

PART II - CODE OF ORDINANCES

Chapter 86 VEGETATION

**Chapter 86 VEGETATION** [\[1\]](#)

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ARTICLE II. - TREES AND SHRUBS

ARTICLE III. - WEED CONTROL

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FOOTNOTE(S):

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**Charter reference**— General powers of city, § 1.01. [\(Back\)](#)

**Cross reference**— Buildings and building regulations, ch. 18; vandalism; removal of detrimental or unsightly trees or shrubbery, § 26-40; community development, ch. 30; environment, ch. 34; parks and recreation, ch. 50; streets, sidewalks and other public places, ch. 62; subdivisions and other divisions of land, ch. 66; required improvements of street trees in subdivisions, § 66-139; waterways, ch. 90; zoning, app. A. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

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**Secs. 86-1—86-30. Reserved.**

**ARTICLE II. TREES AND SHRUBS**

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**Sec. 86-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Curb tree lawn* means that part of a street not covered by sidewalk or paving, lying between the property line and the portion of the street paved for vehicular traffic.

*Department* means the department of public works of the city.

*Developer* includes all persons, or an organization of any kind, who shall engage in new construction or other improvements in any zoning district of the city.

*Park* includes all public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

*Prohibited species* means any tree of poplar (*Populus* spp.), willow (*Salix* spp.), box elder (*Acer negundo*), silver maple (*Acer saccharinum*), locust (*Robina* spp.), tree of heaven (*Ailanthus altissima*), catalpa (*Catalpa* spp.), mulberry (*Morus* spp.), Siberian elm (*Ulmus pumila*), birch (*Betula* spp.), all soft maples and any other species so determined by the city council.

*Public utility* means any person owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

*Street* means all of the land lying between property lines on either side of all streets, highways and public rights-of-way in the city.

*Superintendent* means superintendent of the department of public works or his authorized representative.

*Tree* means trees, shrubs, bushes and all other woody vegetation, whether potted or not.

(Code 1989, § 3.31(1)—(8))

**Cross reference**— Definitions generally, § 1-2.

**Sec. 86-32. Applicability of article.**

The provisions of this article, except as otherwise specifically stated in this article, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.

(Code 1989, § 3.31(9))

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**Sec. 86-33. Powers and duties of city manager.**

- (a) The city manager shall be charged with the duty of enforcing the provisions of this article.
- (b) The city manager shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this article.

(Code 1989, § 3.32)

**Sec. 86-34. Powers and duties of city council.**

- (a) It shall be the responsibility of the city council to study, investigate, counsel 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 by the city manager to the city council along with the proposed budget and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city.
- (b) The city council may retain a registered Michigan forester as a consultant to assist in the technical matters of forestry management.
- (c) The city council may request the city manager to consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of this article.

(Code 1989, § 3.33)

**Sec. 86-35. Donations, gifts and bequests.**

The city council may receive gifts or bequests from any person for the planting and/or maintenance of trees and shrubs on any street or public property. The gifts or bequests shall be received by the city and maintained in a special fund for such purpose.

(Code 1989, § 3.34)

**Sec. 86-36. Work on trees in public places.**

The planting, maintenance, or removal of trees in public places in the city will be performed by the department of public works or private contractor in accordance with adopted policies, and may be accomplished by order of the city manager or the superintendent upon recommendation of the city council, or by petition of parties owning a majority of the lineal footage of the fronting property along a street.

(Code 1989, § 3.35)

**Cross reference**— Streets, sidewalks and other public places, ch. 62.

**Sec. 86-37. Standards for street trees.**

- (a) *Approved species.* The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the city manager.

*Small trees:*

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Crabapple, Flowering

Hawthorne

Lilac, Japanese Tree

Pear, Bradford

Plum, Flowering

Redbud

Serviceberry

Flowering Dogwood

*Medium trees:*

Ash, Marshall

Ash, Purple

Ash, European

Ash, Summit

Ash, Green

Hackberry

Honeylocust, Thornless

Honeylocust, Imperial

Honeylocust, Moraine

Honeylocust, Shademaster

Honeylocust, Skyline

Honeylocust, Sunburst

Hornbeam, American

Linden

Maple, Red

Oak, English

Oak, Red

*Large trees:*

Ginkgo

European Ash

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Maple, Norway

Maple, Sugar

Oak, Bur

Oak, Pin

Oak, White

Sycamore

London Plain

- (b) *Spacing.* The spacing of street trees shall be in accordance with the species size classes listed in subsection (a) of this section, and no trees may be planted closer together than the following, except in special plantings designed or approved by a landscape architect:
- (1) Small trees: 30 feet.
  - (2) Medium trees: 40 feet.
  - (3) Large trees: 50 feet.
- (c) *Distance from curb and sidewalk.* The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the species size classes listed in subsection (a) of this section, and no trees may be planted closer to any curb or sidewalk than the following:
- (1) Small trees: Two feet.
  - (2) Medium trees: Three feet.
  - (3) Large trees: Four feet.
- (d) *Distance from street corners and fireplugs.* No street tree shall be planted closer than 30 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet to any fireplug.
- (e) *Distance from utility lines.* No street trees other than those species listed as small trees may be planted under or within ten lateral feet of any overhead utility wire, or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Code 1989, § 3.36)

**Cross reference**— Streets, sidewalks and other public places, ch. 62.

**Sec. 86-38. Permit for planting or removal of trees in public place.**

- (a) *Permit required; compliance with applicable regulations.*
- (1) No person shall plant, transplant or remove any tree upon or from any curb tree lawn, street, park or public place in the city, or cause such act to be done by others, without first obtaining a written permit from the office of the city manager.
  - (2) Persons receiving such permit shall abide by the ordinances and policies adopted by the city.
- (b) *Application.* Applications for permits must be made at the office of the city manager not less than 72 hours in advance of the time the work is to be done.

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- (c) *Expiration.*
- (1) Each permit granted shall contain an expiration date, and the work shall be completed in the time allowed in the permit, and in the manner therein described.
  - (2) Any permit issued shall be void if its terms are violated, or if the work described is not substantially completed by its expiration date.
  - (3) Permit extensions will be considered if conditions warrant.
- (d) *Contents; removal of trees planted in conflict with permit.*
- (1) Every permit issued by the city manager shall describe the work to be done or state the number of trees to be removed or planted and the location, size, species, or variety of each tree, the method of planting and other information that the city manager or superintendent may require to ensure that the work will be done properly.
  - (2) Whenever any tree shall be planted in conflict with the provisions of the permit, it shall be lawful for the city manager or superintendent to cause removal of the tree, and the cost for removal shall be assessed to the permittee as provided by law in the case of special assessments.
- (e) *Fee; supervision of work; records.*
- (1) No charge shall be made for any permit unless it is necessary to retain a consultant to supervise the provisions of the permit, and in such case the city manager shall determine the charge for the service based on actual cost plus an additional one percent of the actual cost of the service for city administrative purposes.
  - (2) In issuing any and all permits, the city manager shall act promptly and shall keep duplicate records of all permits issued and of compliance therewith.
  - (3) Permits for all tree management activities will be issued only after the superintendent or the city manager makes a thorough investigation as to the advisability of the proposed work.

(Code 1989, § 3.37)

**Cross reference**— Streets, sidewalks and other public places, ch. 62.

**State Law reference**— Destruction of trees and shrubs, MCL 750.382.

**Sec. 86-39. Tree planting requirements for developers.**

- (a) Developers shall be required to fulfill tree planting and protection requirements as provided under the ordinances and policies of the city, including, but not limited to, subdivision regulations and site plan requirements.
- (b) One tree of an approved species measuring at least two inches in caliper shall be planted in the street at all new construction sites, residential or otherwise, for each site or lot if 80 feet or less, and at least two trees for every lot in excess of 80 feet frontage. Corner lots shall require at least one tree for each street. The developer shall show the location of the required trees on the submitted site plan prior to the issuance of a building permit. The developer shall be responsible for fulfilling these requirements.

(Code 1989, § 3.38)

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#### **Sec. 86-40. Protection of trees in public places.**

Unless a permit shall have been issued by the city manager, it shall be unlawful for any person to do the following to any trees in or upon any curb tree lawns, parks or other public places:

- (1) Fasten any sign, card, poster, wire, rope or other material to, around or through any tree or its guard, except in emergencies such as storms or accidents, except for any nursery tag identifying its species or care.
- (2) Remove, break, injure, mutilate, kill, cut, peel or destroy any tree or shrub by any means or in any manner.
- (3) Permit any fire to burn where such fire will injure any portion of any tree or shrub.
- (4) Permit any toxic chemical to seep, drain, or be emptied on or about any tree or shrub.
- (5) Deposit, store, place or maintain, on any street, highway, or other public place, any brick, sand, stone, concrete or other material which may impede free passage of water, air, and fertilizer to the roots of any tree or shrub growing therein.
- (6) Fail to repair or stop any leak existing or occurring in any gas pipe or main within a radius of 40 feet of any tree.
- (7) Knowingly permit any electrical wires to come into contact with any tree or shrub.
- (8) Allow excavations and driveways to be placed within five feet of any tree without written permit from the superintendent. Any person making such excavation or construction shall guard any tree within six feet thereof with a good, substantial frame box to be approved by the department, and all building materials or other debris shall be kept at least four feet from any tree.
- (9) Plant any prohibited species of tree as set forth in section 86-31.

(Code 1989, § 3.39)

#### **Sec. 86-41. Payment of costs for damage to trees in public places.**

The cost of public trees growing on streets, curb tree lawns, parks, or other public places which are destroyed or damaged to the point where repair or replacement is needed shall be paid by the person causing such damages in the amount needed to replace or repair the destroyed or damaged trees. The city council shall determine all questions of cost related to damage. Any value realized from any tree removed from public property shall be for the exclusive benefit of the city.

(Code 1989, § 3.40)

#### **Sec. 86-42. Inspection of trees on private property.**

The city manager and the superintendent, or their agents, shall have authority to enter upon private property at all reasonable hours for purposes of examining any trees, shrubs, plants or vines where hazardous conditions, destructive insects, or diseases are suspected. The city may remove such specimens as are required for analysis to determine the presence of insects, disease, or other detrimental conditions. It shall be unlawful for any person to prevent the city manager or the superintendent or their agents from entering private property for purposes of carrying out their duties under this section.

(Code 1989, § 3.41)

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**Sec. 86-43. Abatement of diseases, insects and other hazards affecting trees on private property.**

- (a) When the city manager or superintendent shall discover that any tree growing on private property within the city is afflicted with any dangerous insect, infestation, disease or condition, he shall immediately serve a written notice upon the property owner or his agent describing the trees, their location, and the nature of the insect infestation, disease or condition, and order the owner or his agent to take necessary measures to abate the insect infestation or disease or condition, and to prevent the spreading thereof, and shall specify the corrective measures required to be taken. This notice may require the pruning, treatment or destruction of the affected trees as reasonably necessary.
- (b) Every notice shall be complied with within a definite time as stated in the notice, but within no less time than ten days after service thereof upon the property owner.
- (c) If, at the expiration of the time limit in the notice, the owner has not complied with the requirements thereof, the city shall carry out the requirements of the notice. The cost of completing the work necessary to resolve the condition complained of shall be assessed against the property on the next tax roll of the city.

(Code 1989, § 3.42)

**Sec. 86-44. Trimming and removal of trees on private property.**

- (a) Any tree growing on private property and so located as to extend its branches over a public street, highway, sidewalk, park or other public place, or so located as to become a traffic hazard, shall be trimmed or removed by the property owner on whose property the tree stands, so as to remove the obstruction from the public street, highway, sidewalk, park, or public place and so as to eliminate the traffic hazard and the menace and the danger to the public, pursuant to written notice by and under the supervision of the city. All tree branches shall be trimmed to maintain a clear vision area for the vertical height of ten feet above the street or right-of-way.
- (b) When such notice is given, the property owner will be given a reasonable and definite time to comply with the order, but not less than ten days, unless immediate hazard exists. If the work is not satisfactorily completed within that time, then the superintendent or his agents may enter upon the property, make the necessary trimming or removals, and properly dispose of the trimmings or removals, provided that all or part of the costs involved in the trimming or removal when done by the superintendent or his agents shall be assessed against the property on the next tax roll of the city. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight.

(Code 1989, § 3.43)

**Secs. 86-45—86-70. Reserved.**

**ARTICLE III. WEED CONTROL [\[2\]](#)**

[Sec. 86-71. Exemptions.](#)

[Sec. 86-72. Prohibited conditions.](#)

[Sec. 86-73. Cutting and removal of weeds required.](#)

[Sec. 86-74. Notice to cut and remove weeds; cutting and removal by city.](#)



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**Sec. 86-71. Exemptions.**

Exempted from the provisions of this article are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

(Code 1989, § 9.34)

**Sec. 86-72. Prohibited conditions.**

No person occupying any premises, and no person owning any unoccupied premises, shall permit or maintain on any such premises any growth of noxious weeds, or any growth of grass or other rank vegetation to a greater height than 16 inches on the average, or any accumulation of dead weeds, grass or brush. For purposes of this section, the term "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoard alyssum (*Berterora incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*).

(Code 1989, § 9.31)

**Sec. 86-73. Cutting and removal of weeds required.**

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of section 86-72; provided that the cutting, removing or destroying of such weeds and grass at least once in every three weeks between May 15 and September 15 of each year shall be deemed to be in compliance with this article.

(Code 1989, § 9.32)

**Sec. 86-74. Notice to cut and remove weeds; cutting and removal by city.**

If the provisions of sections 86-72 and 86-73 are not complied with, the city manager shall notify the occupant or owner of unoccupied premises by certified mail, return receipt requested, to comply with the provisions of sections 86-72 and 86-73 within ten days of the notice. If such notice is not complied with within ten days, the manager shall cause such weeds, grass and other vegetation to be removed or destroyed, and the actual cost of such cutting, removal or destruction, including supervision, overhead costs, and a ten percent administration fee, shall be a lien against the premises and collected in the manner prescribed in Public Act No. 359 of 1941 (MCL 247.61 et seq.). The city manager shall be commissioner of noxious weeds of the city, and shall serve as such without additional compensation.

(Code 1989, § 9.33)

**State Law reference**— Destruction of noxious weeds, MCL 247.64.

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FOOTNOTE(S):

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**State Law reference**— Noxious weeds, MCL 247.61 et seq. [\(Back\)](#)