

St. Clair Shores

**15.503 Plant material.**

Sec. 35.76 Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

**(1) PLANT MATERIAL SPACING:**

- (a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line
- (b) Where plant materials are planted in two or more rows, plantings shall be staggered in row.
- (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
- (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

**(2) SUGGESTED PLANT MATERIAL: MINIMUM SIZE**

- (a) Evergreen Trees            Five (5) feet in height
  - 1. Juniper
  - 2. Hemlock
  - 3. Fir
  - 4. Pine
  - 5. Spruce
  - 6. Douglas Fir
- (b) Narrow Evergreens            Three (3) feet in height
  - 1. Column Honoki Cypress
  - 2. Blue Columnar Chinese Juniper
  - 3. Pyramidal Red-Cedar
  - 4. Swiss Stone Pine
  - 5. Pyramidal White Pine
  - 6. Irish Yew

6. Beech
7. Ginkgo (male only)
8. Honeylocust
9. Sweet-Gum
10. Hop Hornbeam
11. Linden
12. Tulip Tree
13. Bradford Pears
14. Ash (green or white)

(3) **TREES NOT PERMITTED:**

- (a) Box Elder
- (b) Silver Maple (Silver)
- (c) Elm
- (d) Poplar
- (e) Willow
- (f) Horse Chestnut (nut bearing)
- (g) Tree of Heaven
- (h) Catalpa

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

## **20.250 PLANTING AND MAINTENANCE OF PLANT LIFE AND FORESTRY**

### **20.251 Purpose of Article B.**

Sec. 67B-1. The purpose of this ordinance is to promote the planting, preservation and maintenance of plant life and forestry within the City of St. Clair Shores in order to beautify public and private properties, enhance their values and protect the health, safety and welfare of the public from unsightly, damaged, diseased, noxious or dangerous plant life and forestry.

(chap. 67 eff. Aug. 26, 1986)

### **20.252 Definitions.**

Sec. 67B-2. The following words, terms or phrases when used in this article shall have the meanings given herein:

- (a) *Forestry* shall include trees, shrubs, bushes and all other types of woody vegetation.

- (b) *Noxious weeds* shall include Canadian 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*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus Toxicodendron*), poison sumac (*Toxicodendron vernix*), poison oak, oxeye daisies, goldenrod, or other weeds which are permitted to attain a height of 8 inches or more.
- (c) *Park* shall include all public parks and areas owned and/or maintained by the city or to which the public has access.
- (d) *Prohibited species* shall include all noxious weeds as defined above and any tree of the species of poplar (*Populus* Sp.), willow (*Salix* Sp.), box elder (*Acer Regundo*), and elm (*Ulmus*).
- (e) *Shrubs* shall include all plant life or foliage under ten (10) feet in height.
- (f) *Street right-of-way* shall mean all of the public or publicly owned land lying between private property lines on either side of all streets, highways and boulevards in the city.
- (g) *Tree* shall include shrubs, forestry or other plant life which generally or are intended to grow ten (10) feet or higher.
- (h) *Brush* shall include the dense, wild and unkempt growth of bushes or shrubs or trees less than ten (10) feet in height growing in thick profusion and shall also include a pile of covering of lopped or broken branches or brushwood.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Oct. 7, 1986)

### **20.253 Enforcement of Article B.**

Sec. 67B-3. The Department of Public Works shall have jurisdiction to enforce this ordinance article and may adopt policy, rules or regulations regarding enforcement.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

### **20.254 Tree planting required on new dwelling site; permit.**

Sec. 67B-4. Whenever a new dwelling is constructed, at least one (1) tree per construction site shall be planted between the sidewalk and curb or in an approved area of the public right-of-way abutting the subject property except that if the site's street frontage exceeds 80 feet, one (1) tree shall be so planted every 75 feet. If the site is on or includes a corner lot, at least one (1) tree shall be so planted on each side or frontage of the corner. The owner of the property, his contractor or his agent shall seek a permit for such tree planting from the Department of Public Works. The Department of Public Works shall have complete discretion to choose or approve the time of planting, the location of planting and the type of tree planted which, in any case, shall be at least eight (8) feet in height and one and one-half (1 1/2) to two (2) inches in diameter of a hardwood variety. The Department may supervise or plant same. If weather permits, such tree planting shall be completed prior to the issuance of a certificate of occupancy.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

**20.255 Planting care and removal of trees or shrubs on public property; permit required.**

Sec. 67B-5. Planting, maintenance and removal of trees and shrubs on public property shall be performed by an authorized city employee, or agent of the appropriate department. No other person shall prune, spray, plant or remove any tree or shrub on public property, including those in public parks, except that the owner of property abutting a street or right-of-way may prune, spray, plant or remove a tree or shrub in said street or right-of-way upon obtaining a permit from the Department of Public Works. No such permit shall be issued until the property owner or his agent or contractor furnishes a certificate of liability insurance indicating an amount of \$50,000 for bodily injury to any one person and an aggregate amount of \$100,000 for any persons injured in any one occurrence, and \$5,000 for property damage.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

**20.256 Planting certain trees on private property; permit required.**

Sec. 67B-6. No person shall plant any poplar, box elder, cottonwood, willow, soft maple, common catalpa or "aliantus glandulosa" on private property without first obtaining a permit from the Department of Public Works.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

**20.257 Protection of trees and shrubs required.**

Sec. 67B-7. Unless otherwise stated in this ordinance, the protection of trees shall be required as follows:

- (a) No person shall attach any guy rope, wire, cable or other contrivance or materials to any tree or shrub in any street area or right-of-way or other public property or use the same for any banner, sign or business purpose whatever.
- (b) No person shall break, injure, kill, destroy or mutilate any tree or shrub or set any fire or permit any fire or the heat therefrom to injure any portion of any tree.
- (c) No person shall cut, trim, saw or otherwise mutilate any tree or shrub to make room for telephone, telegraph or electric line wires, moving buildings or machinery, or building a sidewalk, without first obtaining a permit to do so. No permit shall be granted without the approval of the Director of Public Works.
- (d) No person shall place or maintain upon the ground in any public way or place of the city any stone, brick, sand, concrete or other material or article which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine or plant, without leaving an open space of ground not less than four feet in width all around the same.
- (e) No person shall excavate, erect, alter or repair any building or structure or perform other work without first placing or causing to be placed guards or other sufficient protection to prevent injury to the public and plant life around all nearby

trees, shrubs and plants in the street area, right-of-way or other public property.

- (f) No person owning or using or having control or charge of gas or other substances deleterious to trees or shrubs shall allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant, so as to kill or destroy or injure such tree, shrub or plant. If a tree so injured is on public property, then the owner of the pipe or main causing the damage or other person having control or charge of the deleterious substance shall pay for the repair, removal and replacement of such plant life.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990)

#### **20.258 Maintenance of plant life by public utilities business companies, etc.; permit required.**

Sec. 67B-8. No utility company with lines or pipes on, above or underground and no person or company operating any bus line or other motor transportation over any street within the city shall trim, cut or chemically control the growth of any tree, shrub or plant life in or on any public property without first having submitted a plan of the work to be done and obtained a permit from the Department of Public Works. The Department may issue an annual permit granting permission to the permittee to chemically control, cut and trim all trees and shrubs on public property which may interfere with, or affect, or endanger the safe operation, maintenance, or accessibility of the permittee's equipment or materials or which may hinder public safety. Such permit shall require the permittee to notify the Department within a reasonable time before any work thereunder is commenced unless an emergency requires the immediate maintenance work be done to protect the public health, safety and welfare.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

#### **20.259 Noxious weeds prohibited.**

Sec. 67B-9. Noxious weeds, as defined in § 67B-2 [20.252](b), are hereby declared to be public nuisances and are subject to the following regulations.

- (a) *GROWTH PROHIBITED.* No owner, his agent or tenant of any parcel of land within the City shall permit on such parcel or upon any sidewalk, alley, or right-of-way abutting same, the growth of noxious weeds. The owner, his tenant, or agent shall destroy noxious weeds before they reach a seed bearing stage and shall prevent their regrowth and shall prevent them from becoming a detriment to public health.
- (b) *NOTICE OF DUTY TO CUT OR DESTROY NOXIOUS WEEDS.* At the direction of the Director of Community Development, the City Clerk shall publish a notice in a newspaper of general circulation in the City during the month of March which states that noxious weeds not cut within seven (7) days from the publication of such notice will be cut by the City before they reach a seed bearing stage or when they attain a height of 6 inches or more. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this section. In the alternative to notice by publication, the City may mail written notice containing the same information directly to the land owner requiring the destruction of the noxious weeds within 72 hours of his receipt of

notice.

- (c) *AUTHORITY FOR CITY TO CUT NOXIOUS WEEDS; ASSESSMENT OF COSTS AND FEES.* If the owner, his agent, or tenant of property where noxious weeds exist fails, refuses or neglects to destroy the weeds, then the City Department of Community Development shall have the authority and may enter upon such premises or hire a contractor to enter upon such premises and cut the weeds before they reach a seed bearing stage or if they attain a height of 6 inches or more. The City may cut or have cut the noxious weeds as many times as necessary. The costs incurred by the City cutting such weeds and in removal of debris plus an administrative fee of \$100 per cutting shall be billed to the owner of the property. Upon the failure of the property owner to reimburse the City for such costs and fees within 30 days of their due date, the City shall have a lien against the land for same and the City Assessor shall add the charges to the tax rolls for such property.
- (d) *PENALTY FOR FAILURE TO DESTROY OR CUT NOXIOUS WEEDS.* A property owner, his agent or tenant who refuses, fails or neglects to destroy noxious weeds as provided in this section shall be subject to prosecution for a misdemeanor and upon conviction thereof, a fine of not more than \$500.00, which fine when collected shall become part of the noxious weed control fund of the City.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990; amend. eff. Feb. 3, 1992; amend. eff. Sept. 22, 1998)

#### **20.260 Overgrown grass, brush, weeds prohibited.**

Sec. 67B-10. Overgrown grass, brush or weeds growing on the property described herein are hereby declared to be public nuisances and are subject to the following regulations.

- (a) *DENSE, OVERGROWTH PROHIBITED.* No owner, his agent or tenant of any parcel of property within the City shall permit grass, brush, or weeds growing upon such property or upon any sidewalk, alley, or right-of-way abutting same to attain a height of 6 inches or more.
- (b) *NOTICE OF DUTY TO CUT GRASS, BRUSH, OR OTHER WEEDS.* Prior to May 1 in any year, the City Clerk shall, at the direction of the Director of Community Development, publish a notice in a newspaper of general circulation in the City which states that grass, brush or weeds 6 inches in height or more not cut within seven (7) days from the publication of such notice shall be cut by the City as many times as necessary with costs and fees to be assessed against the property owner. The notice shall include a summary of the provisions of this section.
- (c) *AUTHORITY FOR CITY TO CUT GRASS, BRUSH, OR OTHER WEEDS; ASSESSMENT OF COSTS AND FEES.* If the owner, his agent, or tenant of any property within the City fails, refuses or neglects to cut the grass, brush or weeds growing up on such property or upon any sidewalk, alley or right-of-way abutting same such that the grass, brush or weeds attain a height of 6 inches or more, the City Department of Community Development shall have the authority to and may enter upon such premises or hire a contractor to enter upon such premises

and cut the weeds. The City may cut or have cut such grass, brush or weeds between the date of publication above referenced and October 31. The costs incurred by the City in cutting such grass, brush or weeds and in removal of accompanying debris plus an administration fee of \$100 per cutting shall be billed to the owner of the property. Upon the failure of the property owner to reimburse the City for such costs and fees within 30 days of their due date, the City shall have a lien against the land for same, and the City Assessor shall add the charges to the tax rolls for such property.

- (d) *PENALTY FOR FAILURE TO CUT GRASS, BRUSH OR WEEDS.* The neglect, failure or refusal of a property owner, his agent or tenant to cut grass, brush or weeds growing upon his property within the City or upon any sidewalk, alley or right-of-way abutting same such that the grass, brush or weeds attain a height of 6 inches or more shall constitute a misdemeanor. Upon conviction thereof, the property owner, his agent or tenant shall be subject to a fine up to \$500.00 or up to 90 days in jail or both.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990; amend. eff. Feb. 3, 1992; amend. eff. Sept. 22, 1998)

#### **20.261 Overgrown or dangerous shrubs, plants and trees on private property prohibited.**

Sec. 67B-11. Overgrown shrubs, plants and trees growing from private property are hereby declared public nuisances and are subject to the following regulations to be enforced by the appropriate department:

- (a) *GROWTH LIMITATIONS.* The owner, his agent or tenant of any parcel of land within the City shall trim or have trimmed any tree, shrub or plant on private property which overhangs a street, highway, sidewalk or other public way so that a clear space of at least 8 feet exists above the surface of the public way and so that the branches or growth shall not obstruct any traffic sign or the light from any street lamp. In addition, the property owner, his agent or tenant shall not permit any tree, shrub, plant, or other vegetation growing on private property to encroach upon or over any sidewalk or in any other manner obstruct same or interfere with the free passage of persons using such sidewalk. Furthermore, the property owner, his agent or tenant shall not permit any tree, shrub, plant or hedge growing on private property to obstruct the view and hinder the safety of travelers along a public way.
- (b) *DUTY TO REMOVE DANGEROUS SHRUBS, PLANTS AND TREES.* The property owner, his agent or tenant shall remove from any tree, shrub or plant growing on his property all diseased, dangerous, decayed, unsightly or broken limbs, branches or vines which may hinder the safety of persons using abutting public property. Additionally, the property owner, his agent or tenant shall remove any shrub or tree on his property which is dying or dead and endangering the safety and welfare of the users of neighboring property.
- (c) *NOTICE OF DUTY TO TRIM OR MAINTAIN SHRUBS, PLANTS AND TREES.* Prior to May 1 in any year, the City Clerk shall, at the direction of the Director of Community Development, publish notice in a newspaper of general circulation in

the City which states that shrubs, plants and trees not trimmed or maintained in accordance with this section shall be trimmed by the City as many times as necessary through the next twelve months with costs and fees to be assessed against the property owner except that the maintenance, trimming, or removal of which do not hinder the safety of persons using abutting public property shall be the sole responsibility of property owner, his agent or tenant of the property upon which the tree grows unless otherwise provided by this ordinance or unless the director of the appropriate department determines that the current condition of the tree poses an imminent and significant threat to the preservation of the health, safety and welfare of the general public. The notice shall contain a summary of the provisions of this section. In the alternative to notice by publication, the City may at any time during the year mail written notice containing the same information to the property owner requiring the trimming within 72 hours of receipt of notice of shrubs, plants and trees which may hinder public safety.

- (d) *AUTHORITY FOR CITY TO TRIM OR REMOVE SHRUBS, PLANTS AND TREES; ASSESSMENT OF COSTS AND FEES.* If the owner, his agent or tenant of any property within the City fails, refuses, or neglects to trim or maintain the shrubs, plants and trees thereon in accordance with this ordinance, then the City Department of Community Development shall have the authority to and may enter upon such premises or hire a contractor to enter upon such premises and trim same as many times as necessary except that the maintenance, removal or trimming of trees which do not hinder the safety of persons using abutting public property shall be the sole responsibility of the owner, agent or tenant of the property upon which the tree grows.

If the director of the appropriate department determines that the current condition of a tree poses an imminent and significant threat to the preservation of the health, safety and welfare of the public, then the City shall have the authority to enter upon the premises or hire a contractor to enter upon such premises to remove or cut down same. The costs incurred by the City in maintenance, removal or trimming of shrubs, plants and trees plus an administrative fee of one hundred (\$100) dollars per such activity shall be billed to the owner of the property. Upon the failure of the property owner to reimburse the City for such costs and fees within thirty (30) days of their due date, the City shall have a lien against the land for same, and the City assessor shall add the charges to the tax rolls for such property.

- (e) *PENALTY FOR FAILURE TO TRIM SHRUBS, PLANTS AND TREES.* The neglect, failure or refusal of a property owner, his agent or tenant to trim or maintain the shrubs, plants or trees on his property within the City in accordance with this ordinance shall constitute a misdemeanor. Upon conviction, thereof, the property owner, his agent or tenant shall be subject to a fine up to \$500.00 or up to 90 days in jail or both.

(chap. 67 eff. Aug. 26, 1986; amend. Apr. 3, 1990; amend. eff. Feb. 3, 1992; amend. eff. Sept. 22, 1998)

**20.262 Removal by city of brush, branches, limbs, vines, shrubs, tree trunks and stumps.**



Sec. 67B-12. In accordance with the following specifications, the City or its contractor on the regular rubbish collection day shall remove brush, branches, limbs, vines, shrubs, tree trunks and stumps cut from private property within the City when same has not been cut, left or otherwise produced or put in such condition by a business required to be licensed under Article D [20.290] and when same has been placed at curbside:

- (a) Branches and vines with an individual diameter of less than four (4) inches shall be tied in bundles no longer than five (5) feet and weighing no more than seventy-five (75) pounds.
- (b) Branches, shrubs, limbs, tree trunks and stumps with individual diameters of four (4) inches shall be less than five (5) feet in length and the individual weight shall not exceed seventy-five (75) pounds.

## **ARTICLE C**

### **20.270 PREVENTION AND CONTROL OF DUTCH ELM DISEASE**

#### **20.271 Dutch elm disease; public nuisance; tree destruction required.**

Sec. 67C-1. Trees of all species and varieties of *Ulmus*, *Zelkova*, or *Planera* affected with the fungus *Cerastostomella Ulmi*, as determined by field diagnosis or laboratory analysis, are hereby declared to be a public nuisance, and all above ground portions must be destroyed by burning or by burying under a minimum of two (2) feet of earth within ten (10) days following discovery of such infection.

(chap. 67 eff. Aug. 26, 1986)

#### **20.272 Elm beetles; public nuisance; tree destruction required.**

Sec. 67C-2. Trees, or parts thereof with bark attached, of *Ulmus*, *Zelkova*, or *Planera* in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle (*Scolytus Multistriatus*), or the native Elm Bark Beetle (*Hylurgopinus rufipes*) are hereby declared public nuisances, and all above ground portions must be destroyed by burning or by burying under a minimum of two (2) feet of earth within ten (10) days following the discovery of such condition, and it shall be unlawful to possess, sell, give away or transport all or any parts of such trees or parts of trees, except that the same may be transported to a safe place for burning or burial.

(chap. 67 eff. Aug. 26, 1986)

#### **20.273 Damaged ulmus, zelkova, planera; public nuisance; tree destruction required.**

Sec. 67C-3. Trees or parts thereof of all species and varieties of *Ulmus*, *Zelkova* or *Planera* which are dying, dead or damaged beyond recovery for any reason or have been killed by the property owners or contractors operating within the City of St. Clair Shores are hereby declared to be public nuisances and shall be removed and disposed of within ten (10) days of

their discovery. Any person who discovers such trees or parts thereof shall immediately notify the Department of Public Works.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

#### **20.274 Enforcement; authority to inspect.**

Sec. 67C-4. The Department of Public Works is charged with enforcement of this ordinance article, and to that end, the Director and any authorized city employee or agent may enter upon private property during reasonable hours for the purpose of inspecting trees or cut wood or logs thereon and may remove specimens from trees or wood as are required for analysis to determine whether they are infected with fungus or beetles. Said person may also inspect for damaged trees in accordance with § 67C-3 [20.273]. It shall be unlawful for any person or firm to prevent such entry or to interfere with a city employee or agent in the lawful performance of his duties under this ordinance article. The property owner, his tenant or agent shall cooperate with a city employee or agent carrying out his duties hereunder. The refusal to restrain or confine dogs upon request shall be considered a refusal to cooperate and shall constitute a violation of this ordinance.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

#### **20.275 Notice of required destruction or removal.**

Sec. 67C-5. Upon discovery of fungus or beetle infected trees or damaged trees pursuant to §67C-3 [20.273] or parts thereof on private property which may serve as a breeding place for either the European or the native elm bark beetles, the Department of Public Works shall provide the owner of the property where such trees are situated with written notice of same by personal service or certified mail at the last known address as shown in the records of the Office of the City Assessor. The notice shall require the owner of said premises to remove and burn or bury under at least two (2) feet of earth the affected trees within ten (10) days of his receipt of notice and inform him that his failure to do so shall result in the city or its agent entering the premises to complete same with the costs thereof to be charged to the property owner and to become a lien against the property if payment of costs is not made within thirty (30) days of billing. The notice shall also inform the owner that his failure to comply with this ordinance article may result in a misdemeanor prosecution and may subject him to a fine up to five hundred (\$500.00) dollars or up to ninety (90) days in jail or both upon conviction.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988)

#### **20.276 City authority to destroy infected trees.**

Sec. 67C-6. If the owner of premises with trees prohibited by this ordinance fails to comply with these ordinance provisions within ten (10) days of his receipt of notice in accordance with § 67C-5 [20.275], the city or its agent may enter upon the premises and remove, destroy and dispose of the infected or prohibited trees and charge the cost of same to the property owner. Upon the failure of the property owner to reimburse the city for such costs within thirty (30) days of their due date, the city shall have a lien against the land for same, and the City Assessor shall add the charges to the tax rolls for such property.

(chap. 67 eff. Aug. 26, 1986)

**20.277 Sale, transfer, use of infected wood prohibited.**

Sec. 67C-7. It shall be unlawful to possess, sell, give away, transport, keep, leave or use for any purpose within the City of St. Clair Shores all or any parts of trees diseased or infected with the fungus or beetles described in this ordinance article.

(chap. 67 eff. Aug. 26, 1986)

**20.278 Sale, transfer, use of wood of ulmus, zelkova and planera species.**

Sec. 67C-8. It shall be unlawful to cut, sell, give away, transport, keep, leave or use for any purpose, including fireplace wood, within the City of St. Clair Shores, the uninfected or uninfested wood of all species and varieties of *Ulmus*, *Zelkova* and *Planera* unless the bark has been first removed.

(chap. 67 eff. Aug. 26, 1986)

**ARTICLE D**

**20.290 LICENSING REQUIREMENTS FOR OPERATION OF LANDSCAPING OR NURSERY BUSINESSES**

**20.291 Operation of landscaping or nursery business; license required.**

Sec. 67D-1. Every person, firm or corporation desiring to engage in the business of gardening, landscape gardening, mowing or trimming of lawns or fields, or pruning, removing, repairing, spraying or planting of trees, shrubs, vines or plants, either native or nursery grown, or for the sale or distribution thereof, within the City of St. Clair Shores shall make written application to the Director of Community Development for a license for that purpose, stating the location of the place where such business will be carried on. All licenses issued hereunder shall not be transferable and shall expire on the thirty-first day of December subsequent to the date of issuance. Licenses must be secured and in effect by March 1st or prior to the start of any business operation.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

**20.292 Definitions.**

Sec. 67D-2. For the purpose of this Article, the following words shall have the meanings given herein:

- (a) *Nursery Stock* shall mean all trees, shrubs, vines, plants, cuttings, grafts, scions, buds and all other parts of plants capable of propagation.

(chap. 67 eff. Aug. 26, 1986)

**20.293 Application of article.**

Sec. 67D-3. Unless otherwise provided, this ordinance shall apply to all persons, firms

or corporations maintaining or conducting business under the following classifications:

- (a) All persons whose profession is to arrange, improve, modify or perpetuate the effects of natural scenery, including but not limited to the mowing, fertilizing, planting or other care of lawns or gardens.
- (b) All persons, not growers or original producers of nursery stock, who buy for the purpose of reselling or offering for sale or reshipping independently under the control of any nursery man.
- (c) All persons or firms who grow nursery stock for the purpose of selling directly to consumer.
- (d) All persons, digging, selling, or offering for sale any native trees, shrubs, vines, hardy perennials or other native plant material growing in wood lots, forest lands or native environment.
- (e) All landscape architects, landscape gardeners, contractors or other persons, who, on behalf of another person, directly or indirectly, buy or negotiate for the purchase of nursery stock or native trees, shrubs and plants, or who negotiate for or actually perform the work of moving the same from one property to another.
- (f) Any person selling nursery stock under the partial or full direction of a nurseryman or of a dealer or other agent, or any person, dealer or agent handling or selling, or soliciting orders on a cooperative basis or by other method.
- (g) All persons in the business of pruning, removing, repairing, treating, or, spraying trees, shrubs, vines or plants.
- (h) This Ordinance shall also apply to all nursery stock, sold or distributed from vessels, vehicles of all description, buildings, docks, wharves, nurseries, sales lots or other premises or property, with or without value, where such articles or substances are kept, stored, or disposed of.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1980)

#### **20.294 Business license fee.**

Sec. 67D-4.

- (a) All applicants receiving business licenses and/or vehicle plates under this article shall pay an annual license fee in an amount of thirty-five (\$35) dollars, and no license hereunder shall be issued at any time during the year for a sum less than the full annual license fee. The fee for each plate shall be four (\$4) dollars.
- (b) No business licensed under this article shall be located in a residential area or on a residential lot within the city or operated from a residential lot. However, a license may be issued to a person or business who gives a residential address as the location of the license only provided such person or business complies with all of the following:
  - (i) executes a sworn affidavit signed by a notary indicating that he/she on

- behalf of the business understands that the provisions of the zoning ordinance pertaining to the use of the property at the residential address prohibit operation of the business thereon or therefrom and he/she swears on behalf of the business that no business required to be licensed under this article is being conducted on or from the premises;
- (ii) executes such an affidavit on behalf of the business indicating that in the operation of such business he/she and the business will comply with all provisions of this ordinance, including section 67D-4(c) [Code Section 20.294(c)] and will advise all employees of such requirements;
  - (iii) supplies the nonresidential address and location where all equipment used in the operation of such business will be stored;
  - (iv) supplies the names and addresses of all employees of the business to be licensed;
  - (v) supplies the nonresidential location within the city, if applicable, where such employees will congregate and/or park their vehicles prior to commencement of business on any given day;
  - (vi) refrains from permitting, allowing or acquiescing in the congregation of employees or parking of employee vehicles on any residential property within the City or in the street adjacent to said property during their employment or when the employees are going to and from their employment;
  - (vii) supplies proof of public liability insurance for the licensed business; and
  - (viii) complies with all requirements of this ordinance and forthwith informs the Community Development's office of St. Clair Shores in the event of any changes in the above-required information.
- (c) The failure to comply with the conditions of the affidavit required in subsection (b) shall constitute a violation of this ordinance.
  - (d) No equipment used in the operation of a business licensed under this article shall be stored, kept or parked on a residential lot within the city unless such equipment is actually in use on such lot for the benefit of a bona fide customer or is parked on such lot while some other activity of the business, such as landscaping/nursery services, is being performed on the lot for a bona fide customer.
  - (e) Person or persons who conduct or operate a business without first securing a license shall be required to obtain a license at twice the regular fee.
  - (f) All applicants shall supply proof of public liability of insurance of no less than \$100,000/\$300,000 for the business to be licensed hereunder prior to the issuance of any such license.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990; further amend. eff. Feb. 12, 1991)

**20.295 Vehicle license required; fee.**

Sec. 67D-5. A person or business licensed under this ordinance article shall apply for a vehicle plate or license furnished by the Community Development Department and shall attach same on the left side of the rear bumper upon any vehicle used in the operation or maintenance of the business licensed hereunder. Trailers which are attached to vehicles, other than passenger trailers, shall not be required to display such plates or licenses. The fee shall be four (\$4) dollars.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

#### **20.296 Enforcement.**

Sec. 67D-6. The Department of Public Works, the Code Enforcement Authority, the Community Development Department and the St. Clair Shores Police Department shall have the authority to enforce the provisions of this ordinance article, and any person, firm, or corporation who hinders, prevents, or interferes with the department's agents and employees in such enforcement shall be in violation of this ordinance.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

#### **20.297 Duty to remove debris.**

Sec. 67D-7. Any person, firm or corporation engaged in the removal, pruning, repairing, spraying or planting of trees or in any business licensed under this ordinance article, and/or any person, firm, corporation or property owner/occupant who has retained or hired such a business to work on its property within the city, shall be responsible for removal of all debris, including soil, from the work site when the job is completed. Failure of the business personnel and/or the property owner/occupant to effect removal of debris shall constitute a violation of this ordinance. The City of St. Clair Shores shall not be responsible for the removal of any part of a tree, shrub, vine or other plant or any other material or soil which has been cut or left by any person or business licensed hereunder.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990)

### **ARTICLE E**

#### **20.310 PENALTIES FOR ORDINANCE VIOLATION**

##### **20.311 Penalties for violation.**

Sec. 67E-1. Except as specified in the Municipal Civil Infractions Ordinance, Section 11.150, et. seq., any person, firm or corporation who violates the provisions of any article of this ordinance shall be guilty of a misdemeanor and subject to a fine of up to five hundred dollars (\$500.00) and up to ninety (90) days in jail or both.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 11, 1992)