

CHAPTER 24
VEGETATION¹

Art. I. In General, §§ 24-1 -- 24-25

Art. II. Dutch Elm Disease, §§ 24-26 -- 24-30

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Street. The word “street” shall mean all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the City.

Tree. The word “tree” shall mean trees, bushes, shrubs and plants.
(Code 1957, § 4.50)

Cross reference—Definitions and rules of construction generally, §§ 1-2.

Sec. 24-2. Planting in Streets.

The owner of land abutting on any street may, upon obtaining prior written permission of the Department of Public Service, plant trees of the following species, and no other, in that part of the street abutting his land not used for public travel: American White Ash (*Fraxinus alba*), Crimean Linden (*Tilia*), Norway Maple (*Acer plantanoides*), Hard Maple (*Acer saccharinum*), Red or Scarlet Maple (*Acer rubrum*), Black Maple (*Acer nigra*), Pin Oak (*Quercus palustris*), English Oak-Pyramidal (*Quercus robur*), Plane Tree (*Platanus*), European Ash (*Fraxinus excelsior*), Sycamore (*Platanus occidentalis*), Tulip Tree (*Liriodendron tulipifera*), Hone Locust-Thornless (*Gleditsia triacanthos*), Sweet Gum (*Liquidambar styraciflua*), American Linden (*Tilia americana*), Hackberry Tree (*Celtis occidentalis*), American Beech (*Fagus americana*), Zelkova-Village Green (*Zelcova serrata*) and Linden-Redmond (*Tilia euchlora*).

(Code 1957, § 4.51; Ord. No. 101, § 8, 6-1-83)

Sec. 24-3. Bushes and Shrubs in Street.

No person shall plant any brush or shrub within any street except that, upon obtaining prior written permission of the Department of Public Service, bushes or shrubs may be planted, in accordance with such written permission, within center parkways on divided streets by the owner or owners of land abutting on such streets immediately opposite that part of such parkways proposed to be planted, or in the area between the property line and the sidewalk line nearest the property line.

(Code 1957, § 4.52)

¹ *Charter reference* – Power with respect to trees and shrubs, § 2-2(x).

Cross reference – Greenbelts and plant material, App. B, § 1107.

Sec. 24-4. Protection.

No person shall remove, injure, deface or destroy any tree in any street or public place. No person shall nail, tie or otherwise fasten any cards, signs, posters, boards or other article to any tree growing in any street, park or other public place.

(Code 1957, § 4.53)

State law reference—Care of trees and shrubs, MCL §247.241 et seq., MSA §9.351 et seq.

Sec. 24-5. Safeguards.

No person in charge of the erection, repair, alteration or, removal of any structure shall fail to guard or protect any tree in the vicinity of such structure in such manner as to prevent injury to any such tree.

(Code 1957, § 4.54)

Sec. 24-6. Dead Trees

Every owner shall remove all dead trees within nine (9) months from the death of the tree regardless of the location of the tree, and all diseased or dangerous trees or broken or decayed hits of trees when the tree or any part hereof overhangs a street, or grows so close to the street as to endanger persons using the same.

(Code 1957, § 4.55; Ord. No. 130, § 1, 6-25-86)

Sec. 24-7. Overhanging Trees.

Where any tree growing on any private premises overhangs any street, it shall be trimmed and maintained in accordance with the following rules:

- (1) No part of any such tree shall be lower than twelve (12) feet above any curb or pavement.
- (2) No part of any such tree shall be less than eight (8) feet above any sidewalk.
- (3) Trees in the vicinity of a streetlight shall be trimmed and maintained so that the foliage does not interfere with the illumination of the street and sidewalk provided by the streetlight.
- (4) In the case of a corner lot, bushes and shrubs within thirty-five (35) feet of the street intersection shall be trimmed and maintained so as not to stand more than three (3) feet above the established sidewalk grade. The street intersection shall be taken as the intersection of the projection of the two (2) curbs adjoining the lot.
- (5) Bushes and shrubs near the street right-of-way shall be trimmed so that no part thereof extends into the street.

(Code 1957, § 4.56)

Sec. 24-8. Poplars and Willows.

No person shall plant any poplar or willow tree or any tree of similar species within fifty (50) feet of a public sewer. Whenever the roots of any tree of any species interfere with or obstruct a sewer, the tree shall be removed.

(Code 1957, § 4.57)

Sec. 24-9. Street Tree Maintenance.

Trees growing within any street up to one tree for each forty (40) feet of street frontage shall be cared for and maintained by the Department of Public Service. Any trees in excess of one (1) for each forty (40) feet of street frontage shall be trimmed, pruned, repaired and sprayed by the owner of the land abutting on that part of the street on which the trees grow. Such trimming, pruning, repairing and spraying of trees shall be done within two (2) weeks subsequent to the time the City shall have trimmed, pruned, repaired or sprayed the trees on the street, the maintenance of which it has undertaken. The Director of Public Service shall notify abutting land owners of the work to be done on such trees and the time limit for the completion thereof.

(Code 1957, § 4.58)

Sec. 24-10. Noxious Weeds.

No person shall fail to keep cut down any Canada thistles, burdock, crab, grass, quack grass, wild growing bushes, wild carrots, ox-eye daisies or other noxious weeds growing on property owned by him or on that portion of a street which adjoins property owned by him. If the owner of any premises shall fail to comply with this section, the City shall cut down the weeds growing on the premises and the cost thereof shall be charged against the premises and the owner thereof in accordance with Section 10 -12.

(Code 1957, § 1, 4.60; Ord. No. 206 § 1, 8-27-18)

State law reference—control and eradication of noxious weeds, MCL §247.51 et seq., MSA §9.631(1) et seq.

Sec. 24-11. Cutting of Grass.

No person shall fail to keep any grass or other permitted ground cover cut down to a maximum height of five (5) inches. If the owner of any premises shall fail to comply with this section, the City may cut the grass growing on the premises and the cost thereof shall be charged against the premises and the owner thereof in accordance with Section 20-12.

(Ord. No. 77, § 1, 9-15-78)

Sec. 24-12. Nuisances.

(a) The City Manager, subject to the approval of the City Council, may declare any tree, shrub or plant, which grows contrary to the provisions of this chapter or which otherwise endangers public property or the health or safety of the public, to be a public nuisance, by giving notice in accordance with the provisions of Section 20-12, to the owner of the premises upon which such nuisance is located, to remove, trim or dispose of same within five (5) days after service of the notice.

(b) If, at the expiration of the time limit in the notice, the owner has not complied with the requirements thereof, the City Manager shall carry out the requirements of the notice. The cost of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 20-12.

(c) The City Manager may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter the cost of abating such nuisance may be charged against the premises and the owner thereof in accordance with the provisions of Section 20-12.

(Code 1957, § 461-4.63)

Sec. 24-13. Rules and Regulations.

The City Manager is hereby empowered, subject to approval by the City Council, to make any additional rules and regulations pertaining to the planting, removal, care, maintenance and protection of trees, shrubs and plants as are necessary to protect public property or the health or safety of the public, and no person shall fail to comply with any such rule or regulation.

(Code 1957, § 4.59)

Sec. 24-14. Violations.

The first violation of Sec. 24-1 through 24-13 within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Sec. 24-14 within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Sec. 24-14 within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Sec. 24-14 within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law. (Ord. No. 195, § 16, 10-13-08)

Secs. 24-15. -- 24-25. Reserved.

ARTICLE II. DUTCH ELM DISEASE²

Sec. 24-26. Reserved.

Editor's note - Ord. No. 111, § 1, effective May 9, 1905, repealed § 24-26, pertaining to spraying elm trees to prevent Dutch Elm disease, derived from Ord. No. 20, § 1(4.64), effective Sept. 13, 1965; and Ord. No. 39, S 1, effective Feb. 24, 1969.

Sec. 24-27. Infected trees declared a nuisance

Any elm tree within the City which is infected with Dutch Elm disease is hereby declared a public nuisance.

(Ord No. 28, § 1, 9-13-65)

Sec. 24-28. Inspection authorization.

² **State law reference** – Insect, pest and plant disease act, MCL §286.201 et seq., MSA §12.201 et seq.; control of insect, pest and contagious plant diseases, MCL §286-251 et seq., MSA 12.263(1) et seq.; Dutch Elm disease, MCL §12.264.

The City shall have power to go upon any private lands for the purpose of inspection and determining whether any elm tree located thereon is or may be infected with Dutch Elm disease, and if any elm tree is found to be so infected to place a distinguishing mark thereon, by blaze or otherwise.

(Ord. No. 28, § 1, 9-13-65)

Sec. 24-29. Removal of Infected Trees.

Every person owning any elm tree located within this City's limits and on private property not subject to public easement for the right-of-way shall cut down and remove the same within ten (10) days after notice by the Department of Public Service that any such tree has been determined to be infected with Dutch Elm disease. The City may, at its option, either through use of its own equipment and personnel or through arrangements with a private contractor, offer a tree removal service with respect to such infected elm trees; if such service is available, any owner shall be deemed to have complied with the requirements of this section if, within ten (10) days after the notice, he has authorized the City in writing to cut down and remove such infected elm trees at his sole cost, expense and responsibility. In the event the Department of Public Service determines with the concurrence of the City Manager that irrediate action is required to abate such public nuisance, the City may, without giving notice, remove any such infected elm tree and the cost of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 20-12.

(Ord. No. 28, § 1, 9-13-65)

Sec. 24-30. Storage, Sale or Delivery of Diseased Wood.

No person shall store, sell, deliver or bring into the City wood from any elm tree to be used as firewood or for any other purpose, unless the bark has been completely removed from the wood.

(Ord. No. 114, § 1, 9-25-85)

ARTICLE III. LIVING FENSES.

Sec. 24-31. Definitions.

Living fence. The phrase "living fence" shall mean any bushes, hedges, shrubs or plantings of any nature erected or placed along or near the property line of any residential premises for the purpose of or which have the effect of acting as a visual or physical barrier.

(Ord. No. 196, § 1, 2-9-09)

Sec. 24-32. Planting and Maintaining a Living Fence on Water Frontage Lots or Parcels.

(a) No person shall plant or maintain a living fence on the water view side of any residential premises abutting Lake St. Clair that interferes with the unique view of Lake St. Clair; with the exception that a living fence may be planted and/or maintained if the property owner secures a permit for said living fence from the director of public service. Before a permit may be issued by the director of public service, the resident proposing to plan or maintain a living fence on the water view side of any premises abutting Lake St. Clair must notify the owners of those lots or parcels whose view of the lake may be affected by the living fence of his intention to do so and obtain their written consent thereto within a period of sixty (60) days preceding the issuance of

the permit. In no instance shall a living fence be planted or maintained on the water view side of any residential premises abutting Lake St. Clair that exceeds four feet in height.

(b) Height. Height shall be measured from the general ground in the immediate vicinity. Where the level is different on either side of a living fence, the average between the two shall be used.

(c) Maintenance of living fences. Property owners of residential premises having water frontage who plant or maintain living fences on the water view side of said premises shall ensure that said living fences do not exceed the height requirements set forth in this section by keeping said living fences trimmed on a regular basis.

(d) Non-conforming existing living fence – Enforcement. Residential premises having water frontage that, at the time of the adoption of this ordinance, have an established living fence on the water view side of the residence, may maintain said living fence at the height level existing at the time this ordinance is adopted. Any owners of parcels or lots whose view of the lake is obscured by a living fence may notify the public services director in writing of their objection to the height of a living fence. The public services director shall promptly investigate the complaint and measure the height of the living fence in question. The property owner maintaining said living fence shall be required to maintain the fence at the height level existing at the time of the complaint.

(Ord. No. 196, § 2, 2-9-09)