

## City of Richmond– Tree Ordinance

### ARTICLE II. TREES

#### Sec. 98-26. 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:

*Growth* means any tree, shrub, vine or plant.

*Shrub* means any growth under 15 feet in height.

*Street tree* or *tree* means a tree in a public place and includes shrubs which grow higher than 15 feet.

**Cross references:** Definitions generally, § 1-2.

#### Sec. 98-27. Care and control of trees and shrubs.

*The city manager or any city officer or employee designated by him shall have complete charge and control of the planting, cutting, trimming and removal of trees and other growth upon all public highways and places to ensure safety and to preserve the symmetry and beauty of such public places. It shall be his duty to order the trimming, preservation or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.*

(Ord. No. 85, § II, 5-27-68)

#### Sec. 98-28. Permit required for planting; cutting; removal; posting.

No person shall plant, cut, mutilate, remove, saw or trim any tree within any public way in the city to make room for any telegraph, telephone or electric lines, moving buildings or machinery or other things, or for repairing sidewalks, or otherwise, without first procuring a permit from the city manager. 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 without first procuring a permit from the city manager therefor.

(Ord. No. 85, § III, 5-27-68)

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

#### Sec. 98-29. Treatment or removal of diseased or dead trees.

It shall be the duty of any person responsible for trees growing on private property abutting on public places to treat or remove any tree or plant so diseased or so ridden with insects as to constitute a hazard or nuisance. In the event of the failure of the owner or occupant to do so, the city may enter upon any such private premises to do such trimming as it determines necessary, or to remove such obstructions upon the failure of the owner or occupant so to do after notice to him in writing. The owner or occupant 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. 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 or occupant, the city may do so and charge the cost thereof to such owner or occupant.

(Ord. No. 85-1, § 1, 8-14-72)

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

Sec. 98-30. Duties of private owners.

It shall be the duty of any person responsible for trees growing on private property abutting on public places or having 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 to trim the same, or cause the same 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.

(Ord. No. 85-1, § 1, 8-14-72)

Sec. 98-31. Failure of owners or occupants to perform duties; authority of city to abate; cost.

If the owner or occupant of any premises fails to perform any duty required of him by this article, the city manager may serve notice upon such owner or occupant directing him to cause such work to be done. 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 in accordance with chapter 74. The applicable provisions of chapter 74 shall be construed as supplementary to this article and constitute a part thereof with the same effect as though that section applicable was fully written and contained in this article.

(Ord. No. 85, § VI, 5-27-68)

Sec. 98-32. Service of written order to owner.

When the city manager shall find it necessary to order the trimming, preservation or removal of trees or plants upon private property as authorized in this section, he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible for its existence.

(1) *Method of service.* The order required in this section shall be served in one of the following ways:

- a. By making personal delivery of the order to the person responsible.
- b. By leaving the order with some person of suitable age and discretion upon the premises.
- c. By affixing a copy of the order to the door at the entrance of the premises in violation.
- d. By mailing a copy of the order to the last known address of the owner of the premises by registered mail.

(2) *Time for compliance.* The order required in this section shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In case of

extreme danger to persons or public property, the city manager shall have the authority to require compliance immediately upon service of the order.

(3) *Appeal from order.* A person to whom an order is directed pursuant to this article shall have the right, after service of such order upon him as provided in this section, to appeal to the city council who shall review such order. Unless the order is revoked or modified, it shall remain in full force and effect and must be obeyed by the person to whom directed. Appeals must be made at the next regular council meeting after service as provided for in this section.

(4) *Failure to comply and special assessment.* When a person to whom an order is directed shall fail to comply within the specified time, the city manager shall remedy the conditions or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made pursuant to this section shall be authorized to enter the premises for that purpose. All costs and charges incurred by the city as a result of remedying the dangerous condition shall be levied against the property upon which the hazard exists as a special assessment in accordance with the provisions of chapter 74.

(Ord. No. 85, § VII, 5-27-68)

Sec. 98-33. Prohibited varieties.

No person shall plant any poplar, box elder, bass wood, cotton wood, willow, soft maple, common catalpa, horse chestnut, or ailanthus glandulosa tree anywhere within the city without first procuring a permit from the city manager, nor shall any person plant any weed tree as the weed tree is more fully defined and set forth in publications relating to weed and nuisance trees, as promulgated by the state department of agriculture.

(Ord. No. 85, § VIII, 5-27-68)

Secs. 98-34--98-55. Reserved.