

## **City of Norway – Tree/Landscape Ordinance**

### **ARTICLE IX: PLANTINGS AND FENCES**

#### **Section 901 Landscaping Regulations**

A. Whenever a yard or open area is created, the area shall be landscaped within six months

from the date occupancy (depending upon seasonal conditions), and shall be reasonably maintained. In the event that an existing yard or area lacks groundcover the property shall be landscaped to prevent washing, blowing and shifting of soil.

B. Minimum landscaping shall be natural ground covering material of sufficient density to prevent the washing, blowing and shifting of soil.

#### **Section 902 Fence Regulations**

A. Any person desiring to build or cause to be built a fence upon property shall first apply to

the Zoning Administrator for a permit. The permit application shall contain information and drawings required to determine compliance with this Ordinance. A fee shall be paid at the time of application.

B. The following requirements shall apply:

1. Within the front yard setback, open constructed fences shall not exceed four feet and solid constructed fences shall not exceed three feet in height.

2. Within the rear or side yard setback, the maximum height of a fence shall be six feet, without restriction on open or closed construction.

3. Natural fences are permitted to a maximum height of four feet in the front yard setback and six feet in the rear and side setback areas.

4. Fences for the express purpose of retaining or excluding animals may be a height not to exceed six feet and shall have clear visibility through it (such as a chain link fence).

5. All fences must be located on the private property of the person, firm or corporation constructing the fence, and shall be placed at least six inches from the property line, unless otherwise permitted by Section 902(B)(5). No fence shall be constructed or placed upon any property within five feet of the curb or shoulder of a street or alley where there is no public sidewalk.

6. Fences located on the property line may be erected by written agreement between property owners. The agreement shall become part of the permit application.

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7. The boards, wire or other materials used in the building of the fence shall be fixed to the side of the posts nearest to the property dividing line. The finished side of the fence shall be located as the exterior side of the fence.

8. No fence shall obstruct the vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. Clear vision shall be maintained at no less than three feet from the grade of the street or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting street or alley.

9. Fences shall be constructed to posts sunk in the soil at least three feet or at least 18 inches into concrete.

10. Fences designed for agricultural purposes in the RR and RP Districts may be constructed of barbed wire, electrified materials or a single strand of any material and are exempt from the above provisions with the exception of Section 902(B)(7).

C. Fences must be maintained so not to endanger life or property. Fences constructed of barbed wire, or a single strand of any material are allowed only in the RR and RP Districts. No fence, except located in the RR and RP Districts shall be constructed or maintained in such a fashion that it is charged or connected with an electrical current in such a manner as to transmit the electrical current to person, animals or things which intentionally or unintentionally might come in contact with it. Any fence which, through lack of repair, type of construction or otherwise imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which the fence is located of the existence of the nuisance and require the nuisance be abated within 6 days of receiving such a notice.

#### Section 903 Required Fences or Buffers

A. Obscuring fences or walls shall be provided and maintained for those uses and districts

listed below, where such uses and/or districts abut or are adjacent to a residential district. These requirements do not apply if the use is more than 200 feet from the residential district boundary.

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#### **USE REQUIRED**

#### **HEIGHT OF**

#### **BUFFER**

#### **PRIMARY PURPOSE**

Off street parking for all uses except single and two family residential uses

6 feet Reduce headlight glare, noise, visual impact

B-1, B-2, B-3, and I Districts 6 feet Reduce headlight glare, noise, visual impact

Open outdoor storage areas larger than 200 square feet

6 feet Minimize visual impact, help prevent vandalism

Hospital and funeral home service entrances 6 feet Reduce glare and noise associated with traffic

Utility service buildings and/or substations 6 feet Reduce visual impact, help prevent vandalism

Junkyard 8 feet Reduce visual impact, help prevent vandalism, restrict access by children, animals, etc.

B. All fences and/or walls constructed as required by this Section shall require a Zoning Compliance Permit. The permit application shall specify the materials, location, entrance ways, basic design, and any other information required for the Zoning Administrator to evaluate compliance with the intent of this Section.

C. Fences and/or walls constructed in accordance with this Section shall not be allowed to fall into disrepair.

D. Greenbelts, hedges, or naturally-occurring wooded areas may be substituted for a fence or wall required under this Section upon approval of the Board of Appeals.

#### Section 904 Required Planting Screens

A. When a planting screen, buffer or greenbelt is required by this Ordinance, such planting screen, buffer or greenbelt shall be in accordance with the requirements of this Section. Planting screens, buffers or greenbelts shall be of sufficient length to interfere with the view thereof from the adjoining property, except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted upon approval by the Zoning Board of Appeals.

B. All planting screens required by this Ordinance shall be maintained in a healthy condition

and so pruned as to provide maximum opacity from the ground to a height of five feet.

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C. Spacing of plant materials shall be in accordance with the following standards:

1. Plant materials shall not be closer than four feet from the fence line or property line.
2. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than 30 feet on centers.
4. Narrow evergreens shall be planted not more than three feet on centers.
5. Deciduous trees shall be planted not more than 30 feet on centers.
6. Tree-like shrubs shall be planted not more than 10 feet on centers.
7. Large deciduous shrubs shall be planted not more than four feet on centers.

D. Plant materials used shall have the following height at planting:

Plant Material Minimum Height at Planting

Evergreen trees (Spruce, juniper, red cedar, white cedar, pines (except jack pine) or similar species)

Five feet

Narrow evergreens (Pyramidal arborvitae, columnar juniper, or similar species)

Three feet

Deciduous trees (Oaks, hard maple, ash or similar species)

Five feet

Tree-like shrubs (Flowering crabapple, Russian olive, mountain ash, or similar species)

Three feet

Large deciduous shrubs (Lilacs, honeysuckle, viburnum, mock-orange, forsythia, or similar species)

Four feet

Other plant material at the discretion of the Zoning

Administrator

Four feet

E. The following trees: Box Elder, Soft Maples, Elms, Poplars, Ailanthus (Tree of Heaven),

Horse Chestnut, Catalpa, Jack Pine are not permitted to be used as a planting screen.

F. All plantings required by this Ordinance shall be established prior to occupancy or commencement of use. Where compliance is not possible because of the weather the Zoning Administrator shall grant an appropriate delay. Any zoning compliance permit may be revoked, after 30 days written notice to the person assessed for taxes on the

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**CITY OF NORWAY**

**ORDINANCE NO. 403**

**THE CITY OF NORWAY TREE ORDINANCE**

**THE CITY OF NORWAY ORDAINS:**

**Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

- a) *Arboricultural Specifications and Standards of Practice* shall mean the City of Norway Urban Forestry Plan.
- b) *City Manager* shall mean the City Manager or his/her designee.
- c) *City Tree Board* shall mean the City of Norway Parks and Recreation Committee.
- d) *Master Tree Plan* shall mean the City of Norway Urban Forestry Plan.
- e) *Park* shall include all public lands under the jurisdiction of the City of Norway.
- f) *Park Trees* shall mean trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
- g) *Public Places* shall mean all grounds owned by the city of Norway and not included in streets, highways, or parks.
- h) *Street* shall include all streets owned by the City and shall be identified as Major Streets or Minor Streets according to the administrative standards of Act 51 of the Public Acts of 1951 and all alleys.
- i) *Shrub* shall include all woody-stemmed perennial plants other than trees.
- j) *Street Trees* shall mean trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.
- k) *Tree* shall include all woody perennial plants having one or more stems. For the purposes of this ordinance, the term **tree** shall include shrubs as herein defined.

LARGE – attaining a height of more than 45 feet.

MEDIUM – attaining a height of 20 to 45 feet.

SMALL – attaining a height of less than 20 feet.

**City Tree Board:**

The City of Norway’s Parks and Recreation Committee shall be designated as the official Tree Board for the City of Norway.

**Duties and Responsibilities:**

- a) It shall be the responsibility of the Tree Board to study, investigate, council, and develop and/or update annually, and administer a written plan for the care, preservation, pruning,

planting, replanting, removal, or disposition, of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Norway, Michigan.

- b) The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming with the scope of its work.
- c) The Tree Board shall be responsible for the review and advisory authority for the administration of this ordinance.
- d) The City Tree Board shall formulate a Master Tree Plan. The Master Tree Plan shall contain a long-term maintenance plan for trees along streets and other public places.
- e) The City Manager shall have the duty to advise the City Tree Board on the promulgation of the rules, regulations, arboricultural specifications, and to assist in the development of the Master Tree Plan.
- f) The City Manager shall have the duty to issue permits for work on public trees by persons other than City Employees.
- g) The City Manager shall inspect all work done under a permit issued in accordance with the provisions of this ordinance.
- h) The City Manager shall have the authority to enforce this ordinance and to specifications and standards adopted pursuant to this ordinance. This authority shall include the authority to issue orders and to issue citations for violations of orders.
- i) The City Manager shall have the duty to direct the planting, maintenance, and removal of all trees growing now and hereafter in any public area of the City according to the adopted standards and specifications include the Master Tree Plan.

### **Permits Required**

No person shall plant, prune, remove, or otherwise disturb any tree on any street or city property without first filing an application procuring a permit from the City Manager.

### **Adoption of Arboricultural Specifications and Standards of Practice:**

- a) The City Tree Board shall develop and adopt Arboricultural Specifications and Standards of Practice, which shall govern as rules for the planting, maintenance, removal and replacement of trees in public places in the City. Copies of these rules shall be available for public inspection in the offices of the City of Norway.
- b) The City Tree Board shall have the authority to amend these rules from time to time as necessary.

### **Adherence of Standards**

- a) Planting – Any person planting or otherwise placing a tree on any street right-of-way or other public place shall do so in conformity with the rules and standards adopted pursuant to this ordinance.

- b) Improper Planting – Whenever any tree shall be set out in conflict with the provisions of this ordinance it shall be lawful for the City Manager to order removal of the same, and the cost thereof shall be assessed to the adjoining property owner as provided by law in the case of special assessments.
- c) Maintenance – Whenever any public tree is to be sprayed, fertilized, pruned, or otherwise maintained under a permit issue by the City Manager, all such work shall be done in accordance with the Arboricultural Specifications and Standards of Practice adopted pursuant to this ordinance.
- d) Removal and/or Replacement – When any public tree is to be removed and/or replaced, such work shall be done in accordance with the Master Tree Plan and the Arboricultural Specifications and Standards of Practice adopted pursuant to the ordinance.

**Planting, Removal, and Replacement of Public Trees:**

- a) Planting – No person shall plant a tree on any street or in any park or other public place without first filing an application and receiving a permit from the City. Such planting shall be done in accordance with this ordinance, and the Arboricultural Specifications and Standards of Practice.
- b) Removal and Replacement (City) – Whenever it is necessary to remove a public tree because it is dead, diseased, damaged, or in connection with the paving of a sidewalk, or the paving of a street, the City shall remove such trees as determined by the City Manager.
- c) Removal and Replacement (Private Citizen/Utility Company) – No person shall remove a public tree without a permit from the City. The tree shall be replaced by the person as directed in the permit from the City Manager. The person shall bear the cost of such removal and replacement.
- d) Ownership and Maintenance of Public Trees – All trees now or hereafter planted on streets or highways, or in parks or other public places shall be the property of the City. The City shall assume future maintenance responsibility for said trees.

**Maintenance of Trees and Shrubs:**

- a) Responsibility of Property Owner – It shall be the responsibility of any person owning any real property to maintain the trees or shrubs on that property so that they do not endanger or cause a nuisance to persons or property occupying adjoining streets, public places, or private properties. This responsibility shall include but not be limited to pruning, removal, or other maintenance for the following reasons:
  - i. Said trees and shrubs shall be pruned in a manner so that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs, obstruct the view of any street or alley intersection, or obstruct the view of traffic using the street. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over all streets except major streets which shall have a clearance of sixteen (16) feet.

- ii. The pruning or removal of any dead, diseased, decayed or damaged trees or parts of trees that overhang or otherwise endanger persons or property on adjoining property, on streets, or in other public places.
  - iii. The Maintenance of clear vision triangle at street intersections
  - iv. No trees other than those species listed as small or medium trees in the City's Urban Forestry Plan may be planted under or within ten lateral feet of any overhead utility wire unless approved by the City Manager.
- b) Order to Prune – Should any person owning real property bordering on any street fail to prune trees as herein provided, the City Manager shall order such person within ten (10) days after receipt of written notice, to so prune such trees.
  - c) Notice Required – The order required herein shall be served by mailing a notice of the order to the property owner at the address shown on the tax roll in the City Assors Office. Said notice shall be sent by certified mail.
  - d) Failure to Comply – When a person to whom an order is directed, shall fail to comply within the specified time, it shall be lawful for the City to carry out the work ordered on such trees, and assess the exact cost thereof to the owner as provided by law in the case of special assessment.

#### **Arbor Day:**

The City shall annually celebrate Arbor Day. Such day shall be recognized and noted each year, by proclamation, in conjunction with other cities throughout the United States.

#### **Enforcement:**

The City Manager, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

#### **Violations, Fines and Penalties:**

Any person, firm, or corporation violating the provisions of this law shall be responsible for a Civil Infraction, punishable by a fine of not more than \$500.

#### **Savings Clause:**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

#### **Severability:**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

**Repeal:**

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**Effective Date; Publication:**

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

**Adoption:**

The City of Norway has adopted Ordinance No. 403. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

**EFFECTIVE DATE**

This ordinance shall become effective no earlier than 15 days after enactment nor before publication thereof, as set forth in the city charter.

***ENACTED:***

***PUBLISHED:***

***EFFECTIVE:***

**Ayes:**

**Nays:**

\_\_\_\_\_  
Jeremy Oja  
Mayor, City of Norway

\_\_\_\_\_  
Trisha Plante  
Clerk, City of Norway

I, Trisha Plante, City Clerk of the City of Norway do hereby certify that the above Ordinance was published in the Norway Current, Norway, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

\_\_\_\_\_  
Trisha Plante, City of Norway Clerk