

## City of Westland – Tree Ordinance

### ARTICLE I. IN GENERAL

#### Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 as a park.

*Prohibited species* means any tree of the species of poplar (populus species), willow (salix species), box elder (acer negundo), and elm (ulmus).

*Street* means all of the land lying between property lines on either side of all streets, highways and boulevards in the city.

*Tree* means trees, shrubs, bushes and all other woody vegetation. Trees shall not include shrubs or bushes shorter than 15 feet in height.

(Code 1981, § 36-1)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 106-2. Planting of trees.

(a) Before a certificate of occupancy may be issued, the owner, contractor or other person who has completed the building of any residence shall be required to plant one or more balled and burlapped trees of the species, size and number specified in this section.

(b) Any person replacing an existing tree shall be required to replace the existing tree with one or more balled and burlapped trees of the species, size and number specified in this section.

(c) The tree or trees required under this section shall be of one of the following species:

(1) Red Sunset Maple.

(2) Norway Maple.

(3) Bradford Pear.

(d) The tree or trees required to be planted under this section shall be at least eight feet in height and two inches in diameter at a point measured six inches above ground level. A written one-year replacement guarantee, covering each tree planted, shall also be filed with the director at the time of planting. There shall be one tree planted between the sidewalk and curb in front of each residential site for each 70 feet, or major fraction thereof, and two trees so planted on each residential site for every 90 or more feet of lot frontage. If the residential site is a corner lot, at least two trees shall be planted on the side of the site between the sidewalk and the curb.

(Code 1981, § 36-2; Ord. No. 152-A, § 1, 2-17-98)

#### Sec. 106-3. Permit to prune, spray, plant or remove trees.

(a) No person shall prune, spray, plant or remove any tree in any street or park, except that the owner of land abutting on any street may, upon obtaining a permit from the director of public service, prune, spray, plant or remove any tree in that part of any street

abutting his land not used for public travel. Every such permit shall specifically state the extent of the authorization and the conditions under which such permit is granted.

(b) Whenever the owner of land abutting on any street requests permission to remove any tree in that part of the street abutting his land, the director may require as a condition for granting such permit that the landowner remove the tree in accordance with the regulations established by the department of public service, assume all or any part of the costs of removing such tree, and replace the tree removed at some other nearby location by planting another tree, not necessarily of the same variety as the tree removed.

(Code 1981, § 36-3)

Sec. 106-4. Tree branches overhanging street or right-of-way.

(a) The owner of any tree overhanging any street or right-of-way shall trim the branches of such trees 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 eight feet above the surface of the street 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.

(b) The city shall have the authority to trim any tree or shrub on private property when such tree or shrub interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

(Code 1981, § 36-4)

Sec. 106-5. Maximum height at street corners.

No shrubs and bushes located 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 be permitted to grow to a height of more than 24 inches above the sidewalk grade, 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 in such areas, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface.

(Code 1981, § 36-5)

Sec. 106-6. Branches or roots of trees spreading to adjoining property.

(a) No owner of any land upon which a tree or shrub is growing shall permit such tree or shrub to grow and spread its branches or roots over or across the property line and on or in an adjoining owner's property without the consent of such adjoining owner.

(b) If an adjoining property owner complains in writing to the owner of land upon which a tree or shrub is growing that the branches or roots of such tree or shrub have spread on such adjoining land, making a nuisance thereon, the owner of such tree or shrub shall have the duty to forthwith trim such branches and roots, so far as possible, so that such tree or shrub does not extend beyond the property line of the owner of the tree or shrub.

(c) Any property owner who shall fail to comply with the request of an adjoining owner to remove the branches or roots of an offending tree or shrub forthwith upon such demand shall be guilty of a misdemeanor.  
(Code 1981, § 36-6)

Sec. 106-7. Gas leaks.

No person owning, maintaining or operating any gas pipes or mains laid beneath the surface of any street, alley or public place shall permit any leak to occur within a radius of 40 feet from any tree, shrub or plant growing in any street or public place. If a leak exists or occurs in such pipe or main, it shall be the duty of the person owning or operating such defective pipe or main to repair the same immediately and stop such leak in such manner as to prevent a recurrence thereof. If such person shall fail within three days after receipt of written notice from the department of public service to stop such leak in such manner as to prevent a recurrence thereof, such person shall be subject to the penalties provided by section 1-8.  
(Code 1981, § 36-7)

Sec. 106-8. Attaching rope, wire, chains, signs or other devices to trees.

No person shall attach or keep attached to any tree or shrub, or to the guard or stake intended for the protection of such tree or shrub, any rope, wire, chain, sign or other device whatsoever, except for the purposes of protecting the tree or shrub or the public.  
(Code 1981, § 36-8)

Sec. 106-9. Abatement of violations.

- (a) Any owner of property who shall fail to trim any trees, shrubs or bushes in conformity with the provisions of sections 106-4 and 106-5 shall be notified by the director of public service to do so, and such notice shall require the trimming of such trees, shrubs and bushes in conformity with the provisions of such sections within ten days after the date of such notice.
- (b) If the owner of any tree, shrub or bush shall fail to trim the same as specified in subsection (a) of this section within ten days after being notified to do so, the director of public service may cause the trimming to be done and the cost thereof, if unpaid, shall become a lien against such property.
- (c) The cost of trimming pursuant to this section shall be certified to the city assessor by the director of public service and shall be included in the next tax bill rendered to the owner unless paid prior thereto and shall be collected in the same manner as other taxes against such property.  
(Code 1981, § 36-9)

**Charter references:** Abatement of nuisances, § 14.1.  
Secs. 106-10--106-35. Reserved.