

REGULATION OF TREES

- (1) Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word shall is mandatory and not merely directory. The word may is permissive.
- (a) **Department of Public Works** shall mean the Department of Public Works of the City of Menominee.
 - (b) **Master Tree Plan** shall mean the document created as described in this ordinance.
 - (c) **Park** shall include all public lands under the jurisdiction of the Department of Public Works and the River Park campground under the jurisdiction of the Recreation Department.
 - (d) **Person** is any person, firm, partnership, association, corporation, company, or organization of any kind.
 - (e) **Property Owner** shall mean the person listed as owner of record of the property as shown in the Menominee City Assessor's Office.
 - (f) **Public Places** shall mean all grounds owned by the City of Menominee and not included in streets, highways, or parks.
 - (g) **Public Trees** shall include all trees and shrubs now or hereafter growing on any street, highway, park or other public place including those planted by adjoining property owners.
 - (h) **Street** shall include all streets owned by the city and shall be identified as Major Streets or Minor Street according to the administrative standards of Act 51 of the Public Acts of 1951 and all alleys
 - (i) **Shrub** shall include all woody-stemmed perennial plants other than trees.
 - (j) **Tree** shall include all woody perennial plants having one or more stems. For the purposes of this ordinance, the term tree shall include shrubs as herein defined. Trees shall be designated by the heights they can attain as follows:
 - LARGE - attaining a height of more than 45 feet.
 - MEDIUM - attaining a height of 20 to 45 feet.
 - SMALL - attaining a height of less than 20 feet.
 - (k) **Treelawn** is that part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway used for vehicular traffic.
- (2) Administration of this Ordinance.
The Public Works Committee shall be the designated body having review and advisory authority for the administration of this ordinance. The Public Works Committee shall serve as the City Tree Board. Their duties shall include determining the needs of the City in relation to its trees and a planting and maintenance program for them. Determining the kind and locations for trees to be planted throughout the City and development of Arboricultural Specifications and Standards of Practice.
- (3) Duties of the City Engineer.
- (a) The City Engineer shall have the duty to advise the City Tree Board on the promulgation of the rules, regulations, arboricultural specifications, and to assist in the development of the Master Tree Plan.
 - (b) The City Engineer shall have the duty to issue permits for work on public trees by persons other than City Employees. The City Engineer shall inspect all work done under a permit issued in accordance with the provisions of this Ordinance.

- (c) The City Engineer shall have the authority to enforce this ordinance and the specifications and standards adopted pursuant to this Ordinance. This authority shall include the authority to issue orders, and to issue citations for violations of orders.
- (4) Duties of the Director of Public Works.
The Director of Public Works shall have the duty to direct the planting, maintenance, and removal of all trees growing now or hereafter in any public area of the City according to the adopted standards and specifications including the Master Tree Plan.
- (5) The Master Tree Plan.
The City Tree Board shall formulate a Master Tree Plan. The Master Tree Plan shall contain a long-term maintenance plan for trees along streets and in public places.
- (6) Permits Required.
Planting, Maintenance, or Removal. No person shall plant, prune, remove, or otherwise disturb any tree on any street or city property without first filing an application and procuring a permit from the City Engineer.
- (7) Adoption of Arboricultural Specifications and Standards of Practice.
(a) The City Tree Board shall develop and adopt Arboricultural Specifications and Standards of Practice, which shall govern as rules for the planting, maintenance, removal and replacement of trees in public places in the City. Copies of these rules shall be available for public inspection in the offices of the City Engineer.
(b) The City Tree Board shall have the authority to amend these rules from time to time as necessary.
- (8) Adherence to Standards.
(a) Planting. Any person planting or otherwise placing a tree on any street right of way or other public place shall do so in conformity with the rules and standards adopted pursuant to this ordinance.
(b) Improper Planting. Whenever any tree shall be set out in conflict with the provisions of this ordinance it shall be lawful for the City Engineer to order removal of the same, and the cost thereof shall be assessed to the adjoining property owner as provided by law in the case of special assessments.
(c) Maintenance. Whenever any public tree is to be sprayed, fertilized, pruned, or otherwise maintained under a permit issued by the City Engineer, all such work shall be done in accordance with the Arboricultural Specifications and Standards of Practice adopted pursuant to this ordinance.
(d) Removal and/or Replacement. When any public tree is to be removed and/or replaced, such work shall be done in accordance with the Master Tree Plan and the Arboricultural Specifications and Standards of Practice adopted pursuant to this ordinance.
- (9) Planting, Removal, and Replacement of Public Trees.
(a) Planting. No person shall plant a tree on any street or in any park or other public place without first filing an application and receiving a permit from the City Engineer. Such planting shall be done in accordance this ordinance, and the Arboricultural Specifications and Standards of Practice.
(b) Removal and Replacement (City). Wherever it is necessary to remove a public tree because it is dead, diseased, damaged, ~~or~~ in connection with the paving of a sidewalk, or the paving of a street, the City shall remove such trees as determined by the City Engineer.

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- (c) Removal and Replacement (Private Citizen/Utility Companies). No person shall remove a public tree without a permit from the City Engineer. The tree shall be replaced by the person as directed in the permit from the City Engineer. The person shall bear the cost of such removal and replacement.
 - (d) Ownership and Maintenance of Public Trees. All trees now or hereafter planted on streets or highways, or in parks or other public places shall be the property of the City. The City shall assume future maintenance responsibility for said trees.
- (10) Maintenance of Trees and Shrubs.
- (a) Responsibility of Property Owners. It shall be the responsibility of any person owning any real property to maintain the trees or shrubs on that property so that they do not endanger or cause a nuisance to persons or property occupying adjoining streets, public places, or private properties. This responsibility shall include but not be limited to pruning, removal or other maintenance for the following reasons:
 - i. Said trees and shrubs shall be pruned in a manner so that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs, obstruct view of any street or alley intersection, or obstruct the view of traffic using the street. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over all streets except major streets which shall have a clearance of sixteen (16) feet.
 - ii. The pruning or removal of any dead, diseased, decayed or damaged trees or parts of trees that overhang or otherwise endanger persons or property on adjoining property, on streets, or in other public places.
 - iii. The maintenance of clear vision triangles at street intersections
 - (b) Order to Prune. Should any person owning real property bordering on any street fail to prune trees as herein provided, the City Engineer shall order such person within ten (10) days after receipt of written notice, to so prune such trees.
 - (c) Notice Required. The order required herein shall be served by mailing a notice of the order to the property owner at the address shown on the tax roll in the City Assessors Office. Said notice shall be sent by certified mail.
 - (d) Failure to Comply. When a person to whom an order is directed, shall fail to comply within the specified time, it shall be lawful for the city to carry out the work ordered on such trees, and assess the exact cost thereof to the owner as provided by law in the case of special assessment.
 - (e) Immediate Danger. When the City Manager, after consulting with the City Engineer, shall determine that any tree is presenting an immediate danger to life or property, he shall have the authority to order its immediate removal. Said order shall be served upon the property owner in person. In the instance where the property owner is not immediately available, or able to perform the ordered removal, the City Manager may order such work done by the City personnel, or by a contractor hired by the City. If the City performs the work the cost of said work shall be assessed against the property owner as provided by law in the case of special assessments.
- (11) Abuse or Mutilation of Public Trees. Unless specifically authorized by a permit from City no person shall intentionally damage, cut, carve, transplant or remove any tree.

- (12) Interference with City Engineer or Department of Public Works. No person shall hinder, prevent, delay or interfere with the City Engineer or any of his assistants, or with any employees of the Department of Public Works, while they are engaged in carrying out the execution or enforcement of this ordinance, provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.
- (13) Protection of Trees. All trees on any street or other public property near any excavation shall be guarded in a manner specified by the City. No person shall excavate any ditches, tunnels, trenches, or lay any driveway or other pavement within a radius of ten (10) feet off any public tree without obtaining permit from the City.
- (14) Placing Materials on Public Property. No person shall deposit, place, store, or maintain upon any street, highway, park or other public place of the City, any stone, brick, sand, gravel, dirt, concrete, or other materials, which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.
- (15) Violation and Penalty. Any person, violating or failing to comply with any of the provisions of this ordinance, shall be guilty of a civil infraction punishable pursuant to M.O.C. Title 12, Chapter 1. Each day a violation continues shall be considered a separate violation.
- (16) Legality of Ordinance and Parts Thereof. Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

HISTORY: E: 02/17/64 A: 10/23/78 A: 07/16/79—13:1.2(14) A: 08/18/80
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