CITY OF NORWAY

ORDINANCE NO. 403

THE CITY OF NORWAY TREE ORDINANCE

THE CITY OF NORWAY ORDAINS:

Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

a) *Arboricultural Specifications and Standards of Practice* shall mean the City of Norway Urban Forestry Plan.
b) *City Manager* shall mean the City Manager or his/her designee.
c) *City Tree Board* shall mean the City of Norway Parks and Recreation Committee.
d) *Master Tree Plan* shall mean the City of Norway Urban Forestry Plan.
e) *Park* shall include all public lands under the jurisdiction of the City of Norway.
f) *Park Trees* shall mean trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
g) *Public Places* shall mean all grounds owned by the city of Norway and not included in streets, highways, or parks.
h) *Street* shall include all streets owned by the City and shall be identified as Major Streets or Minor Streets 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) *Street Trees* shall mean 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 city.
k) *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.
   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.

City Tree Board:

The City of Norway’s Parks and Recreation Committee shall be designated as the official Tree Board for the City of Norway.

Duties and Responsibilities:

a) It shall be the responsibility of the Tree 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 to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Norway, Michigan.

b) The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming with the scope of its work.

c) The Tree Board shall be responsible for the review and advisory authority for the administration of this ordinance.

d) 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 other public places.

e) The City Manager 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.

f) The City Manager shall have the duty to issue permits for work on public trees by persons other than City Employees.

g) The City Manager shall inspect all work done under a permit issued in accordance with the provisions of this ordinance.

h) The City Manager shall have the authority to enforce this ordinance and to 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.

i) The City Manager shall have the duty to direct the planting, maintenance, and removal of all trees growing now and hereafter in any public area of the City according to the adopted standards and specifications include the Master Tree Plan.

Permits Required

No person shall plant, prune, remove, or otherwise disturb any tree on any street or city property without first filing an application procuring a permit from the City Manager.

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 of Norway.

b) The City Tree Board shall have the authority to amend these rules from time to time as necessary.

Adherence of 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 Manager 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 issue by the City Manager, 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 the ordinance.

### 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. Such planting shall be done in accordance with this ordinance, and the Arboricultural Specifications and Standards of Practice.

b) **Removal and Replacement (City)** – Whenever 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 Manager.

c) **Removal and Replacement (Private Citizen/Utility Company)** – No person shall remove a public tree without a permit from the City. The tree shall be replaced by the person as directed in the permit from the City Manager. 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.

### Maintenance of Trees and Shrubs:

a) **Responsibility of Property Owner** – 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 the 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 triangle at street intersections

iv. No trees other than those species listed as small or medium trees in the City’s Urban Forestry Plan may be planted under or within ten lateral feet of any overhead utility wire unless approved by the City Manager.

b) **Order to Prune** – Should any person owning real property bordering on any street fail to prune trees as herein provided, the City Manager 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 Assor’s 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.

**Arbor Day:**

The City shall annually celebrate Arbor Day. Such day shall be recognized and noted each year, by proclamation, in conjunction with other cities throughout the United States.

**Enforcement:**

The City Manager, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

**Violations, Fines and Penalties:**

Any person, firm, or corporation violating the provisions of this law shall be responsible for a Civil Infraction, punishable by a fine of not more than $500.

**Savings Clause:**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

**Severability:**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.
Repeal:

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Effective Date; Publication:

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

Adoption:

The City of Norway has adopted Ordinance No. 403. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

EFFECTIVE DATE

This ordinance shall become effective no earlier than 15 days after enactment nor before publication thereof, as set forth in the city charter.

ENACTED:

PUBLISHED:

EFFECTIVE:

Ayes:

Nays:

_________________________________  ______________________________
Jeremy Oja                            Trisha Plante
Mayor, City of Norway                 Clerk, City of Norway

I, Trisha Plante, City Clerk of the City of Norway do hereby certify that the above Ordinance was published in the Norway Current, Norway, Michigan, on the _____ day of _______, A.D., 2012.

_________________________________
Trisha Plante, City of Norway Clerk