

Meridian Township, MI – Tree/Landscape Ordinance (1974)

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From: "Richard Brown" <brown@meridian.mi.us>
To: <SAYERSK@michigan.gov>
Date: 12/8/04 4:20PM
Subject: Re: Fwd: tree protection ordinances

Meridian Township adopted a land clearing ordinance several years ago. Though it is not a tree protection ordinance, it does require review of planned vegetation removal prior to the clearing of an undeveloped site. The ordinance may be reviewed on our website at www.meridian.mi.us. Click on ordinances and land clearing is located under Chapter 22, Article V.

Chapter 82

ARTICLE II. PROHIBITED VEGETATION*

***State law references:** Weed control, MCL 247.61 et seq.

Sec. 82-26. Duty of owner, agent or occupant; exceptions.

It shall be the duty of the owner, agent or occupant of any property located within 75 feet of a structure, excepting public utility installations, to prevent weeds, grasses, brush or other vegetation from growing to a height of greater than 12 inches, nor shall such owner, agent, or occupant permit an accumulation of dead weeds, grasses, brush or other vegetation of a height greater than 12 inches on any such properties. Nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, vegetation in vegetable gardens or vegetation in fields devoted to growing any small grain crop such as wheat, oats, barley or rye. (Code 1974, § 98-1)

Sec. 82-27. Removal; notice; cost.

The fire chief, fire marshal or township superintendent, or the authorized agent of the superintendent, shall notify by personal delivery, or by posting on the premises, the owner, agent or occupant of any of the lands described in section 82-26 on which prohibited grasses, weeds, vegetation or brush is found. Such notice shall contain a description of the prohibited condition and a summary of the provisions of this article. If the owner, agent or occupant of such land has failed within seven days after such notice is received to cut, destroy or remove the prohibited condition, the township superintendent or his agent may enter upon such land and destroy by cutting with or without mechanical equipment and/or otherwise remove the prohibited weeds, grasses, brush or other vegetation. Express power to so enter such lands and perform such duties is hereby conferred upon the township superintendent and his agent. All expenses incurred in such destruction and/or removal shall be billed to and paid by the owner, agent or occupant of such lands. If such owner, agent or occupant shall not pay such statement when due, the amount of expenses incurred by the township in destroying and/or removing such condition shall be paid from the township general fund and the amount thereof assessed against the lands on which such expenditures were made on the next general assessment roll of the township and shall be collected in the same manner as other taxes are collected. The township shall have a lien upon such

lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens. (Code 1974, § 98-2)

Chapter 86

Sec. 86-473. Street trees.

Street trees shall be required along major streets as designated in section 86-367. Street trees shall also be required along all secondary and local streets as part of any multiple-family or nonresidential development occurring along such streets. The following minimum standards shall be utilized for street tree plantings:

(1) *Location.* Street trees shall be placed between the curbline and the right-of-way line of the street when sufficient area is available within this area to meet road commission or state department of transportation standards for tree placement. If insufficient area is available, trees may be placed outside the right-of-way of the road. In no case shall any street tree be placed closer than four feet to a sidewalk or bike path.

(2) *Tree size.* Street trees shall be at least two inches in caliper when planted. Any tree which dies within two years after planting shall be replaced by the developer.

(Code 1974, § 83-1.14; Ord. No. 2008-10, § 1.A, 7-20-2008)

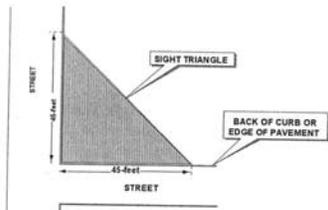
Cross references: Vegetation, ch. 82.

Sec. 86-474. Sight triangle.

The following sight triangle standards shall apply to all zoning districts:

(1) *Street intersections.* No plant material, berm, fence, wall screen, sign, or other structure shall obstruct the visibility of motorists, pedestrians, or cyclists within a sight triangle at street intersections between the height(s) of three feet and ten feet, as measured from the back of the curb or edge of the pavement. The sight triangle shall be formed by measuring 45 feet in each direction from the intersection of the back of curb or edge of asphalt of each street and connecting the two points (See Figure 1).

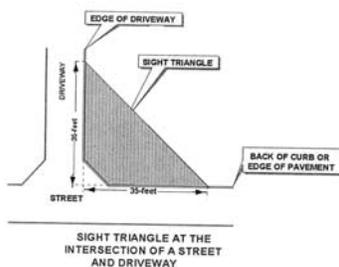
FIGURE 1



SIGHT TRIANGLE AT THE INTERSECTION OF TWO STREETS

(2) *Intersection of a driveway and street.* No plant material, berm, fence, wall screen, sign, or other structure shall obstruct the visibility of motorists, pedestrians, or cyclists within a sight triangle at street and driveway intersections between the height(s) of three feet and ten feet, as measured from the back of the curb or edge of the pavement. The sight triangle shall be formed by measuring 35 feet along the back of curb or edge of asphalt of the street and edge of the driveway from the intersection of the driveway and then connecting the two points (See Figure 2).

FIGURE 2



(Ord. No. 2006-06, § 1.B, 11-26-2006)

Editor's note: Section 1.B of Ord. No. 2006-06, effective Nov. 26, 2006, amended § 86-474 in its entirety to read as herein set out. Former § 86-474 pertained to visibility and derived from § 83-1.15 of the 1974 Code.

Chapter 22

Sec. 22-179. Tree protection during construction.

(1) Before development, land clearing, filling, or any operation commences, the owner, developer or builder shall be required to erect protective measures for remaining trees. Such measures shall be as approved by the director of community planning and development. The protective measures shall, at a minimum, comply with the provisions as set forth in subsection (2). Such protection shall remain in its approved location until such time as it is authorized to be removed by the director, or issuance of a final certificate of occupancy. During construction, no attachments or wires shall be affixed to any trees so protected. Substantial material shall be utilized in the construction of the barriers. Barriers will be required for all trees being protected. Property areas separate from the construction or land-clearing area into which no equipment will venture shall be ribboned off.

(2) The following methods of tree protection shall be used during construction:

(a) The root zone should be protected from compaction by fencing this area around the tree. The dripline should be fenced if space does not allow the entire root zone to be protected. If the area inside the dripline must be affected, an arborist needs to be consulted to consider alternate construction methods, provide remedial treatment to the tree, and determine the minimum space allowable. The amount of soil area the tree requires to survive is determined by the age, health and species. At a minimum, "protective fencing" should consist of a metal chain link or wire farm fence or wood 4 x 4 posts with 2 x 6 cross pieces constructed as noted in Figure 1. No activity shall be conducted within the area of protective fencing of any tree designated to be retained.

GRAPHIC LINK: [Figure 1--Tree Protection](#)

(b) When determined by the arborist, as necessary, wood chips (mulch) with a minimum depth of four to six inches are to be placed under all protected trees before construction begins. Wood chips should start a foot from the trunk and extend to the dripline to prevent compaction should a vehicle violate the protective fence. Wood chips shall be left in place after construction.

(c) Trenching or digging in the root zone of a tree shall be avoided. Directional boring machines shall be used instead of trenching to install gas and electrical lines where feasible.

(d) Roads and driveways shall be located as far from trees as possible. If a temporary drive is needed in the root zone, up to 12 inches of wood chips shall be used as base for the equipment to drive on.

(e) Water and fertilization needs of the trees are to be monitored during and after construction.

(Ord. No. 2002-12, § 1(128-9), 10-15-2002)

Sec. 22-180. Enforcement and penalties.

(a) Any person violating any of the provisions of this article shall be responsible for a municipal civil infraction. The municipal civil infraction is subject to issuance and sanctions as provided by section 1-8 of this Code.

(b) In addition to the penalties provided for in this section, any person who violates any provision of this article shall forfeit and pay to the township a civil penalty of \$350.00 per inch d.b.h. of each tree removed in violation of this article. Such sum shall accrue to the township and may be recovered in a civil action brought by the township.

Replacement of illegally removed trees and vegetation may be required as restoration in lieu of money. This replacement will be computed on an inch-for-inch ratio based on the total diameter measured at d.b.h. in inches of the illegally removed trees and restoration of vegetation. If, because of destruction of the removed trees, exact inch-for-inch measurements cannot be obtained, the township may use other means to estimate the tree loss. A combination of money and tree replacement may be required.

(c) Any use or activity in violation of the terms of this article is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The township board, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator.

(d) If activities are conducted contrary to the provisions of this article or other applicable laws or ordinances, the director of community planning and development shall give written notice to the person conducting the activity, notifying him of the violation of this article, or other applicable law or ordinance, ordering that the activity be stopped, and to appear and show cause why the activity should not be stopped. If the person conducting the activity fails to appear and show good cause within one full workday after notice is delivered, the director of community planning and development shall cause a written order to stop the activity to be posted on the premises. A person shall not continue, or cause or allow to be continued, activity in violation of an order to stop, except with permission of the director to abate a dangerous condition or remove the violation, or except by court order. If an order to stop is not obeyed, the township may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

(e) Any person violating the provisions of this article shall become liable to the township for any expense or loss or damage occasioned by the township by reason of such violation including, but not limited to, actual attorneys fees, filing fees and witness fees.