

## Village of Blissfield – Tree Ordinance

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125.000 SHADE TREES Chap. No. 12000 Adopted: June 9, 1975

Ordinance to regulate the planting, maintenance, protection, and control of shade trees in the Village, streets and public places.

THE VILLAGE OF BLISSFIELD ORDAINS:

125.001 Definitions.

Sec. 1. The word, *person*, as used in this Ordinance shall include individuals, groups of individuals, firms, associations, corporations, and public utilities and their servants, agents or employees.

The phrase, *right-of-way*, shall mean any public street or alley, highway or avenue of the Village.

The word, *park*, shall include all public parks having individual names in all areas owned by the Village or to which the public has free access.

The words, *trees and shrubs*, shall include all woody vegetation.

The words, *public utility*, shall mean any person, firm or corporation duly authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, telephone, telegraph, or water or sewers.

125.002 Jurisdiction.

Sec. 2. The Village Council shall have exclusive jurisdiction, authority, control, supervision of all trees, plants, and shrubs planted or growing in or upon the public highways and public places of the Village of Blissfield and the planting, removal, care, and maintenance and protection thereof.

125.003 Enforcement.

Sec. 3. The Superintendent of Public Works shall be charged with the duty of enforcing the provisions of this Ordinance and shall discharge all duties that may be required or imposed by the Village Council.

125.004 Attaching wires, ropes, chains, signs.

Sec. 4. It shall be unlawful for any person, firm, or corporation to attach or keep attached any tree, plant, or shrub in or upon any public highway or public place or to guard or stake intended for the protection of such tree any rope, wires, chains, signs, or other device whatsoever except for the purpose of protecting it or the public.

125.005 Stone, cement, and so on minimum opening.

Sec. 5. It shall be unlawful for any person, firm, or corporation except with a written permit from the Village of Blissfield to place or maintain upon the ground in any public highway or public place any stone, cement, or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree, plant, or shrub in any such highway or place. Unless otherwise provided for in such written permit, there must be maintained about the base of the trunk of each tree in such highway or place at least nine square feet of ground for a tree three inches in diameter

and for every two inches of increase of such diameter there must be an increase of at least one square foot of open ground.

125.006 **Trees** overhanging the streets.

Sec. 6. Every owner of any **trees** or shrubs overhanging the streets or rights-of-way within the Village of Blissfield shall trim the branches so that such branches shall not obstruct the light from any street lamp 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 rights-of-way. 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 Village 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 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 rights-of-way and the Village shall have the right to bill the property owner for the cost of said trimming.

125.007 Wire, electricity, may injure or kill.

Sec. 7. It shall be unlawful for any person, firm, or corporation to cause, authorize, or procure a wire or other conductor charged with electricity to come into contact with any **tree**, plant, or shrub in or upon any highway or public place in such manner as may injure or abrade or shall destroy or kill such **tree**, plant, or shrub. Every person, firm, or corporation shall when if the Superintendent of Public Works determines it to be necessary in order to prune or cut down any **tree** growing in or upon a public highway or public place, temporarily remove any wire or wires, or cut off the electricity within 24 hours after service upon the owner of such wire or wires, or his or its agent of a written notice signed by the Superintendent of Public Works to remove such wires or cut off such electricity.

125.008 Protection of **trees** and shrubs.

Sec. 8. 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 the **tree**. No toxic chemicals or other injurious materials shall be allowed to seep, drain, or emptied on, near, or about any **tree**.

During any erection, repair, alteration, or removal of any building or structure it shall be unlawful, for the person or persons incharge of such erection, repair, or alteration or removal, to leave any **tree** in or upon any public highway or public place in the vicinity of such building or structure without such good and sufficient guard or protectors as shall prevent injury to such **tree** arising out of or by reason of such erection, repair, alteration, or removal. All moving of **trees**, plants, and shrubs, in or upon any public highway or place made necessary for the moving of a building or structure or any other purpose shall be done by the Superintendent of Public Works or under his supervision at the expense of the applicant. Should such moving or replanting cause the death of such **tree**, plant, or shrub, the applicant shall replace the same at his expense.

125.009 Planting and/or removal of **trees** and shrubs.

Sec. 9. The planting and/or removal of trees and shrubs in public rights-of-way, parkways, parks, and other public areas of the Village shall be done either upon resolution of the Village Council, or petition of parties owning the majority of the lineal footage of the property fronting on a line of such street or by the order of the Superintendent of Public Works. The cost of said removal shall be paid by the Village of Blissfield unless the property owner shall petition for the removal of a healthy tree to accommodate his personal requirements in which case the cost of said removal shall be paid by the property owner.

125.010 Permit to plant necessary.

Sec. 10. It shall be unlawful for any person, firm, or corporation to plant or set out any tree or shrub or cause or authorize or procure any person to plant or set out any tree or shrub in or upon any part of any public highway or public place without obtaining from the Village of Blissfield a written permit to do so and without first complying in all respects with the conditions set forth in such written permit and with the provisions of this Ordinance and the Village Master Street Tree Plan. All applications for such permits shall be made on blanks furnished by the Village of Blissfield and shall describe the work to be done and the variety, size and precise location of each tree or shrub. After the receipt of such an application the Superintendent of Public Works, or his representatives, shall investigate the locality where the tree or trees are to be placed and shall grant a permit only if in his judgment the location is such as to permit the normal growth and development of each tree. Such permit shall specify the location, variety, and grade of each tree and method of planting, including among other things, the supplying of suitable soil. The permit shall be good only for the season stated in the year issued and no charge shall be made for the same. Before any permit shall be issued for planting more than 25 trees on any one permit the Village of Blissfield may request from the applicant a detailed declaration of intention, either in form of a planting plan or written statement in duplicate. One copy of each plan or statement of intention shall then be approved by the Superintendent of Public Works, be returned to the applicant, and the other copy shall be kept on file. All planting plans shall show accurately:

- (a) The proposed street, together with its subdivision of pavement, curb, gutter, parking strip and sidewalk areas to definite indicated scale.
- (b) The proposed location of each and every proposed tree, together with the location of each existing tree within the proposed street line in scale relation to the other features of the plan. The variety of each and every tree proposed to be planted and of those already existing within the proposed street lines, either indicated on the plans or references with a number to a key list.
- (c) The distance between the trees in any one row in feet.
- (d) The nature of the soil in the planting space to a depth of three feet in all existing proposed surface or subsoil drainage systems. All statements filed in lieu of a planting plan shall contain the same information as required on the plan.

(Amended: 2-13-95)

125.011 Undesirable trees.

Sec. 11. The Village of Blissfield is hereby authorized to direct the Superintendent of Public Works, to remove any undesirable species of poplar, (*Populus* species), will (

*Salix sp.*) and all box elder *trees* (*Acer negundo* ) growing on any rights-of-way, park, or public places in the Village of Blissfield.

#### 125.012 Interference with employees.

Sec. 12. It shall be unlawful for any person, firm, or corporation to prevent, delay, or interfere or cause or authorize or procure any interference or delay with the Superintendent of Public Works or any of his employees, agents, or servants while they are engaged in or about the planting, cultivating, mulching, pruning, spraying or removing of any *tree*, plant, or shrub, in or upon any public highway or public place or upon any private grounds, as authorized in the previous section or in removing any device attached to such *tree*, plant, or shrub or in such removing of stones, cement, sidewalk or other materials or substance as may be necessary for the protecting and care of any such *tree*, plant, or shrub in accordance with the requirements set forth in Section 5 thereof as to the area of open grounds to be maintained about the base of the trunk of each *tree* in the public highways or other public places of the Village.

#### 125.013 Penalties.

Sec. 13. Any person, persons, firm, association, partnership or corporation who himself or itself or by his or its clerk, agent or employee shall violate any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine or penalty of not less than \$5.00 nor more than \$100.00 or by imprisonment in the county jail not to exceed 90 days or by such fine and jail sentence at the discretion of the court.

#### 125.014 Validity.

Sec. 14. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause or phrase.

#### 125.015 Effective date.

Sec. 15. This Ordinance shall be in full force and effect 20 days after its passage and publication.