

City of Zeeland – Tree Ordinance

Chapter 24.1 TREES AND SHRUBS

[§ 24.1-1. Definitions.](#)

[§ 24.1-2. Duties generally of city superintendent and public property/streets and sidewalks committee.](#)

[§ 24.1-3. Official street tree species.](#)

[§ 24.1-4. Street tree spacing.](#)

[§ 24.1-5. Distance of street trees from street corners.](#)

[§ 24.1-6. Distance from curbs and sidewalks; planting of street trees on private property.](#)

[§ 24.1-7. Utilities.](#)

[§ 24.1-8. Care and maintenance of public trees; private planting in streets, etc., prohibited.](#)

[§ 24.1-9. Topping.](#)

[§ 24.1-10. Removal of stumps.](#)

[§ 24.1-11. Sidewalk damage.](#)

[§ 24.1-12. Interference with city personnel.](#)

[§ 24.1-13. Private trees.](#)

[§ 24.1-14. Arbor Day.](#)

[§ 24.1-15. Violations and penalties; civil remedies.](#)

Sec. 24.1-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Park trees. Trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the city.

Private trees. All trees within the city other than park trees and street trees.

Street trees. Trees, shrubs, bushes and all other woody vegetation on land lying on the street right-of-way on either side of all streets, avenues or ways within the city.

(Ord. No. 466, § 1)

Sec. 24.1-2. Duties generally of city superintendent and public property/streets and sidewalks committee.

It shall be the responsibility of the city superintendent to develop and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be reviewed and approved, from time to time, by the public property/streets and sidewalks committee of the city council. The committee and city superintendent shall consider, investigate and make findings, reports and recommendations upon any special matter or question within the scope of this work.

(Ord. No. 466, § 2)

Sec. 24.1-3. Official street tree species.

The following list constitutes the official street tree species for the city. No species other than those included on this list may be planted as street trees without prior written approval of the city superintendent:

TABLE INSET:

| Small Trees | Medium Trees | Large Trees |
|----------------------|-------------------------|---------------|
| Flowering cherry | English oak | London plane |
| Tree from varieties* | Red oak | Norway maple* |
| Flowering crab | Green ash | Sugar maple |
| Tree from varieties* | Marshall's seedless | |
| Bradford pear | Summit ash | |
| | Little leaf linden | |
| | Thornless honey locust* | |

*All varieties acceptable
(Ord. No. 466, § 3)

Sec. 24.1-4. Street tree spacing.

The spacing of street trees will be in accordance with the three (3) species size classes listed in section 24.1-3, and no trees may be planted closer together than the following: Small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed and approved for unusual effect.

(Ord. No. 466, § 4)

Sec. 24.1-5. Distance of street trees from street corners.

No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of nearest intersecting curbs or curblines.

(Ord. No. 466, § 5)

Sec. 24.1-6. Distance from curbs and sidewalks; planting of street trees on private property.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in section 24.1-3, and no trees may be

planted closer to any curb or curblineline or sidewalk than the following: Small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

The city may enter into contractual arrangements with the owners of private properties for the planting and maintenance of trees where there is insufficient space between the curb or curblineline and the sidewalk or right-of-way line. In such instances, the city may establish a new line of street trees on private properties, with property owner approval. Whether such planting is desirable or not, and the selection of the tree species and specific planting locations, shall be the determination of the city. When such plantings occur, the initial costs of trees and their planting shall be as determined by mutual agreement. The proper care of such trees for a period of three (3) years thereafter shall be the responsibility of the city. Following such three (3) year period, the trees shall become the responsibility of the property owners.

(Ord. No. 466, § 6)

Sec. 24.1-7. Utilities.

No street trees other than those species listed as small trees in section 24.1-3 may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

Any subsurface installation or work (water line, sewer line, transmission line or other utility) within a ten (10) foot distance of a street tree or park tree will be by "jack and bore" method, except and unless written approval for open trenching is issued, in which case a charge for vigor pruning, fertilization or other preventative maintenance service will be applicable. This requirement shall not apply to the repair or replacement of that portion of a private utility lateral or service which is on private property.

(Ord. No. 466, § 7)

Sec. 24.1-8. Care and maintenance of public trees; private planting in streets, etc., prohibited.

The city shall have the right to plant, replant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

No tree, plant or shrub shall be planted or replanted within the line of any street, alley, lane, square or public grounds by any private party, except by written permission of the city.

(Ord. No. 466, § 8)

Sec. 24.1-9. Topping.

It shall be unlawful as a normal practice for any person or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility

wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the city superintendent.
(Ord. No. 466, § 9)

Sec. 24.1-10. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground to a depth of six (6) inches.
(Ord. No. 466, § 10)

Sec. 24.1-11. Sidewalk damage.

Existing street trees which have caused an upheaval or severe cracking of public sidewalks may be removed at such time that sidewalk replacement is ordered by the city or desired by the property owner. The necessity for such removal shall be based upon the overall vigor of the tree and the extent of conflict with the sidewalk structure, as determined by the city. Where such removal is approved and the damaged sidewalk replaced, the city will provide a credit or refund against the property owner's cost for sidewalk replacement. The amount of such credit or refund of costs shall be proportionate to the estimated remaining life of the sidewalk if no damage had occurred, as compared to the estimated normal sidewalk life.

When removal of an obstructing tree is determined not to be desirable by the city, the superintendent may direct forming of sidewalk around the tree as an alternative to tree removal.

(Ord. No. 466, § 11)

Sec. 24.1-12. Interference with city personnel.

It shall be unlawful for any person to prevent, delay or interfere with the city, or any of its agents, while engaging in and about the planting, replanting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or tree on private grounds, as authorized in this chapter.

(Ord. No. 466, § 12)

Sec. 24.1-13. Private trees.

Private trees are not regulated by the terms of this chapter, except for the provisions of this section.

The city shall have the right to cause the removal or proper treatment of trees on private property which harbor insects or disease and which constitute a potential threat to other trees within the city. The city will notify in writing the owners of such trees. Removal or treatment shall be done by such owners, at their own expense, within a reasonable period of time as prescribed by the city, but in no case more than sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove or threat such trees and charge the cost of removal or of treatment to such owners.

No tree shall be planted upon private property within ten (10) feet of any fire hydrant or within three (3) feet of the right-of-way line of any street, alley, lane, square or public ground.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the view of any intersection and so that there shall be a clear space of fourteen (14) feet above the surface of the street and sidewalk. Such owners shall removal all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public using streets and sidewalks. The city shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign.

(Ord. No. 466, § 13)

Sec. 24.1-14. Arbor Day.

The city shall annually celebrate Arbor Day. Such day shall be recognized and noted each year in conjunction with other cities throughout the United States.

(Ord. No. 466, § 15)

Sec. 24.1-15. Violations and penalties; civil remedies.

(a) Unless otherwise provided in this chapter, any person, firm, or corporation, or any owner of any premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, shall be responsible for a civil infraction.

(b) A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter, or any omission or failure to act where the act is required by this chapter. Upon a finding of responsibility, a defendant shall be responsible for a civil fine for each infraction as provided for in this section, infra, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

(c) For a first offense, a civil fine of not less than fifty dollars (\$50.00) plus costs shall be levied. The civil fine for any first repeat offense shall be not less than one hundred dollars (\$100.00) plus costs. A civil fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than three hundred dollars (\$300.00) plus costs. A sanction shall be a civil fine as provided for above, plus costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No 236 of the Public Acts of 1961, as amended, and other applicable laws. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person or entity within any twelve month period and (ii) for which the person admits responsibility or is determined to be responsible.

(d) Each day on which any violation of this chapter continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any section of this chapter which is declared to be a civil infraction.

(e) In the event that a person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the City of Zeeland in making the corrective action or actions.

(f) In the event that a court has authorized the city to make a correction action or actions and the city in fact takes such action or actions because of the failure of the property owner or occupant to take such corrective actions or actions, such failure shall be considered a nuisance or a hazard constituting a nuisance. A property owner or occupant shall have not less than thirty (30) days to pay and reimburse the city for such costs and expenses. In the event that the city is not paid and reimbursed for such costs and expenses, the city treasurer shall certify such unpaid costs and expenses. The city council shall then certify such unpaid costs and expenses that are delinquent to the assessor who shall then enter the lien for such charges on the city tax roll against the premises for which such costs and expenses were incurred. The unpaid costs and expenses for such correction action or actions shall then be collected and the lien shall be enforced in the same manner as provided by law for the collection of taxes upon the roll and the enforcement of the lien for the taxes. (It is hereby acknowledged that the charging of such costs is authorized pursuant to Zeeland City Charter sections 14.22, 14.23, and/or by 14.24.)

(g) A civil infraction violation notice or citation means a written notice prepared by an authorized city official, directing an alleged violator to appear in court, and to pay the fine and costs, if any, prescribed for a violation of this chapter. A City of Zeeland police officer, building official, or zoning administrator is authorized to write a civil infraction citation and to commence a civil infraction action. In addition, a civil infraction action may be commenced upon the filing of a complaint and warrant as to a violation.

(h) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. No. 466, § 16; Ord. No. 791, § 1, 12-1-03)