

Ludington – Code references to public trees – 2015

ARTICLE III. - PARK REGULATIONS

- **Sec. 38-68. - Trees, shrubbery, lawns.**

No person shall in any city park do or cause to be done any of the following without first obtaining a permit from the director:

(1)

Willfully pick, saw, chop, cut, carve, remove or injure any flowers, seeds, blooms, bark, branches, twigs or leaves of any tree, plant, shrub, vine, bush or any other vegetation.

(2)

Willfully drive any nail or staple or attach or fasten any wire, rope or other device to any tree or plant or tie or hitch any animal to any tree or plant.

(3)

Willfully dig in or disturb any grass areas, or in any way injure or impair the natural beauty or usefulness of any park area.

(4)

Willfully climb any tree, or walk, stand or sit upon any monument, vase, fountain, railing, fence or any other park property not designated or normally used for such purposes.

(Code 1984, § 3.5)

CHAPTER XI - SITE PLAN REVIEW

ARTICLE 1100.9 - GREENBELT DESIGN STANDARDS

- **SECTION 1100.9:4 - Initial Planting.**

In no instance shall the minimum dimensions of plant materials at initial planting be less than the following:

(1)

Deciduous shrubs: 2 feet in height.

(2)

Deciduous trees: 1-½ inches in caliper.

(3)

Evergreen shrubs: 2 feet in height.

(4)

Evergreen trees: 4 feet in height.

(5)

Where, under the provisions of this Ordinance, an option is provided to the developer relative to the substitution of a greenbelt for a required wall or berm, the minimum starting height of plant materials shall be equivalent to the required wall height.

Chapter 46 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VI. - RIGHT-OF-WAY MANAGEMENT

- **Sec. 46-32. - Damage and obstruction prohibited.**

No person shall make any excavation in or cause any damage to any street in the city, except under the conditions and in the manner permitted in this article. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this article, but this shall not be deemed to prohibit the following:

- (1) Such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises;
- (2) The lawful parking of vehicles within the part of the street reserved for vehicular traffic;
- (3) The parking of any disabled vehicles, outside the traveled portion of any street for a period of not to exceed 48 hours; or
- (4) The planting of trees and shrubs as permitted by ordinance.

(Code 1984, § 4.2)

- **Sec. 46-206. - Use of public right-of-way.**

- (a) *Reserved.*
- (b) *Overlashing.* Permittee shall not allow the wires or any other facilities of a third party to be overlashed to permittee's facilities without municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the MPSC under Section 361 of the Michigan Telecommunications Act, MCL 484.2361.
- (c) *No burden on public right-of-way.* Permittee, its contractors, subcontractors, and the facilities shall not unduly burden or interfere with the present or future use of any of the public right-of-way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the public right-of-way. If municipality reasonably determines that any portion of the facilities constitutes an undue burden or interference, due to changed circumstances, permittee, at its sole expense, shall modify the facilities or take such other actions as municipality may determine is in the public interest to remove or alleviate the burden, and permittee shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.
- (d) *No priority.* This article does not establish any priority of use of the public right-of-way by permittee over any present or future permittees or parties having agreements with municipality or franchises for

such use. In the event of any dispute as to the priority of use of the public right-of-way, the first priority shall be to the public generally, the second priority to municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined (except as otherwise provided by law) by municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

(e)

Restoration of property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at permittee's sole expense, in a manner approved by municipality, any portion of the public right-of-way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the facilities to a reasonably equivalent (or, at permittee's option, better) condition as that which existed prior to the disturbance. In the event that permittee, its contractors or subcontractors fail to make such repair within a reasonable time, municipality may make the repair and permittee shall pay the costs municipality incurred for such repair.

(f)

Marking. Permittee shall mark its facilities installed after the effective date of this article as follows: Aerial portions of the facilities shall be marked with a marker on permittee's lines on alternate poles which shall state permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the facilities shall have (1) a conducting wire placed in the ground at least several inches above permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with permittee's name and a toll-free number indicating that there is buried cable below. Bored underground portions of the facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the facilities located in conduit, including conduit of others used by permittee, shall be marked at its entrance into and exit from each manhole and handhole with permittee's name and a toll-free telephone number.

(g)

Tree trimming. Permittee may trim trees upon and overhanging the public right-of-way so as to prevent the branches of such trees from coming into contact with the facilities, consistent with any standards adopted by municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the facilities. Except in emergencies, all trimming of trees in the public right-of-way shall have the advance approval of manager.