

## City of Alma – Tree Ordinance

### ARTICLE I. IN GENERAL

#### Sec. 58-1. Definitions.

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

*Public nuisance* shall mean any tree or shrub or parts thereof growing upon private property but overhanging or interfering with the use of any street, park or public place, any tree or shrub growing on private property within the city afflicted with any dangerous and infectious insect infestation or tree disease, any elm tree affected with the fungus *Ceratocystis Ulmior Dutch Elm Disease*, or any dead or dying elm tree, or stored elm logs, or elmwood, which could harbor or become a breeding place for the elm bark beetle, the known carrier of the disease; any female boxelder tree which is or could be the breeding place for boxelder bugs (*Leptocris trivittas*).

*Public places* shall mean all lands and rights in and to lands owned by the city, and including, but not limited to, street and highway rights-of-way, alleys and parks.

*Public utility* shall mean any person owning or operating any pole, line, pipe or conduit, located in any public right-of-way for the transmission of electricity, gas, telephone, telegraph or television service.

*Trees and shrubs* shall mean all woody vegetation.

(Code 1961, § 3-601; Code 1984, § 31-1)

#### Sec. 58-2. Responsibility for planting and control of trees and shrubs.

(a) The city forester shall have charge and control of all trees and shrubs growing now or hereafter in any public place, and shall have the authority to plant and maintain such trees and shrubs.

(b) The city shall assume complete responsibility for the purchase, planting, maintenance and removal of all trees and shrubs growing now or hereafter in any public place of the city.

(Code 1961, § 3-604; Code 1984, § 31-7)

#### Sec. 58-3. Permit to plant, treat, remove--Required, condition; exception.

(a) No person shall hereafter plant, move, spray, fertilize, branch trim, do surgery work, cut above or below ground, disturb or alter any tree or shrub on any public place of the city, nor cause such acts to be done by others, without first obtaining a written permit from the city forester, who shall issue the permit if, in his judgment, the work is necessary and the proposed methods of workmanship are of a satisfactory nature. The person receiving the permit shall abide by the arboricultural specifications and standards or practices adopted by the city.

(b) As a condition to any permit to remove any public tree or shrub, the city forester may require that the permittee plant one or more trees or shrubs in place of the one removed. Failure of a permittee, upon removal of any such tree or shrub pursuant to the permit, to plant another tree or shrub or other trees or shrubs of the type and size at the

location specified in the permit within the time specified by the city forester shall constitute a civil infraction.

(c) A permit shall not be required to cultivate and water.

(Code 1961, § 3-605; Code 1984, § 31-8; Ord. No. 637, § 1, 3-12-2002)

**State law references:** Destruction of trees, MCL 247.241.

#### Sec. 58-4. Same--Contents.

Every written permit issued by the city forester shall describe the work to be done, specify the species or variety, size, nursery grade, location, and briefly, the method of planting and method of support and trimming of all trees or shrubs concerned, and shall contain a definite expiration date. Any permit may be declared void if its terms are violated.

(Code 1961, § 3-606; Code 1984, § 31-9)

#### Sec. 58-5. Permit to move building, other large object along street.

No person shall move any building or other large object along any street without first having obtained a written permit from the city forester, who if he deems it necessary may require the mover to furnish a bond or cash deposit in an amount sufficient to cover any damage to, or destruction of, public trees or shrubs on the street or streets as a result of such moving operations.

(Code 1961, § 3-607; Code 1984, § 31-10)

#### Sec. 58-6. Public utilities.

(a) *Annual permit.* Public utilities that perform tree trimming or other operations affecting public trees or shrubs shall be issued an annual permit. The annual permit allows tree trimming work to be performed which is limited to the actual necessities of the service of the company, and such work shall be done in a neat and workmanlike manner according to the specifications approved by the city forester.

(b) *Routine maintenance, new construction projects.* The public utility shall notify the city forester in advance when planning to perform routine maintenance or begin a new construction project, which will affect public trees or shrubs.

(c) *Emergency work.* When emergency work is required to restore the public utilities service, the city forester shall be notified as soon as possible of any significant mutilation to public trees or shrubs.

(Code 1961, § 3-608; Code 1984, § 31-11)

**State law references:** Trimming of trees on public utility easements, MCL 560.190.

#### Sec. 58-7. Planting trees in new subdivisions.

One street tree with a trunk caliper of 1 1/2 inches shall be provided in residential subdivisions for each lot with a frontage of 75 feet or less, and at least two trees shall be provided for every lot with a frontage in excess of 75 feet. For corner lots, at least one tree shall be required for each street. The city forester shall furnish the subdivider a list of acceptable trees and a copy of the department's regulations and policy regarding planting of trees. The subdivider shall be responsible for fulfilling these requirements and shall provide adequate bonding or other form of securities to the city in order to guarantee satisfactory completion of the required public improvement.

(Code 1961, § 3-609; Code 1984, § 31-12)

Sec. 58-8. Protection of trees and shrubs.

(a) No person shall break, injure, mutilate, kill or destroy any tree or shrubs, or permit any fire to burn where the fire will injure any portion of any tree or shrub in any public place. No person shall knowingly permit any leak to exist in any gas pipe within the root zone of any public tree or shrub. No person shall permit any toxic chemical to seep, drain or be emptied on or about any public tree or shrub. No person shall knowingly permit electric wires to come in contact with any public trees or shrubs unless protected by approved methods. No person shall attach any electrical installation to any public tree or excavate any ditches, tunnels or trenches or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining a written permit from the city forester. During building operations the builder shall erect suitable protective barriers around public trees or shrubs apt to be injured, after obtaining a written permit from the city forester.

(b) The city forester shall receive a copy of all underground utility location coordination inquiries which may relate to public trees and shrubs. The city forester shall consult with the utility company to avoid unnecessary damage to public trees and shrubs.

(Code 1961, § 3-613; Code 1984, § 31-13)

Sec. 58-9. Fastening material to trees prohibited.

(a) No person shall fasten any sign, wire, or rope to any public tree or shrub. No person shall fasten or attach any decoration to, around, or through any public tree or shrub, except as hereinafter set forth.

(b) Any person wishing to attach any decoration to a public tree or shrub shall first obtain the written approval of the city forester.

(c) The city forester shall, from time to time, publish a written list of specifications to be complied with by an applicant for approval to attach a decoration to a public tree or shrub.

(d) Any person violating this section shall upon conviction be responsible for a civil infraction.

(Code 1961, § 3-611; Code 1984, § 31-14; Ord. No. 534, § 1, 3-12-1991; Ord. No. 637, § 2, 3-12-2002)

Sec. 58-10. Placing materials which may harm plants prohibited.

No person shall deposit, place, store or maintain upon any public place, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrubs growing therein.

(Code 1961, § 3-612; Code 1984, § 31-15)

Sec. 58-11. Duties of owners of private property.

It shall be the duty of any person growing a tree or shrub within a public place or responsible for trees growing on property abutting public places supporting trees or plants:

(1) *Trimming.* To trim his tree so as not to cause a hazard to public places or interfere with the proper lighting of public highways by street lights, and so that the minimum

clearance of any overhanging portion thereof shall be 13 1/2 feet measured vertically at the curb line.

(2) *Treating, removing.* To treat or remove any tree or plant so diseased or insect-ridden as to constitute a hazard to trees or plants in other places.

(3) *Prohibited species.* To refrain from planting any of the species of trees and shrubs contained in the list as not being suitable or acceptable for planting in public places.

(Code 1961, § 3-617; Code 1984, § 31-16)

#### Sec. 58-12. Public nuisance.

Any tree or shrub that, in the opinion of the city forester, endangers the life, health, safety or property of the public, shall be declared a public nuisance. The owner shall be notified of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the city forester shall cause the nuisance to be corrected or removed, and the cost shall be assessed to the owner as provided by law.

(Code 1961, § 3-610; Code 1984, § 31-17)

#### Sec. 58-13. Order to preserve, remove, trim.

When the city forester shall find it necessary to order the trimming, preservation or removal of trees or shrubs upon private property as authorized herein, he/she shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or person responsible for its existence.

(1) *Method of service.* The order requiring a hearing shall be served as provided in section 2-1.

(2) *Time for compliance.* The order requiring a hearing shall set forth a time limit for compliance, depending upon the hazard and danger created by the violation. In case of extreme danger to persons or public property, the city forester shall have the authority to require compliance immediately upon service after the order.

(3) *Failure to comply.* When a person to whom an order is directed shall fail to comply within the specified time, the city forester shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.

(4) *Special assessment.* If the costs of remedying a condition are not paid within ten days after receipt of a statement therefor from the city forester, the costs shall be levied against the property upon which said hazard exists as a special assessment. The levying of the assessment shall not affect the liability of the person to whom the order is directed, to fine and imprisonment as herein provided. The special assessment shall be certified by the city manager to the city treasurer and shall thereupon become and be a lien upon such property, shall be included in the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

(Code 1961, § 3-618; Code 1984, § 31-18)

#### Sec. 58-14. Appeals.

If any person is dissatisfied with a decision adversely affecting the person involving the application of this chapter, the person shall have the right, within a reasonable time, to appeal. The person may make a written request to the city manager, who with members of the city commission shall hear any complaints of the person. Upon completion of the hearing of complaints, the appeal board, consisting of the parties, shall under its written opinion affirm, overrule or modify the order as may be fit and proper under the existing circumstances.

(Code 1961, § 3-619; Code 1984, § 31-19)

Sec. 58-15. Permit fees, violation as civil infraction.

(a) All permits required herein shall be accompanied by a fee to be established by the city commission from time to time by resolution, which is for the purpose of reimbursing the city for the cost of inspection and supervision of the permitted activity.

(b) Any violation of any provision of this chapter shall constitute a civil infraction.

(Ord. No. 637, § 3, 3-12-2002)

Secs. 58-16--58-33. Reserved.

## **ARTICLE II. CITY FORESTER**

### **Sec. 58-34. City forester--Qualifications; appointment.**

The city forester shall be appointed by the city manager. He/she shall be a person skilled and trained in the arts and sciences of municipal arboriculture, horticulture, forestry, or other closely related fields.

(Code 1961, § 3-602; Code 1984, § 31-2)

### **Sec. 58-35. Same--Duties.**

The city forester shall direct, regulate and control the planting, care and removal of all trees and shrubs growing now or hereafter in any public place of the city. He shall cause the provisions of this chapter to be enforced. In his absence these duties shall be the responsibility of an official designated by the city manager.

(Code 1961, § 3-603; Code 1984, § 31-3)

### **Sec. 58-36. Same--Lists of acceptable and nonacceptable trees.**

The city forester shall cause a list of trees and shrubs which are suitable and acceptable for planting in public places to be compiled and filed with the city clerk. The city forester shall cause a list of trees and shrubs which are not acceptable for planting in public places to be compiled and filed with the city clerk. Such lists may be amended at any time during the existence of this chapter.

(Code 1961, § 3-616; Code 1984, § 31-4)

### **Sec. 58-37. Same--Cooperation with other city departments.**

There shall be close cooperation between the city forester and other city departments when their work affects the public trees. The city forester shall approve all building permits that may cause injury to public trees or shrubs or their removal. All sewer, lighting, water and paving plans shall be approved by the city forester. The city planning department and the city forester shall work together planning for the present and the future of the city. The public works department, fire department and police

department should work closely with the city forester in the interest of the public trees and shrubs and public safety. The cooperation in all cases should work equally both ways.

(Code 1961, § 3-614; Code 1984, § 31-5)

**Sec. 58-38. Same--Interference prohibited.**

No person shall prevent, delay or interfere with the city forester or any of his assistants in the execution or enforcement of this chapter, provided, however, that nothing herein shall be construed as an attempt to prohibit a public hearing or any remedy legal or equitable in any court of competent jurisdiction for the protection of property rights by the owner of any property.

(Code 1961, § 3-615; Code 1984, § 31-6)