

Charlottesville

CHAPTER 43
TREE REGULATIONS

4.91. Definitions.

As used in this Chapter the following words shall have the meanings set forth in this section:

- (1) The word "Street" shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the City.
- (2) The word "Park" shall include all public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
- (3) The word "Tree" unless the context clearly indicates otherwise, means trees, shrubs, bushes and all other woody vegetation.
- (4) The words "Public Utility" shall mean 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.
- (5) The words "Prohibited Species" shall mean any tree of the species of poplar (*Populus Sp.*) willow (*Salix Sp.*) and box elder (*Acer Negundo*).
- (6) The word "Department" shall mean that department of the City responsible for tree care.
- (7) The terms of this Chapter, unless otherwise specifically stated herein, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the City.

4.92. Permits for Tree Planting, Care, Removal.

The City Manager shall have control over all trees located within the streets right-of-way and parks in the City and the planting, care and removal thereof, subject to the regulations contained in this Chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the City Manager, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the Manager is authorized, in his discretion, to require as a condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the Department, assume all or any part of the costs of removing such tree, and also to require that the tree removed be replaced at some other nearby location by planting another tree, not necessarily of the same type.

4.93. Tree Planting Orders.

Upon recommendation of the Department for the planting of trees within any street right-of-way, the City Manager shall investigate the desirability of the project and if he shall approve thereof, he shall report the same to the City Council. Upon approval by the Council, such planting shall be undertaken as a public improvement and the cost assessed to the property benefited thereby in accordance with the provisions of Chapter 8 of this Code. Removal of undesirable varieties, may be undertaken and the cost assessed in the same way. Upon petition of the owners of more than fifty percent (50%) of the frontage along one or more blocks in any street, or upon its own initiative, the City Council may, by resolution, provide for the planting or removal of trees without any report by the Department or recommendation of the City Manager. The petition provided for herein shall be advisory only and shall not be binding upon or a condition to any such resolution of the Council.

4.94. Removal of Dead, Diseased and Prohibited Trees.

All dead trees and trees afflicted with any fatal or communicable disease, shall be removed by the Department or private contractor with the approval of the Manager. The City Manager is hereby authorized to direct the Department to remove any tree of a prohibited species, but the cost of such removal shall not be assessed against the property benefited unless the Council shall have approved the removal under the provisions of section 4.93.

4.95. Removal of Other Trees.

Trees may be removed which are not dead or infected with any disease when such trees are of an undesirable (though not prohibited) species, but only upon notice to the owner of the abutting property, and if such owner shall file written objection with the City Clerk within seven (7) days after service of such notice, a public hearing on such removal shall be had before the City Council, and the abutting owner shall be notified of the time and place of such hearing. The cost of any such removal shall not be assessed to the property benefited thereby unless Council shall order such removal originally under the provisions of section 4.93. The City Manager is hereby authorized to direct the Department to remove any tree growing within any street, park or public place, when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic control devices or construction within street right-of-ways or otherwise hinders municipal operations.

4.96. Tree Planting Regulations.

No tree of any prohibited species shall be planted in any street or park, nor shall any such tree be planted on any private property within fifty (50) feet of any street, sidewalk, or sewer right-of-way. Shade trees planted in street right-of-way shall be spaced as required by the City Manager or authorized representative in conformance with the recommendations of the Michigan State Agricultural Department or other recognized authorities. In no event shall any tree be placed closer than six (6) feet to any water, sewer or gas service.

4.97. Tree Protection.

No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire, or permit any fire, or the heat thereof, to injure any portion of any tree. No harmful chemicals or other materials injurious to a tree shall be allowed to seep, drain or be emptied on, near or about any tree. No electric wires or any other lines or wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electric insulation to any tree. No person shall use any tree as an anchor, and no material shall be fastened to or hung on any tree. All persons having under their care, custody or control, facilities which may interfere with the trimming or removal of any tree, shall after notice thereof by the Department, promptly abate such interference in such manner as shall permit the trimming or removal of such tree by the Department.

4.98. Excavation Near Trees.

Excavations and driveways shall not be placed within six (6) feet of any tree without written permit from the City Manager. Any person making such excavation or construction shall guard any tree within six (6) feet thereof with a good, substantial frame box to be approved by the Department, and all building material or other debris shall be kept at least four (4) feet from any tree. All persons desiring to make such excavation or construction shall deposit with the City a sum sufficient to cover the cost of inspection and any damage which may result therefrom, provided that such charge shall not be less than two (\$2.00) dollars in any case.

4.99. Covering Surface Near Trees.

No person shall place within the street right-of-way, any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

4.100. Gas Main or Leakage.

Gas pipes or mains within any public rights-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. In the event a leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within twenty-four (24) hours. Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired, and the cost of the work, including the cost of removal and the replacement of any trees, shall be levied against the owner of the pipe or main causing the damage.

4.101. Trees on Private Property—Removal—Trimming.

Every owner of any dead or diseased and dying tree upon the private property of such owner shall, upon notice, remove such dead or diseased and dying tree from such private property within thirty (30) days of receipt of such notice, or in such additional time as the City may in writing authorize. The owner shall be responsible for the cost of said removal.

Every owner of any tree overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the light from any street lamp, obstruct the view of any street intersection, obstruct City maintenance equipment, obstruct a portion of any sidewalk, or touch or interfere with any public utility line. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree or shrub on private property which violates this section.

(Ord. No. 658, 03-06-00)

4.102. Overhead Lines—Trimming Permits.

The City Manager shall annually issue permits granting permission to public utilities to trim and keep trimmed all trees within the streets, alleys, parks and public places of the City, in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices and under the general direction of the Department. Said permit, as provided for in this section, shall require reasonable prior notice to the City before any work is commenced thereunder. Provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of said public utilities, prior notice of commencing work under said permit shall not be required. The word "emergency" as used in this section, shall be defined to mean the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.