

**CODE OF ORDINANCES
CITY OF CORUNNA, MICHIGAN
Chapter 82 VEGETATION**

ARTICLE II. TREES

DIVISION 1. GENERALLY

Sec. 82-31. Purpose and intent.

(a) It is in the best interest of the city and its citizens that a comprehensive tree management program be adopted, and that laws be adopted to regulate this program to better control tree planting, tree removal, tree maintenance and tree protection activities within the city; and in order to better control problems of air pollution, landscape deterioration and noise while enhancing the beauty of our city and upholding property values.

(b) The purpose of this article is to permit management and protection of trees for public health, safety and the general welfare; to preserve and promote the city and its landscape resource values; and to define the power and duties of those who administer this article.

(Code 1979, § 4.101)

Sec. 82-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the city forest management commission.

Curb tree lawn means that part of a street not covered by sidewalk or paving, lying between the property line and the street or alley right-of-way.

Department means the department of public works of the city.

Developer means all persons or an organization of any kind who shall engage in new construction or other improvements in any zoning district of the city.

Landscaping means brick, stone, rock, cement, wood (imitation or real) and metal building materials.

Park means all public parks having individual names and all areas, whether owned by the city or not, to which the public has free access as a park.

Public utility means any person owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service.

Prohibited species means any tree so determined by the city forest management commission.

Street and alley means all the land lying between property lines on either side of all streets, alleys, and highways and public right-of-ways in the city.

Superintendent means the superintendent of the department or an authorized representative.

Tree means trees, shrubs, bushes and all other vegetation, whether potted or not.

(Code 1979, § 4.102(1)--(8); Ord. No. 04-04, § 1, 8-6-04)

Cross references: Definitions generally, § 1-2.

Sec. 82-33. Applicability.

The provisions of this article, except as otherwise specifically stated, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the city.
(Code 1979, § 4.102(9))

Sec. 82-34. Penalty.

Any person, including any form of legal entity, who shall violate any provision of this article or who shall disobey any lawful order issued in pursuance of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-14. Imposition of any penalty for a violation of this article shall not be construed as a waiver of the right of the city to collect from the defendant the costs of the tree work done by the city which the defendant was required to pay but failed to pay under the provisions of this article.

(Code 1979, § 4.117)

Sec. 82-35. Enforcement; appeals.

The superintendent is hereby designated as the agent to enforce the provisions of this article. If at any time a bona fide dispute arises or shall exist relative to or under the provisions of this article, such dispute must first be submitted to the city forest management commission in accordance with the rules and regulations set forth by the commission as provided for under this article.

(Code 1979, § 4.118; Ord. No. 04-04, § 2, 8-6-04)

Sec. 82-36. Reforestation.

The planting, maintenance or removal of trees in public places in the city will be done by the department of public works or their authorized representative in accordance with adopted policies and may be accomplished by order of the superintendent or the city manager upon recommendation of the commission, by resolution of the city council, or by petition of parties owning a majority of the lineal footage of the fronting property along a street or alley. In cases where a situation of immediate attention is required to ensure public safety, the superintendent, city manager, or their authorized representative may act independently from the forestry commission to resolve the safety issue.

(Code 1979, § 4.109; Ord. No. 04-04, § 3, 8-6-04)

Sec. 82-37. Permits.

- (a) Required for tree planting or removal and landscaping within the right-of-way.
 - (1) No person shall plant, transplant or remove any tree, nor landscape exceeding 12" in height upon or from any curb tree lawn, street, park or public place in the city, nor cause such act to be done by others without first obtaining a written permit from the office of the city clerk and shall do so only on the condition that such plantings or excavations shall be considered an agreement on his part to maintain such plantings and excavations at all times during his ownership or control of them, and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of such planting, removal or excavation. Prior to a permit being issued for tree removal, the abutting property owner shall be notified and shall have the first opportunity to acquire the wood from the tree.
 - (2) Any planting or excavation exceeding a maximum height of 12" at full maturity shall have prior approval of the forestry commission.
 - (3) Persons receiving such permit shall abide by the ordinances and policies adopted by the city.
- (b) Application for permits. Applications for permits must be made at the office of the city clerk not less than 72 hours in advance of the time the work is to be done.
- (c) Permit expiration.
 - (1) Each permit granted shall contain an expiration date of one year as set forth by the forestry commission and the work shall be completed in the time allowed in the permit, and in the manner described in the permit.
 - (2) Any permit issued shall be void if its terms are violated, or if the work described is not substantially completed by its expiration date.
 - (3) Permit extensions may be considered by the forestry commission if conditions warrant.
- (d) Permit contents.
 - (1) Every permit issued by the city clerk shall describe work to be done, or state the number of trees to be removed or planted and the location, size, species or variety of each tree, the method of planting, landscaping and landscaping materials, and other information that the superintendent and forestry commission may require to ensure that the work will be done properly.

(2) Whenever any tree or landscaping is in conflict with the provisions of the permit, it shall be lawful for the superintendent to cause removal of the tree, and the cost for removal shall be assessed to the permittee as provided by law in the case of special assessments.

(e) Permit fee and supervision.

(1) No charge shall be made for any permit unless it is necessary to retain a consultant to supervise the provisions of the permit, and in such case the forestry commission shall determine the charge for the service based on actual cost plus an additional one percent of the actual cost of the service for city administrative purposes.

(2) In issuing any and all permits, the city clerk shall act promptly and shall keep duplicate records of all permits issued and of compliance therewith.

(3) Permits for all tree management activities will be issued only after the superintendent or the commission makes a thorough investigation as to the advisability of the proposed work.

(Code 1979, § 4.110; Ord. No. 04-04, § 4, 8-6-04)

Sec. 82-38. Developer's responsibility.

(a) Generally, Developers shall be required to fulfill tree planting and protection requirements as provided under the ordinances and policies of the city and its forestry management commission including, but not limited to, subdivision regulations and site plan requirements.

(Code 1979, § 4.111; Ord. No. 04-04, § 5, 8-6-04)

Sec. 82-39. Protection of trees, shrubs.

Unless a permit shall have been issued by the city clerk and approved by the forestry commission, it shall be unlawful for any persons to do the following to any trees in or upon any curb tree lawns, parks or other public places:

(1) Fasten any sign, card, poster, wire, rope or other material to, around or through any tree or its guard, except in emergencies such as storms or accidents, except for any nursery tag identifying its species or care.

(2) Remove, break, injure, mutilate, kill, cut, peel or destroy any tree or shrub by any means or in any manner.

(3) Permit any fire to burn where such fire will injure any portion of any tree or shrub.

(4) Permit any toxic chemical to seep, drain, or to be emptied on or about any tree or shrub.

- (5) Deposit, store, place or maintain, on any street, highway or other public place, any brick, sand, stone, concrete or other material which may impede free passage of water, air and fertilizer to the roots of any tree or shrub growing therein.
- (6) Fail to repair or stop any leak existing or occurring in any gas pipe or main within a radius of 40 feet of any tree.
- (7) Knowingly permit any electrical wire to come into contact with any tree or shrub.
- (8) Allow excavations and driveways to be placed within five feet of any tree without written permit from the forestry commission or superintendent. Any person making such excavation or construction shall guard any tree within six feet thereof, and all building materials or other debris shall be kept at least four feet from any tree.
- (9) Plant any prohibited species of tree.
- (10) Place any tree or landscaping material in the right-of-way that creates a public nuisance or safety issue.

(Code 1979, § 4.112; Ord. No. 04-04, § 6, 8-6-04)

Sec. 82-40. Compensation for trees destroyed or damaged.

The cost of public trees growing on streets, curb tree lawns, parks or other public places which are destroyed or damaged to the point where repair or replacement is needed shall be paid for by the owner and or the person causing such damages in the amount needed to replace or repair the destroyed or damaged trees. The commission shall determine all questions of cost related to damage. Any value realized from any tree removed from public property shall be for the exclusive benefit of the city.

(Code 1979, § 4.113; Ord. No. 04-04, § 7, 8-6-04)

Sec. 82-41. Authority of superintendent to inspect trees on private property.

The superintendent, forestry commission, or their agents, shall have authority to enter upon private property at all reasonable hours for purposes of examining any trees, shrubs, plants or vines where hazardous conditions, destructive insects or diseases are suspected. The superintendent, forestry commission, or their agents may remove such specimens as are required for analysis to determine the presence of insect, disease or other detrimental conditions. It shall be unlawful for any person to prevent the superintendent, forestry commission, or their agents from entering private property for purposes of carrying out his duties under this article.

(Code 1979, § 4.114; Ord. No. 04-04, § 8, 8-6-04)

Sec. 82-42. Private trees; disease, insect and other hazards.

(a) When the superintendent, forestry commission, or their agents shall discover that any tree growing on private property within the city is afflicted with any dangerous insect, infestation, disease or condition, he shall immediately serve a written notice upon the property owner or his agent describing the tree, the location, the nature of the insect infestation, disease or condition, and order the owner or his agent to take necessary measures to abate the insect infestation, or disease or condition, to prevent the spreading thereof, and shall specify the corrective measures required to be taken. This notice may require the pruning, treatment or destruction of the affected trees as reasonably necessary. Every such notice shall be complied with within a definite time as stated in the notice.

(b) If at the expiration of the time limit in the notice, the owner has not complied with the requirements of the notice, the superintendent or his agents shall carry out the requirements of the notice. The cost of completing the work necessary to resolve the condition complained of shall be assessed against the property on the next general assessment roll of the city.

(Code 1979, § 4.115; Ord. No. 04-04, § 9, 8-6-04)

Sec. 82-43. Trimming, removal of trees on private property.

(a) Any tree growing on private property and so located as to extend its branches over a public street, highway, sidewalk, park or other public place, or so located as to become a traffic hazard, shall be trimmed or removed by the property owner on whose property the tree stands, so as to remove the obstruction from the public street, highway, sidewalk, park or public place and so as to eliminate the traffic hazard and the menace and the danger to the public, pursuant to written notice by and under the supervision of the superintendent.

(b) When notice is given pursuant to subsection (a) of this section, the property owner will be given a reasonable and definite time to comply with the order as set by the forestry commission, unless an immediate hazard exists. If the work is not satisfactorily completed within that time, the superintendent or his agents may enter upon the property, make the necessary trimming or removals, and properly dispose of them. All or part of the costs involved in the trimming or removal when done by the superintendent or his agents shall be assessed against the property on the next general assessment roll of the city. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light.

(Code 1979, § 4.116; Ord. No. 04-04, § 10, 8-6-04)

Secs. 82-44--82-60. Reserved.

DIVISION 2. FOREST MANAGEMENT COMMISSION

Sec. 82-61. Creation and establishment.

There is hereby created and established a city forest management commission for the city, which shall consist of five members, citizens and residents of the city, who shall be appointed by the mayor with the approval of the city council. Included in the five shall be at least one councilmember. The city forest management commission shall be referred to in this article as the commission.

(Code 1979, § 4.103; Ord. No. 03-03, § I, 3-17-03)

Sec. 82-62. Terms of office; annual meeting.

(a) The term of office of the five appointed members of the commission shall be three years; except that the term of the councilmember shall coincide with the term of the office of councilmember.

(b) An annual meeting shall be held in January of each year.

(Code 1979, § 4.104; Ord. No. 03-03, § I, 3-17-03)

Sec. 82-63. Powers.

(a) The commission shall have full power and authority over all trees, plants and shrubs planted or hereafter planted in the streets, highways, parks and public grounds of the city, and upon lands within the control of the city.

(b) Furthermore, the maintenance of such trees, plants and shrubs shall be subject to such rules and regulations as the commission may adopt, and the commission shall have the right to add new rules and regulations from time to time as may be required for the proper care of such trees, plants and shrubs.

(Code 1979, § 4.105)

Sec. 82-64. Duties and responsibilities.

(a) It shall be the responsibility of the commission to study, investigate, counsel 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 annually to the city council along with the department's proposed budget and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city.

(b) The commission may retain a registered state forester as a consultant to assist the commission in the technical matters of forestry management.

- (c) The commission, when requested by the city council, shall consider, investigate, make a finding, report and recommend upon any special matter or question coming within the scope of its work.

(Code 1979, § 4.106)

Sec. 82-65. Organization, operation.

- (a) The commission shall choose its own officers, make its own rules, regulations, and policies and keep a journal of its proceedings.
- (b) A majority of the members shall be a quorum for the transaction of business.

(Code 1979, § 4.107)

Sec. 82-66. Donations, gifts, bequests.

- (a) The commission shall, on behalf of and with the consent of the city council, have authority to receive gifts or bequests from any person for the planting and/or maintenance of trees and shrubs on any street or public property.
- (b) Such gifts or bequests shall be received by the city and maintained in a special fund for the above purpose.

(Code 1979, § 4.108)

Secs. 82-67--82-85. Reserved.

CODE OF ORDINANCES
CITY OF CORUNNA, MICHIGAN
Chapter 70 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE II. STREETS

Sec. 70-48. Trees.

No person shall permit the limbs or foliage of any trees or shrubs located on premises owned by him or on the extension of the lawn adjacent to his premises to grow over or upon any sidewalk less than eight feet above the surface of such sidewalk. Every such owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. All shrubs or bushes located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot shall not be permitted to grow to a height of more than 30 inches above the sidewalk grade. Trees may be planted and maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Any owner of property failing to trim any trees, shrubs or bushes in conformity with this section shall be notified by the city manager to do so, and such notice shall require trimming in conformity with this section within five days after the date of the notice. Upon the expiration of such period, the manager may cause the trimming to be done and the cost of the work may be collected from the owner of the property.

(Code 1979, § 4.42)