

Village of Howard City – Tree Ordinance

Part 124

124.000 Tree Ordinance

Amended 11/13/00

124.001 Definitions.

Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Village.

Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

124.02 Creation and Establishment of a Village Tree Board.

There is hereby created and established a Village Tree Board for the Village of Howard City, Michigan which shall consist of five members, citizens and residents of this Village, who shall be appointed by the president with the approval of the Council.

124.003 Term of Office.

The term of the five persons to be appointed by the President shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed by the president with the approval of the Council.

124.004 Compensation.

Members of the Board shall serve without compensation.

124.005 Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Village Council and upon their acceptance and approval shall constitute the official comprehensive Village tree plan for the Village of Howard City, Michigan.

The Board, when requested by the Village Council, shall consider, investigate, make finding, report and recommend upon any special matter of question, coming within the scope of it's work.

124.006 Operation.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

124.007 (Tree Ordinance)

124.007 Street Tree Species to be Planted.

The following list constitutes the official Street Tree species for Howard City. No species other than those included on this list may be planted as Street Trees without written permission of the Village Tree Board. The owner of land abutting any street may, upon obtaining prior permission of the Superintendent, prune, spray, plant or

remove trees or shrubs in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree or shrub in any street or park.

Small Trees Medium Trees Large Trees

Apricot Sassafras White Oak

Flowering Crabapple Pacific Sunset Maple Green Mt. Sugar Maple

Pear, Bradford Upright European Hornbeam Bald Cypress

Flowering Peach White Ash Cimmaron Green Ash

Plum, Purpleleaf Juneberry Sterling Silver Linden

Ivory Silk Lilac White Fir American Beech

Macho Amur Corktree Golden Raintree White Pine

Sawtooth Oak Stellar Dogwood

Dawn Redwood

Gingko

124.008 Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet, and large trees, 50 feet; except in special plantings designed or approved by a landscape architect or the Tree Board.

124.009 Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

124.010 Distance from Street Corners and Fireplugs.

No Street Trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb-lines. No Street Tree shall be planted closer than 10 feet of any fireplug.

124.011 Utilities.

No Street Trees other than those species listed as small trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead wire, or over or within 5 lateral feet of any under-ground water line, sewer line, transmission line or other utility.

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124.012 Public Tree Care.

The Village shall have the right to plant, 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.

The Village Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this

ordinance.

124.013 Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or Village 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 stubs larger than three inches in diameter within the tree's crown to such a degree so 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 ordinance at the determination of the Village Tree Board.

124.014 Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

124.015 Dead or Diseased Tree Removal on Private Property.

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Village. The Superintendent will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal as a lien on the property on the owner's property tax notice.

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124.016 Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

124.017 Interference with Village Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the Village Tree Board, or any of its agents, while endangering in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

124.018 Arborists License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Village without first obtaining Village approval.

124.019 Review by Village Council.

The Village Council shall have the right to review the conduct, acts and decisions of the Village Tree Board. Any person may appeal from any ruling or order of the Village Tree Board to the Village Council who may hear the matter and make final decision.

124.020 Penalty.

Any person, firm, corporation, trust, partnership or other legal entity which

violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of \$50.00 for a first violation, \$150.00 for a second violation and \$500.00 for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than \$9.00 and not more than \$500.00

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or