

Ordinance No. 206

"AN ORDINANCE TO PROVIDE FOR THE PLANTING, CARE AND REMOVAL OF TREES AND SHRUBS IN AND ADJACENT TO PUBLIC STREETS, HIGHWAYS, AVENUES, PARKWAYS, PARKS AND OTHER PUBLIC AREAS OF THE CITY OF RIVER ROUGE, MICHIGAN, TO PROVIDE FOR ALL OR PART OF THE COST OF PLANTING AND REMOVAL OF TREES AND SHRUBS IN THE PUBLIC STREETS, HIGHWAYS AND AVENUES OF SAID CITY BY SPECIAL ASSESSMENT, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE."

The City of River Rouge Ordains:

SECTION 1. — DEFINITIONS

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, highway, alley or avenue of the City.

The word "Park" shall include all public parks having individual names, and all areas owned by the City, or to which the public has free access.

The words "Trees and Shrubs" shall include all woody vegetation.

"Superintendent of Public Works" or "Superintendent" when used herein shall mean the Superintendent of Public Works, of the City of River Rouge or his representative designated for purposes of the enforcement of this Ordinance.

The terms of this Ordinance, unless otherwise specifically stated, shall apply only to public streets, alleys, highways, highway easements, parkways, parks and other land publicly owned or controlled by the City of River Rouge, Wayne County, Michigan.

The words "public utility" shall mean any person, organization, firm or corporation, public or private, duly authorized to supply electric, gas, telephone, telegraph, or water service, to or for the general benefit of, the public.

SECTION 2.

The Public Works Department 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 Superintendent of Public Works.

SECTION 3.

The Superintendent of Public Works shall have control over all trees, shrubs, and plants in the streets, alleys and parks of River Rouge and is empowered to plant, prune, spray, cultivate and preserve all trees and shrubs within the confines of the streets, alleys, parks and public areas of the City: No person shall without first obtaining a written permit from the Superintendent, prune, spray, plant or remove any shrubs in the rights of way or parks. No person shall cut or break down or destroy any trees or shrubs in the rights of way or parks at any time without first obtaining the written permission of the Superintendent. No person shall plant any shade or ornamental trees in the rights of way or parks except by permission of the Superintendent, and then only if they are of a variety or size acceptable to the Public Works Department, and, in no event, shall any tree be planted in the rights of way where police, fire, street lighting, traffic signal or public utility, overhead wire and equipment are located that will exceed a maximum growth of forty (40) feet. No person shall have the right to plant any variety of poplar trees, willows, box elders, soft maples, tree of heaven, chinese elm, wild chestnut, or cottonwood, or other quick-growing trees in such a location that their roots are likely to injure sewers or heave walk or street surfaces.

SECTION 4.

It shall be unlawful for any person to use any tree as an anchor, and no material shall be fastened to or hung on any trees in any rights of way or park.

SECTION 5.

Excavations and driveways shall not be placed within 6 feet of any tree without written permit from the Superintendent or his authorized agent. Any person making such excavation or construction shall guard any tree within 6 feet thereof with a good substantial frame box to be approved by the Public Works Department, and all building material or other debris shall be kept at least 4 feet from any tree. All persons desiring to make such excavation or construction shall deposit with the City Treasurer a sum sufficient to cover the cost of inspection and any damage which may result therefrom, provided that such charge shall not be less than \$2.00 in any case.

SECTION 6.

Every owner of any tree, shrub or plant, overhanging the streets or rights of way within the City of River Rouge 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 above the surface of the street, alley 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 City shall have the right to trim any tree or shrub on private property when it interferes with visibility of any traffic control device or sign, or interferes with any public utility wires or equipment necessary to serve police or fire communication systems or street lighting or traffic control systems, such trimming to be confined to the area immediately above the rights of way. All trees, shrubs, or plants located on the triangle formed by two rights of way lines at the intersection of the rights of way lines on any corner lot within the City of River Rouge, shall not be permitted to grow to a height of more than 3 feet above the surface of the roadway, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted in this area, provided that all branches are trimmed to maintain a clear vision above the roadway surface.

SECTION 7. — Placing Materials On Public Property

No person shall place on public property 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 subject to the provisions of this Ordinance.

SECTION 8.

Gas pipes or mains within any public rights of way or on any public property shall be so maintained as to avoid leakage therefrom. In the event 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 trees, shall be levied against the owner of the pipe or main causing the damage.

SECTION 9. — Protection of Trees and Shrubs

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 any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree, provided, however, that this shall not prohibit the use of city approved chemical control of trees and brush growth. No electric wired

or installation, or any other lines or wires shall be attached to any tree in any manner that shall cause damage thereto. All persons having under their care, custody or control, facilities which may interfere with the trimming or removal of any tree subject to this Ordinance, shall, after notice thereof by the City Forester of the Public Works Department, promptly abate such interference in such a manner as shall permit the trimming or removal of any tree by the City Forester of the Public Works Department.

SECTION 10.

The planting and/or removal of trees and shrubs in the public rights of way, parkways, parks and other public areas of the City may be done either upon resolution of the City Council or petition of parties owning a majority of the lineal footage of the property fronting on the line of such street; or by order of the Superintendent of Public Works.

SECTION 11.

Whenever deemed necessary by the Superintendent of Public Works to lay out and plant trees and shrubs upon any public rights of way within the City of River Rouge or to remove undesirable species of trees, other than those so specified in this Ordinance, it shall be the duty of said Superintendent to report such fact to the City Council. Such planting or removal shall be deemed to be a public improvement. The cost thereof may be paid, in whole or in part, by levying and collecting special assessment upon property especially benefited thereby, in accordance with the provisions in the Charter governing special assessments.

SECTION 12.

No trees shall be planted nearer to the intersection of any two or more streets less than 20 feet from the point of intersection of two rights of way lanes.

SECTION 13.

All dead trees and trees afflicted with any fatal or communicable disease shall be removed by the City Forester with the approval of the Superintendent. Living trees may be removed in accordance with the requirements of this Ordinance, when the owner of the property in front of which said tree is situated, shall in writing, request the removal of such tree. The abutting property owner shall be notified, in the event of the intended removal of any living tree. In the event of an objection from the abutting property owners, the trees shall not be removed until after a public hearing has been held by the City Council to consider its removal. Where an owner of property requests the removal of a tree the Superintendent is authorized in his discretion, to require as a

condition precedent to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the Public Works Department, assume all or any part of the costs of removing such tree, and also to further require that such tree be replaced at some other location in the immediate vicinity, by planting another tree of a type permitted under this Ordinance.

SECTION 14.

The Superintendent of Public Works shall, upon this Ordinance becoming effective, and upon request of any interested public utility, issue an annual permit, and shall annually thereafter renew such permit, granting permission to said public utility to chemically control and trim and keep trimmed all trees and shrubs intruding into the air spaces over, or growing within the confines of, the streets, alleys, parks, rights of way and public places of the City in such a manner as shall keep the overhead lines and equipment of said public utilities safe and accessible, and clear of all tree growth which endangers or may endanger said overhead lines or equipment and the public health and safety. Such chemical control and trimming shall be done in accordance with approved practices and under the general direction of the City Forester of the Public Works Department. Said permit, as provided for in this section, shall require reasonable prior notice to the City before any work is commenced thereunder. Provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of said public utility, prior notice of commencing work under said permit shall not be required. The word "emergency" as used in this section, shall be defined to mean the occurrence or happening of an event which could not be expected or prevented by the exercise of reasonable care and foresight and which endangers or may endanger the overhead lines of the public utilities and the public health and safety.

SECTION 15.

The Superintendent of Public Works is hereby authorized to remove any undesirable species of poplar, willow, box elder, soft maple, tree of heaven, chinese elm, wild chestnut, and cottonwood trees, growing on any rights of way, park or public place in the City of River Rouge.

SECTION 16.

The Superintendent of Public Works is hereby authorized to remove any trees or shrubs growing on any rights of way, park or public place in the City of River Rouge when such trees or shrubs are interfering with the fire hydrants, sewers and water mains, visibly at street intersections, traffic

control devices or construction affecting the public health and safety within rights of way.

SECTION 17.

Any person who shall violate any provision of the Ordinance, or lawful order or requirement adopted pursuant to the provisions hereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00, or by imprisonment in the City or County jail for not to exceed 90 days, or by both such fine and jail sentence in the discretion of the Court.

SECTION 18.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, only to the extent necessary to give the terms of the within Ordinance full force and effect.

SECTION 19.

This Ordinance shall be effective upon publication following the passage hereof.

SECTION 20.

Provisions of this Ordinance are hereby declared to be severable, and the holding as invalid of any section hereof shall not, of itself, impair or invalidate remaining sections hereof. Made and passed by the Council of the City of River Rouge, this 18th day of August, 1964.

/S/ Donald R. Nettlow
Donald R. Nettlow, Mayor

/S/ Roy A. Berger
Roy A. Berger, City Clerk

I hereby approve the adoption of the foregoing Ordinance.

/S/ Donald R. Nettlow
Donald R. Nettlow, Mayor

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS.

I, Roy A. Berger, City Clerk of the City of River Rouge, do hereby certify that the attached is a true, correct and complete copy of an Ordinance duly adopted by the City Council, of River Rouge, at a regular meeting of said Council

held on the 18th day of August, 1964, in the Council Chambers in the said City, at 8:00 o'clock P.M.

/S/ Roy A. Berger
Roy A. Berger, City Clerk

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS.

I, Leslie M. Shackelford, being first duly sworn, deposes and says that a copy of the foregoing Ordinance was published and circulated in the River Rouge Herald, a newspaper published and circulated in the City of River Rouge, in said County, in said State, on August 27, 1964.

/S/ Leslie M. Shackelford
Leslie M. Shackelford, Editor

