

ORDINANCE NUMBER 26 OF 1998

TREES

THE VILLAGE OF ATHENS ORDAINS:

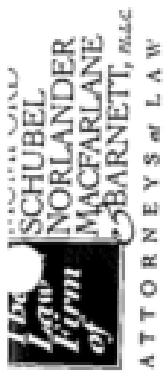
1. Trees on Public Property. No person shall cut down, remove or trim any tree on any public parkway, right-of-way or other property owned by the Village without the permission of the Village President or his or her designated agent.
2. Tree Planting, Care and Removal. The Village President or his designated agent shall have control over all trees located within the street rights of way and parks in the Village and the planting, care and removal thereof, subject to the regulations contained in this chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the President, prune, spray, plant or remove trees in that part of the street abutting his or her land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. When an owner of abutting property requests the removal of a tree, the President is authorized, at his or her discretion, to require, as a condition to the granting of approval for such removal, that such property owner make the removal in accordance with the safety standards established herein and assume all or any part of the costs of removing such tree.
3. Public Tree Removal. The President shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The President may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which is infected with any injurious disease, fungus, insect or other pest.
4. Safety Standards. In cutting down, removing or trimming trees on public property, the safety standards regarding tree trimming and removal, as promulgated by the General Industry Safety Standards Commission, Michigan Department of Labor, being Part 53 of R. 408.15301 *et seq.*, as amended, of the 1979 Michigan Administrative Code, shall be complied with.
5. Private Tree Clearance. An owner of a tree on private property overhanging a street or right of way in the Village shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and in such a way that there shall be a clear space of ten feet above the surface of the street or right of way. Such owner shall remove all dead, diseased or dangerous trees and broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to trim a tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or with the visibility of a traffic control device or sign. Such trimming is to be confined to the area immediately above the right of way.

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6. Overhead Lines: Trimming Permit Required. The President shall grant permission to public utilities to trim, and keep trimmed, all trees within the streets, alleys, parks and public places of the Village in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices. Such permission shall require reasonable prior notice of the Village before any work is commenced thereunder. However, if an emergency requires immediate maintenance work on the overhead lines of such public utilities, prior notice of work commencement under such permit is not required. "Emergency," as used in this section, means the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.

7. Penalty. Any person(s) who violates any part of this Ordinance shall be guilty of a misdemeanor offense punishable by a fine not to exceed One Hundred Dollars (\$100) or imprisonment in the county jail for a period not to exceed ninety (90) days or both such fine and imprisonment.

8. Savings Clause. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, paragraph, section or article is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

9. Effective Date. This Ordinance shall take effect twenty (20) days from the date of adoption by the Athens Village Council.

This Ordinance is hereby declared to have been passed and adopted by the Athens Village Council at a regularly scheduled meeting thereof, duly called and held on 16th November, 1998.

President

ATTEST:

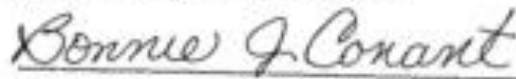
Bonnie Jean Conant
Bonnie Jean Conant, Clerk

- Hansen moved, Pontoni supported the following resolution:

RESOLVED, that South Central Michigan Construction Code Inspection, Inc. ("agency") is hereby designated by the Village of Athens to be legally authorized to issue municipal infraction citations; provided, however, that such Agency shall submit written notification to the President of Athens Village prior to the issuance of such citation.

Vote:	Fike	yes
	Hansen	yes
	Lindsey	absent
	Miller	yes
	Michael	yes
	Pontoni	yes

I certify this is a true resolution as adopted by the Athens Village Council at a Regular Meeting held on 14th. Day of March, 2000.



Bonnie J Conant, Village Clerk