

## CHAPTER 1028

### Trees and Shrubs

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#### CROSS REFERENCES

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151  
 Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241,  
 752.701 et seq.  
 Malicious destruction of trees - see M.C.L.A. Sec. 750.382  
 Noxious weeds - see GEN. OFF. 668.05  
 Disposal of trimmings - see S.U. & P.S. 1060.07(b), (c)  
 Injuring vegetation - see S.U. & P.S. 1064.03

#### **1028.01 DEFINITIONS.**

As used in this chapter:

- a) "Public area" means publicly owned parks, tree lawns and other grounds owned or used by Federal, State or local government.
- b) "Treelawn" means that part of a street right of way not covered by a sidewalk or other paving, lying between the right-of-way boundary line and that portion of the street usually used for vehicular traffic.

(Ord. 200. Passed 5-19-86.)

#### **1028.02 AUTHORITY OF CITY MANAGER.**

The City Manager shall have full authority over all trees and shrubs planted in public areas of the City, including the authority to adopt procedural regulations as may be required. The City Manager shall set reasonable conditions for the granting of a permit in accordance with this chapter. The City Manager may designate a person with the duty of enforcing this chapter, granting permits and other related duties for the proper management of the trees in public areas.

(Ord. 200. Passed 5-19-86.)

**1028.03 PLANTING, REMOVING, TRIMMING; PERMIT REQUIRED; APPLICATION.**

- a) Unless otherwise permitted by this Chapter, no person, firm or corporation shall plant, remove or trim any tree or shrub in a public area without first obtaining a permit therefor. The granting of such permit shall be contingent upon the requirement that the activity not interfere with the public health or safety, that it not constitute a public nuisance and that it complies with the Urban Forest Plan and arborcultural standards. Permits shall be granted only with the consent of the owner of the public area.
- b) The application for a permit required under this section shall contain:
  - i) Evidence of sufficient interest in the property;
  - ii) The location and species of each tree or shrub to be planted, trimmed or removed;
  - iii) A description of the action to be taken; and
  - iv) A fee as determined by resolution of the City Commission.

If the action includes removal, the permit shall specify replacement as required under this chapter or give reason why replacement is not necessary.  
 (Ord. 200. Passed 5-19-86.)

**1028.04 TRIMMING OF TREES BY UTILITY COMPANIES.**

(a) Utility corporations may trim trees in order to facilitate installation and maintenance of existing facilities of electric power lines, telephone lines and other utility installations, provided such public utilities shall provide written notice to Department of Public Services Director of their intended operations and the locality thereof. Said notice shall provide the location of the proposed trimming. Any such trimming shall be in accordance with instructions of the Department of Public Services Director or his or her designee and in accordance with this ordinance. Acts of God, the loss of utilities services due to weather and like emergencies constitute an exception to this subsection.

(b) Line Clearance: The following standards represent tree trimming guidelines that are in accordance with industry standards for maintaining safe distances between utility lines and trees:

	<u>Secondary</u>	<u>Primary</u>	<u>Transmission</u>
Top Trimming:	1' to 3'	5' to 7'	15'
Side Trimming:	1' to 3'	4' to 6'	15'
Over Trimming:	1' to 3'	6'	No overhang permitted

(c) Utility companies shall provide written notice to the house addresses of residents prior to treelawn tree pruning activities for non-emergency trimming.

(d) All maintenance of City trees shall be in accordance with the National Arborist Association's Pruning Standards.

(e) The removal of trees requires authorization from the Department of Public Services Director.

(Ord. 519. Passed 11-20-00.)

**1028.05 URBAN FOREST PLAN; ARBORCULTURAL STANDARDS.**

The City Commission shall adopt, by resolution:

(a) An Urban Forest Plan which shall include the species of trees and shrubs allowed on public areas; and

(b) Arborcultural standards which shall specify proper procedures for the planting, maintenance and removal of trees and shrubs.

(Ord. 200. Passed 5-19-86.)

**1028.06 PLANTING PROHIBITIONS.**

No person shall plant any tree or shrub contrary to the following:

(a) Plantings between the sidewalk and curb shall be not closer than thirty inches to the sidewalk or curb. Where there is adequate space on private property, plantings shall be at least four feet in back of the inside edge of the sidewalk.

(b) Plantings on corners or intersections shall be set back at least twenty-five feet from the corner or intersection to provide unobstructed vision for vehicular traffic.

(Ord. 200. Passed 5-19-86.)

**1028.07 RESPONSIBILITY FOR MAINTENANCE**

Any person owning or occupying real property bordering on any street, upon which property are trees or shrubs, shall maintain such trees and shrubs so that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct safe vision of traffic signs or obstruct the safe view of any street intersection. The minimum clearance of any overhanging portion thereof shall be ten feet over sidewalks and fourteen feet over all improved portions of streets.

(Ord. 200. Passed 5-19-86.)

**1028.08 REMOVAL AND REPLACEMENT.**

When it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk or the paving or widening of a street, the City shall, if possible, replant or replace such tree or shrub, as provided for in the Urban Forest Plan and arborcultural standards. No person shall remove or cause to have removed any tree or shrub from the treelawn for the purpose of construction, or for any other reason, without replacing the removed tree or shrub, if possible, in accordance with the Urban Forest Plan and arborcultural standards.

(Ord. 200. Passed 05-19-86.)

**1028.09 PROTECTION OF TREES.**

- (a) Defacing, Abuse or Mutilation. Except by written permission of the City Manager, no person shall intentionally damage, cut, carve, transplant or remove any tree or shrub in any public area; attach any fence, wall, rope, wire, nails, advertising poster or other contrivance to any tree or shrub; allow a gaseous, liquid or solid substance which is harmful to such tree or shrub to come into contact with such tree or shrub; or set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree or shrub. No person shall tap such public area tree for sap.
- (b) Construction. All trees and shrubs on public areas near any excavation, street work or construction of any building or structure shall be guarded with a substantial fence, frame or box not less than four feet high and eight feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches D.B.H., whichever is greater. All building material, dirt or other debris shall be kept outside the barrier.
- (c) Depositing Materials. A person shall not deposit, place, store or maintain upon any public area of the City any stone, brick, sand, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein, except by written permission from the City Manager.

(Ord. 200. Passed 5-19-86. Ord. 601. Passed 5-5-03.)

**1028.99 PENALTY**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)