. "Street-highway" includes all land lying between the so-called property lines on either side of all public streets, roads, boulevards, alleys or parts thereof.

O. "Street or highway" means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

P. "Trees and shrubs" includes all woody vegetation now or hereafter growing on any public street, highway, alley or public place.

89.001 Regulation generally.

Sec. 1. The city council shall have full power and authority over all trees, plants and shrubs planted or hereafter planted in the streets, parks and public places of the city. The maintenance of such trees, plants and shrubs shall be subject to the provisions of this chapter, and such rules and regulations as the city council may from time to time hereafter adopt, and as it deems necessary to properly control and regulate the planting, maintenance, protection and removal of trees, plants and shrubs on public areas of the city.

89.002 Permits generally.

Sec. 2.

A. It is unlawful for any person to perform or undertake, or cause to be performed or undertaken, any work or activity covered by and included within this chapter without first filing an application for and procuring a permit from the city forestry chairman or his designated agent.

B. Every permit issued shall specifically describe the location and nature of the work or other activity to be performed under it and shall contain such other information as may be required by such regulations as may be hereafter adopted from time to time by the city council.

C. Any permit issued pursuant to the provisions of this chapter and in accordance with applicable regulations adopted by the city council shall automatically become null and void upon expiration of the permit period or at any time the permit holder violates the provisions of this chapter, the permit, or the regulations applicable thereto.

D. No charge shall be made for the issuance of any permit unless it is determined necessary by the city forestry chairman, or such person as he may designate, to assign an inspector to supervise the work or other activity to be performed under the permit to be issued. In the event an inspector is determined to be necessary, the department shall determine the charge for such inspection services on an actual cost basis, and such actual cost shall be paid by the person seeking the permit as a prerequisite to its issuance.

E. Notice of commencement and completion of work or other activity authorized by the permit shall be made to the city forestry chairman as stated on the permit issued.

89.003 Permit required--Planting.

Sec. 3.

A. No trees, plants or shrubs shall be planted in any of the streets, highways, parks or other public areas in the city unless and until the city forestry chairman shall have first approved the kind, size and variety of the same, designated the location thereof, and granted a permit for the planting of same.

B. Any trees, plants or shrubs authorized for planting within the triangle formed by the intersection of right-of-way lines and extending for a distance of twenty-five feet each way from the intersection on any corner within the city shall not be permitted to grow to a height of more than three feet above the surface of the intersecting roadways.

C. The city forestry chairman shall have the authority to plant trees, plants or shrubs in any public street, highway, park or other public areas in the city which he, in his sole discretion, deems adequate for his purpose.

89.004 Permit required--Maintenance.

Sec. 4. No person shall hereafter move, spray, brace, trim, do surgery work, or cut above or below ground any branch or root therefrom or otherwise disturb any tree, plant or shrub in any highway, park or public place of the city, nor cause such acts to be done by others without first obtaining a written permit from the city forestry chairman who shall issue the permit if in his judgment the proposed work is necessary and the proposed method of workmanship thereof is of a satisfactory nature. The person receiving such permit shall

abide by the specifications and standards of practice in this chapter and on any regulation as may be hereafter from time to time adopted by the city council, and shall as a condition of such permit agree to hold the city harmless from any and all liability which might result from the work or activity authorized. In addition, the city forestry chairman may require the person receiving such permit to provide such insurance coverage and in such amounts as he deems necessary to protect the interest of the city.

89.005 Conditional permit--Removal of tree or shrub.

Sec. 5. As a condition to any permit issued for the removal of any tree or shrub, the city forestry chairman may require that the permit holder plant, at his sole expense, a tree or shrub designated by the city forestry chairman in place of the one removed at the removal site or at any alternate site located in a public area immediately adjoining the permit holder's property.

89.006 Loss of public trees--Value recovery.

Sec. 6.

A. Whenever the city forestry chairman shall determine that a tree in any street, park or public place has been impaired, damaged, broken, severed, destroyed or removed in a manner which will cause immediate or future removal of the tree, which is deemed premature and untimely based on the condition, vigor, location, kind and age of the trees, and the city forestry chairman shall have knowledge of the person causing the damage, then the city forestry chairman shall assess against the responsible person the value of the tree as determined by use of the Michigan Forestry and Parks Association Shade Tree Evaluation Chart.

B. This shall not construe that the value received by the city shall be less than the cost of the removal of the damaged tree and replacement of a comparable tree as determined by the city forestry chairman of not less than three-inch trunk diameter measured at a height of six inches above the ground, nor shall the city forestry chairman be restricted in his choice of the replacement planting site.

C. It shall be the duty of the police department having knowledge of such damage or persons causing damage to immediately report same to the city forestry chairman for investigation.

D. It shall be the duty of the city forestry chairman to notify the city manager and city attorney of any of the tree damage which shall dictate value recovery to the city.

E. The full amount of the value recovered for the damaged tree shall be conveyed to the city forestry chairman for future tree planting purposes notwithstanding the deduction of the removal cost of the damaged tree and replacement of the tree.

F. The city forestry chairman shall determine the time of the removal of the damaged tree, but it shall not be required that all the damaged trees must be immediately removed if found to be in safe condition in order for value recovery to take place.

89.007 Public nuisance.

Sec. 7.

A. Any tree or shrub or parts thereof growing upon private property but overhanging or

interfering with the use of any street, park, public improvement or public place of the city that in the opinion of the city forestry chairman endangers the life, health, safety or property of the public shall be declared a public nuisance.

B. Any tree growing on private property within the city afflicted with any dangerous and infectious insect infestation or tree disease shall be declared a public nuisance.

C. Any such trees located in streets, parks or public places shall be removed at city expense and under the direction of the city forestry chairman.

D. Whenever any public nuisance exists, contrary to the provisions of the sections in this chapter, the city forestry chairman or his authorized agent shall give written notice to the owner or his agent or the occupant of the property, describing the tree, its location and the nature of the nuisance, and ordering the owner, agent or occupant to take such measures as may be reasonably necessary to correct or cease such nuisance, specifying the measures required to be taken.

E. It is unlawful for any person to permit, cause or suffer the existence of a public nuisance from and after thirty days following the date of the notice provided for.

F. In any case notice given shall not be complied with, the city forestry chairman is authorized and empowered to order the removal or abatement of the public nuisance and, upon failure of the property owner to comply with such order in accordance with its terms, shall have the authority to make application to any court of competent jurisdiction for an order requiring the property owner and/or occupant thereof to permit the city forestry chairman or those designated by him to enter upon such private property for the purpose of removing or abating the public nuisance, and further requiring such property owner and/or occupant to cease and desist from interfering with such removal or abatement.

G. Any work contracted by the city forestry chairman for the removal or abatement of public nuisances shall be submitted for bids and approved by the city council.

H. Upon completion of the abatement or removal of the public nuisance, the city forestry chairman shall certify to the cost of the removal of the public nuisance. The owner or other persons to whom the notice was directed shall be notified by mail of the removal or abatement, the cost incurred for such work, and a statement that the cost incurred will be assessed against the owner's property at a regular meeting of council to be held not sooner than thirty days after the date of notice.

I. It shall be the duty of the owner of the property or other person to whom notice was directed to pay the cost of such removal within thirty days after the date of mailing of the notice of completion, and in case of his failure to do so, the city shall have the right to make assessment by ordinance against any property for the purpose of collection in the same manner as general taxes are collected.

Effective date. The effective date of this ordinance shall be November 21, 1988.