

location and work to be done under it, and shall expire in thirty (30) days, unless a later date is agreed and specified, from its date and shall be considered void at any time when the terms or intent of such permit are violated. No charge shall be made for any permit, unless it may be determined to be necessary to assign an inspector to supervise the provisions of the permit and in such case, the Department shall determine the charge for the services leased on actual cost and such cost shall be charged to the person obtaining the permit.

4.97. Protection of Trees and Shrubs.

Except to abate a nuisance, it shall be unlawful for any person to:

- (a) Fasten any sign, card, poster, wire, rope or other material to, around or through, any tree or shrub or its guard, without a permit, except in emergencies such as storms or accidents.
- (b) Break, injure, mutilate, kill or destroy any tree or shrub, or permit any fire to burn where such fire will injure any portion of any tree or shrub.
- (c) Permit any toxic chemical or material to seep, drain, or to be emptied on or about any tree or shrub.
- (d) 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.
- (e) Fail to erect a suitable protective barrier around trees or shrubs apt to be injured during any building operation.
- (f) Knowingly permit any electrical wires to come into contact with any tree or shrub.
- (g) Excavate any ditches, tunnels, trenches, or lay any drive within a radius of fifteen (15) feet from any tree or shrub, without first having obtained a permit therefor.
- (h) No person shall move any building or other large object along any street without obtaining a permit at least seven (7) days in advance of move and if deemed necessary furnish bond or cash sufficient to cover damage as a result of moving.

owner, agent, or occupant to take such measure as may be reasonable necessary to correct or cease such nuisance specifying the measures required to be taken.

4.103. Failure to Comply with Notice.

It shall be unlawful for any person to permit, cause or suffer the existence of a public nuisance from and after fifteen (15) days following the date of the notice provided for.

4.104. Removal, Cost Incurred, Duty to Pay, Collection.

- (a) In any case, notice given shall not be complied with, the Director is hereby authorized and empowered to order the removal or abatement of said public nuisance, and shall have authority to call the necessary assistance therefor. Contracted work shall be submitted for bids and approved by the Director.
- (b) Upon completion of the abatement or removal of said public nuisance, the Director shall certify to the cost of said removal of the public nuisance. The owner, or other person to whom the notice was directed shall be notified by mail of the removal or abatement, and the cost incurred for such work, together with a statement that the cost of the work must be paid within thirty (30) days or cost incurred will be assessed against the owner's property at a regular meeting of council to be held not sooner than thirty (30) days after the date of notice.
- (c) It shall be the duty of the owner of the property, or other person to whom notice was directed, to pay the cost of such removal within thirty (30) days after the date of mailing of the notice of completion, and in case of failure to do so, the City shall have the right to assess the cost by resolution against any property for the purpose of collection in the same manner as general taxes are collected.

4.105. Inspection Interference.

No person shall prevent, delay, or interfere with the Director in the execution or enforcement of this Chapter; provided, however, that nothing herein shall be constructed as an attempt to prohibit a public hearing or the taking of any legal remedy in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City of Cadillac.

4.98. Planting, Restrictions, Permits Required.

No shade or ornamental tree or shrub shall be planted in any of the street right-of-ways, parks, or public places of the City until the Director shall have first approved the kind, size and variety of the same, designated the location therefor and granted a permit for the planting of the same. Provided further, no prohibited species shall be set out, nor any other tree, unless it be free from infectious disease.

4.99. Subdivision and Site Condominium Planting.

In residential subdivisions and residential site condominiums developed after February 16, 1981 at least one (1) street tree as defined in Section 4.98 shall be provided for each lot of seventy-five (75) feet frontage or less, and at least two (2) trees for every lot in excess of seventy-five (75) feet frontage. For corner lots, and site condominium developments, at least one (1) tree shall be provided for each seventy-five (75) feet of street frontage. The Public Works Department shall furnish the developer a list of acceptable trees and a copy of the Department's regulations and policy regarding planting of trees. The developer shall be responsible for fulfilling the planting requirements, but suitable arrangements for the same may be made between the developer and those who occupy the development or between the developer and the City.

4.100. Tree Care, Treating or Removal, Permit Required.

It shall be unlawful to cut, trim, prune, spray, brace, fertilize, do surgery, disturb, alter, remove, or replace any tree or shrub from any street, highway, or other public place, without first obtaining a permit.

4.101. Public Nuisance.

Any tree or shrub or parts thereof growing upon private property but overhanging, or interfering with the use of any street, park, public improvement, street lighting, or public place of the City, that in the opinion of the Director endangers the life, health, safety, or property of the public, shall be declared a public nuisance. Any tree growing on private property within the City, afflicted with any dangerous and infectious insect infestation or tree disease shall be declared a public nuisance.

4.102. Notice to Remove.

Whenever any public nuisance exists, contrary to the provisions of the sections in this Chapter, the Director shall give notice to the owner, or his agent, or the occupant of the property, describing the tree, its location and the nature of the nuisance and ordering the

4.106. Violation Penalty.

Any person violating or failing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined or sentenced for imprisonment according to the determination of the Court. Any violation of any provision of this Chapter shall be punished by a fine of not to exceed One Hundred (\$100.00) Dollars and costs of prosecution, or by imprisonment in the County Jail of Wexford County in the discretion of the Court or magistrate before whom the conviction may be had, for a period not exceeding ninety (90) days; or by both such fine and imprisonment in the further sentence the offender to be committed to the County Jail of Wexford County until such fine and costs are paid for a period not to exceed ninety (90) days.

4.107. Legality of Chapter or Parts Thereof.

Should any section, clause, or provision of this Chapter be declared by the courts to be invalid, the same shall not affect the validity of the Chapter as a whole, or parts thereof, other than the parts so declared to be invalid.