

CITY OF ROYAL OAK – TREE ORDINANCE

Chapter 710: TREES

[HISTORY: Adopted by the City Commission of the City of Royal Oak as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Christmas tree sales — See Ch. 244.

Moving of buildings — See Ch. 475.

ARTICLE I Tree, Shrub and Plant Protection; Planting in Public Areas [Adopted 9-20-1937 by Ord. No. 320]

§ 710-1. Control of trees by Department of Public Works.

The Department of Public Works shall have power and control over all trees, shrubs and plants planted or to be planted in the public highways, parks or other public places of the City of Royal Oak, and the power to plant, prune, spray and otherwise maintain such trees, plants and shrubs. The Department of Public Works shall have the power to determine the type or kind of trees to be planted on any particular street to conform to the landscaping plan for that street, and when such determination has been made all trees thereafter planted shall be in conformity thereto.

§ 710-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PUBLIC HIGHWAY — Includes all of the land lying between property lines on either side of all public streets, boulevards and alleys.

§ 710-3. Permit required to remove trees and plants from public areas; exception.

No person, firm or corporation shall cut down, deface, destroy or damage or injure any tree, shrub or plant upon the public highways or parks or other public places of the City of Royal Oak without first obtaining permission from the Department of Public Works; provided that this section shall not be construed to prevent the removal or destruction of a tree, shrub or plant by the Department of Public Works when such removal or destruction shall be necessary for the construction of any sidewalk, sewer, water main or other public improvement.

§ 710-4. Regulation of fires.

No person, firm or corporation shall kindle a fire or cause or permit a fire to be kindled or start a so-called "grass fire" on any of the streets, alleys or public places of the City of Royal Oak, or on private property within 10 feet of a tree located on such streets or public places, without first obtaining permission from the Director of Public Works and without taking proper precaution to prevent damage to trees and shrubs. No person, firm or corporation shall start or cause or permit a fire to destroy or damage or injure any such trees.

§ 710-5. Replacement of removed trees, shrubs and plants.

Whenever a tree, shrub or plant is removed by the Department of Public Works in order to permit the construction of any public improvement, the City, whenever practicable, shall at its own expense plant another tree, shrub or plant to take the place of the one removed.

§ 710-6. Permit required to attach ropes, animals or signs.

No person, firm or corporation shall fasten any wire, rope, chain or cable to any tree or shrub for the purpose of anchorage, without a written permit from the Department of Public Works, nor shall any person, firm or corporation tether live stock or other animals to any such tree or shrub. No person, firm or corporation shall nail, tie, or in any other manner fasten any cards, signs, posters, boards, or other articles to any tree, shrub or plant growing upon any public highway, park or other public building in the City of Royal Oak.

§ 710-7. Excavations near trees; deposit required.

No person, firm or corporation shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of five feet from any tree now growing upon any public highway or other public place within the City of Royal Oak without first obtaining a written permit from the Director of Public Works. Any person, firm or corporation making such excavation or construction shall guard any tree within five feet thereof with a good substantial frame box to be approved by the Department of Public Works, and all building material or other debris shall be kept at least four feet from any tree. All persons desiring to make such excavation or construction shall deposit a sum sufficient to cover the cost of inspection and damage that may result therefrom.

§ 710-8. Overhanging branches and damaged limbs to be trimmed by owner.

Every owner of any tree, shrub or plant overhanging the streets or highways within the City of Royal Oak shall turn the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or highway. Said owner or owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

§ 710-9. Corner lot planting; order to comply; costs. [Amended 2-8-1960 by Ord. No. 60-2]

- A. On any corner lot, no bush or shrub planting shall rise over three feet in height above the established crown level of the roadway within the triangle formed by the two property lines which meet at the street intersection and a line drawn between points located on said property lines and 20 feet away from the point of intersection, in order that the view of a driver of a vehicle approaching said street intersection shall not be obstructed. No bush or shrub planting on any lot that is located within 10 feet of the intersection of any driveway with a public sidewalk shall rise over three feet in height above said sidewalk, in order that the view of a driver of a vehicle using said driveway shall not be obstructed.
- B. It shall be the duty of the Chief Inspector, in all cases of any violation of the provisions of this section, to order the owner of any such bush, shrub or plant to cut the same to the lawful height within 10 days. In case such owner shall fall to comply with such order, said Chief Inspector shall report such matter to the City Commission, which may then order said bush, shrub or plant cut to the lawful height by the City, and the cost of such work shall be levied

against the property concerned and collected by special assessment in the manner provided in the City Charter.

§ 710-10. Moving buildings. Editor's Note: See also Ch. 474, Moving Contractors; Moving of Buildings.

Every person, firm or corporation moving any building or other structure or machinery over eight feet six inches in width and 12 feet in height from the surface of the roadway along any street or highway or across any public place within the City of Royal Oak shall file written notice of such intention with the City Clerk and shall deposit a sum sufficient to cover the cost of inspection and damage that may result therefrom.

§ 710-11. Gas leaks near trees, shrubs or plants.

No person, firm or corporation owning, maintaining or operating any gas pipes or mains laid beneath the surface of any street, alley or public place of the City of Royal Oak shall permit any leak to occur within a radius of 40 feet from any tree, shrub or plant now or hereafter growing in any street or public place in said City; and in the event that a leak exists or occurs in such pipe or main, it shall be the duty of such person, firm or corporation owning or operating such defective pipe or main to repair the same immediately and stop such leak in a manner as to prevent a recurrence thereof; and if such person, firm or corporation fails within three days after receipt of written notice from the Department of Public Works to stop such leak in such manner as to prevent a recurrence thereof, such person, firm or corporation shall be subject to the penalties hereinafter provided.

§ 710-12. Spacing of shade trees.

In all future planting of shade and ornamental trees in the highways, parks and public places of the City of Royal Oak, the following rules as to spacing shall be observed: elm trees shall be spaced not less than 40 feet, oak trees not less than 35 feet, and other shade and ornamental trees not less than 30 feet; provided, however, any owner of a single lot may, in order to provide a shade or ornamental tree in front of his lot, secure special permission from the Department of Public Works to plant a shade or ornamental tree within a less distance from an existing tree than the spacing above mentioned, but shall in no case make special planting within 20 feet of any existing shade or ornamental tree located on the public highway or other public place.

§ 710-13. Distance from curb and sidewalk.

No trees shall be planted in parkways between the curb and sidewalk less than 3 1/2 feet from the curbline, nor less than three feet from the sidewalk; provided, however, where the parkways are less than six feet six inches in width, any trees planted therein shall be located not less than two feet six inches from the curb and as near midway between the curb and sidewalk as possible.

§ 710-14. Planting at street intersections.

No tree shall be planted nearer to the intersection of two or more streets than 15 feet from the nearest street line bounding such intersection.

§ 710-15. Prohibited trees in public areas.

No poplar (populus), soft maples (acer), willows (Salix), or box elders (acer) shall hereafter be planted in the public highways, parks or other public places of the City of Royal Oak.

§ 710-16. Removal of harmful trees.

It shall be the duty of the Director of Public Works to remove or cause to be removed all trees, shrubs or plants, planted upon the public highways, parks or other places within the City of Royal Oak which constitute a public nuisance, or when in his opinion such removal shall be beneficial to the peace, health and safety of the public.

§ 710-17. Deposit for removal of trees.

Any person, firm or corporation desiring to remove a living tree from the public highways, parks or other public places of the City of Royal Oak for the construction of walks, drives, buildings or other structures for his own private purposes shall make a deposit equal to the replacement value of the tree or trees, as determined by the Director of Public Works. Such deposits shall be paid into the City Treasury and shall be used, first, for the replacing of a tree in front of the lot from which it is removed if such replacement is considered advisable or desirable; otherwise, to be used for planting on public highways in some other location where needed.

§ 710-18. Interference with City workers prohibited.

No person shall hinder, prevent or interfere with the agents or employees of the Department of Public Works while engaged in carrying out the provisions of this article.

§ 710-19. Violations and penalties.

Any person, firm or corporation found guilty of violating any of the provisions of this article shall be punished by a fine not to exceed \$100 or by imprisonment in the Oakland County Jail or the Royal Oak City Prison for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the court.

ARTICLE II Protection of Elm Trees [Adopted 8-15-1955 by Ord. No. 833]

§ 710-20. Eradication of elm trees infected with Dutch elm disease. [Amended 10-5-1981 by Ord. No. 81-10]

Trees of all species and varieties of elm infected with a fungus *Ceratostomella ulmi* (Dutch elm disease) are hereby declared to be a public nuisance and must be eradicated and burned within a thirty-day period following the discovery of such infection.

§ 710-21. Selling or transporting infected trees.

It shall be unlawful to sell, give away or transport all or any parts of trees infected with the aforementioned fungus, provided wood, branches and roots of such trees may be transported to a safe place for burning.

§ 710-22. Possession of dying or dead elm trees.

Trees or parts thereof of elm in a dead or dying condition, whether standing or cut wood, that may serve as breeding places for any carrier of the fungus are hereby declared public nuisances, and it shall be unlawful for a property owner to possess the same.

§ 710-23. Enforcement; investigation; infected trees on public property.

The City Manager and the Superintendent of Parks and Grounds are charged with the duty of making reasonable periodic investigations to determine whether or not trees of all species and varieties of elm, located upon any private or public property of the City, have become infected with the fungus *Ceratostomella ulmi* (Dutch elm disease). Wherever such infection is found upon trees located upon public property, the City shall forthwith cause such public nuisance to be abated, by destroying such tree or wood.

§ 710-24. Inspection of private property; notice to owner of infected trees; removal of trees; assessment of costs. [Amended 9-9-1968 by Ord. No. 68-12; 10-5-1981 by Ord. No. 81-10]

- A. The City Manager and the Director of Parks and Recreation, or their duly authorized agents, may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for analysis to determine whether the same are infected. It shall be unlawful for any person to prevent any such agent from entering on private property for purposes of carrying out his duties hereunder, or to interfere with any agent in the lawful performance of his duties hereunder.
- B. Whenever any tree on private property is found to be infected, the City Manager or Director of Parks and Recreation may cause notice to be sent to the owner and any other parties in interest in the premises where such tree is situated concerning the existence of such disease, and requiring the removal and burning within a period of 30 days following such notice. Such notice shall also notify the owner of said premises that, unless such tree is removed and burned within such thirty-day period, the City will proceed with such removal and burning and assess the cost thereof against the property. Service of such notice shall be made upon each owner of property or party in interest in the property in question, whose name appears upon the last local tax assessment records, by mailing by first class mail, addressed to such owner or party at the address shown on the last local tax assessment roll for ad valorem tax purposes which has been reviewed by the local Board of Review, as supplemented by any subsequent changes in the names or addresses of such owners or parties listed thereon.
- C. If the owner fails to remove said tree, the Superintendent of Parks and Forestry shall file a report of his findings and a copy of his notice of removal with the City Commission and request that the necessary action be taken to have the tree removed. A copy of the findings and order shall be served on the owner or party in interest in the premises in the same manner as the notice.
- D. The City Commission shall fix a date for hearing, reviewing the findings and order of the Superintendent of Parks and Forestry and shall give notice to the owner in the manner prescribed above of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the tree should not be removed, and the City Commission shall either approve, disapprove or modify the order for the removal of the tree, set a time for its removal, a time for payment of the costs thereof and a reasonable interest rate if the City must incur the expense of the removal of the tree.
- E. The cost of the removal of the tree shall be a lien against the real property and shall be reported to the City Assessor who shall assess the cost against the property on which the tree

is located as provided below.

- F. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of the cost of the removal of the tree by first class mail within a time certain set by the City Commission. After the mailing of an invoice for the amount of the cost of the removal, and nonpayment within the specified time, the Assessor shall add the same to the next City tax roll and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City.

§ 710-25. Violations and penalties.

Any person, firm or corporation who violates or fails to comply with the provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed \$100 or imprisonment in the Oakland County Jail for a period not to exceed 30 days, or by both such fine and imprisonment, or by one in lieu of the other, in the discretion of the court.