

City of Allen Park – Tree Ordinance

ORDINANCE 96-5

AN ORDINANCE TO AMEND CHAPTER 21 OF THE ALLEN PARK CODE OF ORDINANCES TO PROVIDE FOR NEW TERMINOLOGY RECODIFICATION, CLARIFICATION AND ADDITIONAL PENALTIES CONCERNING VEGETATION

The City of Allen Park Ordains:

SECTION 1. AMENDMENT TO CODE.

The following sections of Chapter 21 of the Allen Park Code of Ordinances are hereby amended as follows:

Section 21-2. Department of Public Service to control growth in public places.

a. The Department of Public Service shall have complete charge and control over the planting, cutting, trimming and removal of trees and other growth upon all public highways and places and the Department may promulgate and adopt rules and regulations for the control of same.

Section 21-3. Prohibited or Regulated Plantings.

a. No person shall plant any poplar, box elder, basswood, cottonwood, willow, soft maple, American maple, common catalpa, horse chestnut, or Ailanthus glandulosa tree any where within the city without first procuring a permit from the Department of Public Service.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-4. Permit required for actions affecting growth on public ways.

a. No person, including public utilities, shall plant remove, cut, injure, destroy in any way deface any tree or shrub in any public way without first procuring a permit from the Department of Public Service. This section shall not apply to services performed by the Allen Park Department of Public Services or its contractors.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-5. Application for permit.

a. Application for any permit required by the provisions of this chapter shall be made in the form and manner prescribed by the Department of Public Service. No permit shall be granted unless the application is approved by the Director of Public Service.

Section 21-6. Attaching articles to trees on public ways prohibited.*

a. No person shall attach, tack or in any manner fasten, to any tree in a public place, street or park any wire, rope, chain, cable, sign, card, board, poster or other article.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

*Utility Poles - See Chapter 19, Section 19-3.

Section 21-7A. Growth on adjacent land obstructing public way prohibited.

a. The owner, occupant or person in charge or control of any lot or parcel of property within the City, upon which any tree, shrub, vine or plant may be standing adjacent to any public way including street or sidewalk, shall keep trimmed or caused to be trimmed, at either the property line or to a clear height of at least eleven (11) feet above the surface of such public way, all

branches of such tree, shrub, vine or plant which overhang any portion of the public way or which obstruct or interfere with the passage of light from any street

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-7B. Obstruction of vision.

a. No owner or occupant or person in charge of or in control of any lot or parcel of property within the City shall plant or maintain any tree, shrub, vine or plant so close to any property line as to obstruct the vision of travelers along the streets.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-7C. Removal of dangerous or dead material.

a. The owner, occupant or person in charge or control of any lot or parcel of property within the City shall remove from any tree, shrub, plant or vine on such lot or parcel of property all dead, decayed, broken or dangerous limbs or branches.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-9. Obstruction of roots of growth on public ways prohibited.

a. No person shall place or maintain upon the ground in any public way or place of the city, any stone, brick, sand, concrete or other material or article which may injure or which may, in any way, impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine, or plant, without leaving an adequate open space of ground around the same.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-10. Destruction of diseased growth required.

a. The owner or occupant or person in charge or control of any premises upon which any tree or other growth is infected by disease or by injurious insects or in a dangerous condition, shall destroy or cause such tree or growth to be destroyed same when the destruction is necessary for the protection of other trees and growths and for the public safety, health and welfare.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-11. Failure to perform acts; performance of acts and assessment of costs by city.

a. If the owner or occupant or person in charge or control of any premises fails to perform any duty required by this chapter, the Department of Public Service may serve notice upon such owner or occupant or person in charge or control of such premises directing such work to be done. Upon the property owner or occupant's failure to either perform or fully perform the work, the City or its contractor may enter upon any private property to perform such work. Entry shall be made by the City or its contractor only after written notice has been served on the property owner or occupant or person in charge or control of such property. Written notice may be in the form of a court citation or a court appearance ticket and served or posted as required by section 183 of the Charter. The Department of Public Service shall make a detailed report of the cost and expense of performing such work, which cost and expense shall be charged to such owner or

occupant in the manner provided by the Charter relative to special assessments for single premises.

Section 21-23. Defined; duty to remove.

a. It shall be unlawful for the owner or occupant or person in charge or control of any lot or lands, either public or private, within the city to allow or maintain on any portion of such lot or lands, any growth of any tall or unsightly grass or weeds or any noxious or poisonous weeds, which may create a condition detrimental to the public health. The owner or occupant or person in charge or control of the property shall cut down all such tall or unsightly grass or weeds or any noxious or poisonous weeds from time to time to prevent such grass and weeds from going to seed, provided, however, that the control or cutting of said tall or unsightly grass or weeds or any noxious or poisonous weeds shall commence no later than May 1 of each year.

b. The term "noxious or poisonous weeds" shall include Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy.

c. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established in Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, Section 1-7(a).

Section 21-24. Failure to remove; removal by City.

Where it has been established that tall or unsightly grass or weeds or any noxious or poisonous weeds are present on any lot or property within the City, and the owner or occupant has failed to comply with the provisions of section 21-23, the city ordinance warden, or his designated representative, shall serve notice upon such owner or occupant or person in charge or control of the property directing that the removal be done within seven (7) days. Upon the owner or occupant or person in charge or control of the property's failure to comply with such notice, the city may enter upon the property for the purpose of destroying and/or cutting such growths. Such notice may be in the form of a court citation or a court appearance ticket and may be personally served or posted on the property.

SECTION 2. REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect and specifically, Sections 21-2, 21-3, 21-4, 21-5, 21-6, 21-7, 21-9, 21-10, 21-11, 21-23 and 21-24 of Chapter 21 are hereby repealed.

SECTION 3. SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. 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 thereby.

SECTION 5. IMMEDIATE EFFECT.

To preserve the public peace, health, welfare and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure to take effect immediately.

SECTION 6. ADOPTION.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 22nd day of October, 1996 and ordered to be given publication in the manner prescribed by law.

KENNETH E. FORD, Mayor

City of Allen Park

BEVERLY KELLEY, City Clerk
City of Allen Park