

City of Cedar Springs - Tree Ordinance

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Sec. 14-106. - 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:

Department means the department of public works.

Director means the director of the department.

Park 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:

(1)
Poplar (*Populus* sp.);

(2)
Willow (*Salix* sp.);

(3)
Box elder (*Acer negunda*); and

(4)
Any ash tree.

Public utility means any person owning or operating any pole, line, pipe or conduit located in any street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

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.

(Code 1961, § 11.1; Code 1994, § 83-26)

Sec. 14-107. - Enforcement.

The director shall be charged with the duty of enforcing this article under the city manager's supervision.

(Code 1961, § 11.2; Code 1994, § 83-1)

Sec. 14-108. - Appeals.

If the owner, agent or occupant of the property shall feel aggrieved at an order of the director requiring the treatment or destruction of any tree, the owner, agent or occupant of the property may within 48 hours make an appeal to the city council by communication filed with the city clerk. The city council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.

(Code 1961, § 11.14; Code 1994, § 83-27)

Sec. 14-109. - Planting, care, removal.

(a)

The director shall have control over all trees located within the street rights-of-way and parks in the city and the planting, care and removal thereof, subject to this article.

(b)

The owner of land abutting on any street may, upon obtaining prior written permission of the director, prune, spray, plant or remove trees in that part of the street abutting the owner's 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.

(c)

Where an owner of abutting property requests the removal of a tree, the director is authorized in the director's 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 and assume all or any part of the costs of removing such tree. Where the requested removal is for the purpose of enabling the abutting owner to construct walls, drives, buildings or other structures for the owner's own private purposes, the director shall require a deposit equal to the replacement value of the tree, in an amount to be determined by the director. Sums so deposited shall be paid into the city treasury and shall be used, first, for the planting of a tree in front of the lot from which such tree was removed if such replacement is considered by the director advisable or desirable, otherwise, it shall be used for planting a tree on a street or public place where needed.

(Code 1961, § 11.3; Code 1994, § 83-28)

Sec. 14-110. - Excavation or driveway construction near trees.

(a)

Permit required. Excavations and driveways shall not be placed within five feet of any tree without written permit from the director.

(b)

Specifications. Any person making such excavation or construction shall guard any tree within six 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 feet from any tree.

(c)

Costs borne by permittee. 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 as determined by the director.

(Code 1961, § 11.7; Code 1994, § 83-29)

Sec. 14-111. - 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.

(Code 1961, § 11.8; Code 1994, § 83-30)

Sec. 14-112. - Public trees.

(a)

Authority. The department shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds.

(b)

Removal for unsafe or prohibited species purposes. The director may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, which is of a prohibited species, or which is infected with any injurious disease, fungus, insect or other pest.

(c)

Removal for public construction; replacement. Whenever the department shall remove any tree, plant or shrub solely for the purpose of constructing any public work, the director shall, if practicable, replace the tree, plant or shrub at public expense at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

(Code 1961, § 11.4; Code 1994, § 83-31)

Sec. 14-113. - Public utility trimming for overhead lines.

(a)

Permit required. The director 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.

(b)

Notice. The permit shall require reasonable prior notice to the city before any work is commenced thereunder.

(c)

Emergency situations; notice not required. However, if an emergency requires immediate maintenance work on the overhead lines of the public utilities, prior notice of commencing work under the permit shall not be required. The term "emergency" as used

in this section means the occurrence or happening of an event which would not be foreseen by the exercise of reasonable care and foresight, which might cause damage to the overhead lines of the public utilities.

(Code 1961, § 11.18; Code 1994, § 83-32)

Sec. 14-114. - Gas main leakage; repairs; costs levied against pipe or main owner.

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. 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 tree, shall be levied against the owner of the pipe or main causing the damage.

(Code 1961, § 11.9; Code 1994, § 83-33)

Sec. 14-115. - Spacing of shade trees.

(a)

Shade and ornamental tree planting. Plantings of shade and ornamental trees in the streets, parks and public places of the city may be done by the department of public works upon payment of certain fees and charges and in accordance with such rules and regulations as may be established by the city council insofar as such rules and regulations do not conflict with any other provisions of this article. No planting of shade and ornamental trees or shrubs in the highways, parks and public places by owners or anyone employed by them shall be permitted without the director of public work's approval and in compliance with the following as to spacing:

(1)

Elm trees shall be spaced not less than 40 feet;

(2)

Oak trees shall be spaced not less than 35 feet; and

(3)

Other shade and ornamental trees shall be spaced not less than 30 feet.

(b)

Special planting. Any owner of a single lot may, in order to provide a shade or ornamental tree in front of the owner's lot, secure special permission from the department to plant a shade or ornamental tree within a less distance from an existing tree than the spacing mentioned in subsection (a) of this section, but shall in no case make special planting within 20 feet of any existing shade or ornamental tree located in the street or other public place.

(c)

Parkway planting. No trees shall be planted in parkways between the curb and sidewalk less than 3½ feet from the curbline or less than three feet from the sidewalk; provided, however, where the parkways are less than six feet six inches in width, any trees planted therein shall be located not less than two feet six inches from the curb and as near midway between the curb and sidewalk as possible. No tree shall be planted nearer to the intersection of any streets than 15 feet from the corner of such intersection.

(Code 1961, § 11.5; Code 1994, § 83-34)