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CITY OF GROSSE POINTE WOODS

ORDINANCE: # 796

AN ORDINANCE TO AMEND CHAPTER 90 ARTICLE III TREES BY ADOPTING AMENDMENTS REGARDING PLACEMENT OF TREES ON PUBLIC PROPERTY

THE CITY OF GROSSE POINTE WOODS ORDAINS:

ARTICLE III. TREES

Sec. 90-66. Scope of article.

The terms of this article, unless otherwise specifically stated, shall apply to public streets, alleys, highways, easements, parkways, parks and other land publicly owned or controlled by the city.

Sec. 90-67. 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:

City administrator means the city administrator or the administrator's representative designated for purposes of the enforcement of this article.

City forester means the person specifically designated by the city administrator to act in that capacity. In the absence of a city forester, the city administrator, or the administrator's designated agent, shall act in that capacity.

Emergency means the occurrence or happening of an event which could not be expected or prevented by the exercise of reasonable care and foresight and which endangers or may endanger the overhead lines of the public utilities and the public health and safety.

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

Person means and includes individuals, groups of individuals, firms, associations, corporations and public utilities and their servants, agents or employees.

Public utility means any person, organization, firm or corporation, public or private, duly authorized to supply electric, gas, telephone, telegraph or water service to or for the general benefit of the public.

Right-of-way means any public street, highway, alley or avenue of the city.

Trees and shrubs includes all woody vegetation.

Cross references: Definitions generally, § 1-2.

Sec. 90-68. Applicability.

The terms of this article, unless otherwise specifically stated, shall apply to public streets, alleys, highways, easements, parkways, parks and other land publicly owned or controlled by the city.

Sec. 90-69. Enforcement of article; authority of city administrator.

The city administrator shall be charged with the duty of enforcing the provisions of this article. The administrator shall have supervisory control over all trees, shrubs and plants in streets, alleys, parks and public places of the city, and shall be empowered to plant, prune, spray, cultivate and preserve all trees and shrubs within the confines of the streets, alleys, parks and public places of the city, except such streets and highways under the jurisdiction and control of the state highway department, or the board of county road commissioners. The city administrator may designate a person to act as city forester consistent with the terms of this Chapter.

Sec. 90-70. Planting, spraying, pruning, and cutting requirements.

No person shall plant, spray, prune, cut, perform surgery on, or remove or otherwise destroy any tree, shrub, or other plant in a street right-of-way, in a city park, or on other city owned land at any time without first obtaining the written permission of the city administrator or the administrator's designated representative. The city administrator's authority over the planting of trees, shrubs, and other plants shall include but not be limited to the setting of specifications of the type of tree, shrub, or other plant to be planted, the location of the planting, and the responsibility of the applicant to water and otherwise maintain the tree or shrub until such time that the city is prepared to water and otherwise maintain the tree, shrub or other plant. The city administrator's decisions as to species of trees to be planted shall be consistent with the provisions of City Code Section 90-71 below and with the Community Tree Commission recommendations made pursuant to City Code Section 90-72 below. Appeals of the city administrator's decision shall be made to the City Council with notification of the appeal to the Community Tree Commission prior to any hearing.

Sec. 90-71. Types of trees whose planting is prohibited.

The following types of trees shall not be planted in a street right-of-way, in a city park, or on other city-owned land:

American Elm (except Princeton, Valley Forge and New Harmony Cultivars)

Ash

Black Locust

Box Elder

Bradford Pear

Cataipa

Chestnut

Cottonwood

Domestic fruit

Hawthorne

Horsechestnut (except Baumann Cultivar)

Pin Oak

Poplar

Siberian Elm

Silver Maple

Sugar Maple (prohibited in street right of way only)

Thorny Honeylocust

Tree of Heaven

Walnut

Willow

In addition, no street right-of-way planting of any one species of tree shall cause the total inventory of that species of tree to total more than one-third the total number of trees in the street right-of-way in the block where the planting is to take place.

Any application for an exception to this section's tree planting prohibitions shall be approved or disapproved by the city administrator following a hearing with any appeals as provided for under Sec. 90-70.

Sec. 90-72. Community Tree Commission tree planting recommendations.

The Community Tree Commission shall prepare and update from time to time a list of trees recommended and not recommended for planting. The list shall be divided into three parts, the first applicable to recommended plantings on private property, the second applicable for planting on public property. The third part of the list shall identify the species whose planting is prohibited pursuant to the provisions of Section 90-71 of the City Code. The list and each update to the list shall be acted on by resolution of the city council. Upon the list's approval by the city

council, the list shall be published and a complete copy of the list will be available to the public at the office of the clerk for inspection.

Sec. 90-73. Spacing of trees planted in right-of-way.

(a) In all future planting of shade trees in the right-of-way, such trees shall be spaced not less than 40 feet from an existing tree in the right-of-way unless the existing tree has been approved for removal within a period of two years from the date of planting of the new tree, and except that in unusual cases any owner of a single lot may, in order to provide a shade or ornamental tree in front of such owner's lot, secure special permission from the city administrator to have a tree planted closer than 40 feet from an existing tree, but in no case shall such planting be less than 30 feet from any existing tree in the right-of-way.

(b) No tree shall be planted between the curb and sidewalk less than 2 1/2 feet from the sidewalk; trees on private property adjacent to the sidewalk shall be planted not less than three feet therefrom. No trees shall be planted where the distance between the back of the curb and the sidewalk is less than four feet six inches in width. No trees shall be planted nearer to the intersection of any two or more streets than 25 feet from the point of intersection of two right-of-way lines.

Sec. 90-74. Use as anchor; attaching materials to.

It shall be unlawful for any person to use any tree as an anchor, and no material shall be fastened to or hung on any trees in any right-of-way or park.

Sec. 90-75. Excavations and driveways near trees.

Excavations and driveways shall not be placed within six feet of any tree without permission from the city administrator or the administrator's appointed representative. Any person authorized to make such excavation or construction shall guard any tree within six feet thereof with a good substantial frame box to be approved by the director of public services, and all building material or other debris shall be kept at least four feet from any tree.

Sec. 90-76. Duties of owners of trees overhanging public ways.

Every owner of any tree, shrub or plant overhanging the streets or rights-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of ten feet above the surface of the street, alley or right-of-way. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

Sec. 90-77. Right of city to trim; costs.

Upon the failure of the property owner to do so after adequate notice, 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 or interferes with visibility of any traffic control device or sign, or interferes with any public utility wires or equipment necessary to serve public safety communication systems or street lighting or traffic control systems; such trimming to be confined to the area immediately above the right-of-way, and the cost thereof to be borne by the owner of the property affected.

Sec. 90-78. Height limitations at street intersections.

All shrubs or plants located on private property on the triangle formed by two right-of-way lines at the intersection of two streets, and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot within the city shall not be permitted to grow to a height of more than 30 inches, measured from the property grade line established between the sidewalk and the front main building line to the top of such shrub or plant, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in such area, provided that all branches are trimmed to maintain a clear vision for a vertical height of ten feet above the roadway surface.

Sec. 90-79. Protection of trees on public property.

(a) No person shall place on public property 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 which is subject to the provisions of this article.

(b) No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire, or permit any fire or the heat therefrom to injure any portion of any tree on public property. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree; provided, however, that this shall not prohibit the use of city-approved chemical control of trees and brush growth. No electric wires or installation, or any other lines or wires shall be attached to any tree in any manner that shall cause damage thereto. Any person having under his care, custody or control, facilities which may interfere with the trimming or removal of any tree subject to this article shall, after notice thereof by the director of public services, promptly abate such interference in such a manner as shall permit the trimming or removal of any tree by the department of public services. No paint latex, oil, etc., shall be allowed on any part of any tree, excluding wound dressings.

Sec. 90-80. Damage from leaking gas.

Gas pipes or mains within any public right-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. If a leak exists or occurs, it shall be reported to the

owner of such pipe and main, and the leak shall be repaired within 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.

Sec. 90-81. Chemical control and trimming by public utilities.

The city clerk shall, upon request of any interested public utility, issue an annual permit and shall annually thereafter renew such permit granting permission to such public utility to chemically control and trim and keep trimmed all trees and shrubs intruding into the airspace over or growing within the confines of the streets, alleys, parks, rights-of-way and public places of the city in such a manner as shall keep the overhead lines and equipment of such public utility safe and accessible and clear of all tree growth which endangers or may endanger such overhead lines or equipment and the public health and safety. Such chemical control and trimming shall be done in accordance with approved practices and under the general direction of the director of public services; however, such utility shall be responsible for damage to trees resulting from any act committed by the utility or its representative or agent. Such 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 such utility, prior notice of commencing work under such permit shall not be required.

Sec. 90-82. Removal of trees.

- (a) All dead or dying trees afflicted with any fatal communicable disease and located in a public area shall be removed by order of the city administrator.
- (b) Where an owner of property requests the removal of a living tree, the city administrator is authorized to require, as a condition precedent to granting of approval for such removal, that such property owner assume all or any part of the costs of removing such tree, and also to further require that such tree be replaced at some other location in the immediate vicinity by planting another tree of a type permitted under this article.
- (c) The city administrator is hereby authorized to direct the removal of any undesirable species of tree, as set out in section 90-71, growing in any right-of-way, park or public place in the city.
- (d) The city administrator is hereby authorized to direct the removal of any trees or shrubs growing in any right-of-way, park or public place in the city when such trees or shrubs are interfering with fire hydrants, sewers and water mains, visibility at street intersections, traffic control devices or construction affecting the public health and safety within such right-of-way.

Sec. 90-83. Effective Date.

This ordinance shall become effective twenty (20) days after the date of its enactment.

Secs. 90-84--90-105. Reserved.

First reading: 6-07-04

Second reading: 6-21-04

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