

City of Hudson, MI Ordinance with relevance to City Street/Park Trees – 2015

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- **CHAPTER 2. - MUNICIPAL POWERS**

- **Section 2.1. - Continuation of powers of former Charter.**

All powers, privileges, and immunities, not inconsistent with the provisions of this Charter, possessed by the City of Hudson by virtue of its incorporation as such and enumerated in Act 215 of the Public Acts of 1895, as retained by the former Charter of the City adopted January 17, 1956, which is hereby superseded, are hereby expressly retained by the city and shall constitute a part of the powers of the city even though not expressly enumerated herein.

- **Section 2.2. - General powers.**

Unless otherwise provided or limited in this Charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their Charters by Public Act 279 of 1909, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the Constitution and statute and the provisions of this Charter.

State Law reference— Permissible that Charter provide that the city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3), MSA 5.2083(3).

- **Section 2.3. - Further definition of powers.**

In addition to the powers possessed by the city under the Constitution and statutes, and those set forth throughout this Charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this Charter:

- (a) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Lenawee and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this Charter;
- (c) The refunding of money advanced or paid on special assessments for water main extensions;
- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- (e) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;
- (f) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them;
- (g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
- (i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
- (j) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
- (k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

- (l) Regulating, restricting and limiting the number and locations of oil and gasoline stations;
- (m) The establishing of districts or zones, within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
- (n) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- (o) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
- (p) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
- (q) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
- (r) The regulating of all airports located within its boundaries, and for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
- (s) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- (t) The requiring of an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with [Section 11.9](#)
- (u) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown to abate such hazard or nuisance and assess the cost thereof against such property in accordance with [Section 11.9](#)
- (v) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with [Section 11.9](#)
- (w)

The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk, or public places including the removal thereof and assessing the cost thereof against the abutting property according to [Section 11.9](#)

(x)

The requiring, as a condition of approving plats of lands or premises hereafter laid out, divided or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in the proper places, all in accordance with city specifications.

The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines.

State Law reference— Permissible that Charter provide for acquisition of public buildings and grounds, MCL 117.4e(2), MSA 5.2078(2); permissible that Charter provide for condemnation, MCL 117.4e(2), MSA 5.2078(2); permissible that Charter provide for maintenance and disposition of city property, MCL 117.4e(1), MSA 5.2078(1); permissible that Charter provide for zoning, MCL 117.4i(3), MSA 5.2083(3); permissible that Charter provide for police powers, MCL 117.4i(9), MSA 5.2082(9); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4); permissible that Charter provide for regulation of public ways, MCL 117.4h(1), MSA 5.2081(1); permissible that Charter provide for plan of streets and alleys, MCL 117.4h(3), MSA 5.2081(3); permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6), MSA 5.2081(6); permissible that Charter provide for police powers.

- **Section 2.4. - Exercise of power.**

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the city or its officers, the procedure set forth for the exercise of such power in any statute of the State of Michigan, including statutes passed for the government of any public body, shall govern. If alternative procedures are to be found in different statutes, the Council shall select that procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this Charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

- **Section 2.5. - Inter-governmental contracts.**

The city shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law, to perform jointly, or by one or more of them, for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.