

ORDINANCE NO. 06-126

AN ORDINANCE TO REGULATE TREES  
IN THE PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES

The City of Petersburg ordains:

1. DEFINITIONS. As used in this chapter:
  - 1.1. "Highway" means all the land lying between the property lines on either side of all public streets, boulevards and alleys.
  - 1.2. "Park" means each public park having an individual name.
  - 1.3. "Public place" means all other grounds owned by the City.
  - 1.4. "Trees and shrubs" means all woody vegetation.
2. The Petersburg City Council or its designee, under the direction of the Mayor, shall direct, regulate and control the planting, care and removal of all trees and shrubs growing in any public place or public highway.
3. The Mayor shall cause the provisions of this chapter to be enforced.
4. The City shall assume complete responsibility for the planting, maintenance and removal of all trees and shrubs growing now or hereafter in any highway, park or public place of the City.
5. LOCATION OF TREES.
  - 5.1. No tree shall be planted nearer to the intersection of two or more streets than fifteen feet from the nearest street line bounding such intersection. All shrubs planted within this area shall be trimmed to a height of not more than three feet above the curb.
  - 5.2. No trees shall be planted between the sidewalk and the curb less than three feet from the curb or sidewalk lines. However, where the distance between the sidewalk and curb is less than six feet, but not less than four feet, in width, a tree may be planted midway between the curb and the sidewalk.
6. SIZE OF TREES.
  - 6.1. No tree shall be planted which is less than two inches in diameter one foot above the ground.
7. AUTHORIZATION REQUIRED FOR WORK ON TREES.
  - 7.1. No person shall hereafter plant, move, spray, fertilize, brace, trim, do surgery work on, cut above or below ground, cut any branch or root from, or otherwise disturb, any tree or shrub in any highway, park or public place of the City, nor cause such acts to be done by others unless authorized by the City Council.
8. FASTENING MATERIALS TO TREES.
  - 8.1. No person shall fasten any sign, wire, rope or other material to the ground or run any wire or rope through any tree or shrub in any highway, park or public place of the City, except by written permit granted by the Director of Public Services.
9. INTERFERING WITH WATER, AIR AND FERTILIZER.
  - 9.1. No person shall deposit, place, store or maintain upon any highway, park or public place of the City, any stone, brick, sand,

concrete or other material which will impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein.

10. NOTICE TO PROTECT ELECTRICAL WIRES.

10.1. Whenever the City Council or its designee determines it to be necessary, in order to prune or remove any tree or shrub in any highway, park or public place of the City, or for any other reason, to temporarily protect, move or cut off the electricity from any service wire, he or she shall serve written notice on the owner of such wire to protect, move or cut off the electricity from such wire, and the owner shall comply with such order within twenty-four hours after service of the notice.

11. DAMAGING OR ENDANGERING TREES AND SHRUBS.

11.1. No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set a fire or permit any fire to burn where such fire or the heat thereof will injure a portion of any tree or shrub, in any highway, park or public place of the City.

11.2. No person shall knowingly permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub.

11.3. No person shall permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any tree or shrub.

11.4. No person shall knowingly permit any wire designed to carry electric current to come in contact with any tree or shrub unless the wire and/or the tree is protected by approved methods.

11.5. No person shall attach any electric insulation to any tree, or excavate any ditch, tunnel or trench, or lay any drive, within a radius of five feet from any tree or shrub, without first obtaining a written permit from the City Council or its designee.

12. DAMAGING SHADE OR ORNAMENTAL TREES.

12.1. No person shall destroy, cut, mar or in any manner injure or deface any shade or ornamental tree standing in any street, alley, lane or public place in the City, or standing upon any premises owned by or in the charge of the City. Nothing herein contained shall be construed to prevent or prohibit any person from properly trimming any shade trees standing in the street in front of or adjacent to any premises owned or occupied by such person.

13. PRIVATE TREES INTERFERING WITH PUBLIC USES; DECLARATION OF NUISANCE.

13.1. Any tree or shrub or part thereof growing upon private property, but overhanging or interfering with the use of any highway, park or public place of the City, that, in the opinion of the City Council or its designee, endangers the life, health, safety or property of the public, shall be declared a public nuisance.

13.2. The owner shall be notified, in writing or by publication in a local newspaper, of the existence of the nuisance and shall be given a reasonable time for its correction or removal. If such nuisance is not corrected or removed within the time allotted, the City Council or its

designee shall cause the nuisance to be corrected or removed, and the cost shall be assessed to the property as provided by law.

13.3. Any tree that falls into the River from private property shall be declared a nuisance. Notice shall be given, as provided in subsection (b) hereof, and the tree shall be removed by the property owner. If such tree is not removed by the property owner, such removal may be done by the City, with the right of entry to perform the necessary work. The cost of such work by the City shall constitute a lien on the property, after the requirements of the Charter and ordinances, as to liens, are fulfilled.

13.4. As used herein, "reasonable time" shall be construed to mean not more than fifteen days.

#### 14. ACTIVITIES OF UTILITIES AFFECTING TREES.

14.1. When a permit is given by the City Council or its designee to a telephone, telegraph, electric power or other public service corporation or utility to trim trees, or to perform other operations affecting public trees or shrubs, the amount of such trimming, or the extent of the other operations, shall be limited by the actual necessities of the service of the company, and such work shall be done in a neat and workmanlike manner and according to specifications established by City Council or its designee.

14.2. The City Council or its designee may assign an inspector to supervise the provisions of the permit, and the cost of such service shall be charged to the public corporation or utility, at cost.

#### 15. PENALTY

15.1. Any person, corporation, or limited liability company who violates the provisions of this ordinance may be fined up to a sum of \$500 or imprisonment for ninety days, or both, in the discretion of the court.

#### 16. REPEAL

16.1. All ordinances or sections of ordinances inconsistent with the provisions of this ordinance shall be and are hereby repealed.

#### 17. EFFECTIVE DATE

17.1. This ordinance shall become effective 10 days after a copy of this ordinance or a summary of this ordinance has been published in the Monroe Evening News or other local newspaper.

I hereby certify that this ordinance was passed at a regular meeting of the City of Petersburg City Council, Petersburg, MI held on Monday, the 6<sup>th</sup> of November, 2006

Lori L. Goss, City Clerk