

City of Coldwater – Tree Ordinance

CHAPTER 690

Vegetation

- 690.01 Definitions.
- 690.02 Authority of City.
- 690.03 Permit to cut, trim or prune.
- 690.04 Harmful substances prohibited.
- 690.05 Trees on private property.
- 690.06 Removal of vegetation for public improvement.
- 690.07 Guarding of trees.
- 690.08 Permit to plant.
- 690.09 Power to preserve or remove trees.
- 690.10 Diseased or infected trees on private property.
- 690.11 Grass plots.
- 690.12 Noxious weeds.
- 690.13 Interference with City Manager.
- 690.14 Issuance of civil infraction citations and notices.
- 690.99 Penalty.

CROSS REFERENCES

Vandalism - see GEN. OFF. 656.01

Disposal of yard waste and brush - see S.U. & P.S. 1060.11, 1060.12

Trees in subdivisions - see P. & Z. 1248.04

Landscaping requirements generally - see P. & Z. Ch. 1297

Burning leaves - see F.P. 1620.03

690.01 DEFINITIONS.

As used in this chapter, "public streets, highways, alleys, places and parks" are hereby determined to include all lands owned in fee by the City and all lands upon which the City has rights of way. Noxious weeds shall include those plants which are defined in State law as noxious weeds, and shall include any other plants which, in the opinion of the City Manager, may be regarded as a common nuisance.

(Ord. 259. Passed 3-28-66.)

690.02 AUTHORITY OF CITY.

The City shall hereafter have full power and authority over, of and with respect to the trees, shrubs and plants now and hereafter planted or growing in the public streets, highways, alleys, cemeteries, places and parks within the City, and the planting, location, maintenance, protection, preservation, trimming, treatment and removal thereof. All matters incident thereto shall hereafter be subject to the direction and control of the City Manager or his or her designated representative.

(Ord. 259. Passed 3-28-66; Ord. 413. Passed 11-25-85.)

690.03 PERMIT TO CUT, TRIM OR PRUNE.

Except upon order of the City Manager, it shall be unlawful for any person, firm or corporation, or the officer or employee of a corporation, without a written permit from the City Manager, to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City, or to cause or authorize or procure any person to cut, break, climb, remove, destroy or injure any such tree, plant or shrub or part thereof; or to injure, misuse or remove, or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place. Any person, firm or corporation, or officer or employee of a corporation, desiring for any lawful purpose, including the construction or maintenance of franchised utility service, to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects, or trim and trees, plants, or shrubs in or upon any public highway or public place, shall make application therefor on blanks furnished by the City Manager. If, in the judgment of the City Manager, the desired removing, cutting, pruning, treatment

or trimming shall appear necessary, and the proposed method and workmanship thereof shall be such as the City Manager approves, the City Manager may thereupon issue a written permit for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of this chapter, and under the supervision and direction of the City Manager or his or her duly authorized representative.

(Ord. 259. Passed 3-28-66; Ord. 413. Passed 11-25-85.)

690.04 HARMFUL SUBSTANCES PROHIBITED.

It shall be unlawful for any person, firm or corporation owning, using, or having control or charge of gas or other substances deleterious to tree life, to allow such gas or other deleterious substances to come into contact with the soil surrounding the roots of any tree, shrub or plant in any public highway or public place in such manner as shall kill or destroy or may injure such tree, shrub or plant. It shall also be unlawful for any person, firm or corporation to cause, authorize, permit, allow or

suffer any salt, brine water, oil, liquid dye or other substance deleterious to tree life, to lie on, or to leak, pour, flow, or drip onto or into, the soil about the base of such tree, shrub or plant or onto any sidewalk, road, pavement or gutter at a point where such substance may lie on or flow, drip or seep into such soil, or in any other manner whatsoever penetrate the soil, in such manner as to injure such tree, shrub or plant. It shall also be unlawful for any person, firm or corporation to deface, with paint, whitewash or other materials, trees or shrubs in any public highway or public place.

(Ord. 259. Passed 3-28-66.)

690.05 TREES ON PRIVATE PROPERTY.

Any tree, shrub or plant not situated upon a public street, highway, alley, place or park, but so situated as to extend its branches over a public street, alley, place or park, shall be so trimmed by the owner or owners of the real property upon which the same is located that there shall be, from the surface of the ground, a branch or limb clearance of not less than ten feet. The owners of the real property referred to in this section shall further, and at their own expense, remove dead branches or stubs on such trees which, in the judgment of the City Manager, will or may become a menace to the public use of the streets, highways, alleys and places. All trees growing on corner lots shall be trimmed so as to have a ground clearance of not less than ten feet. No shrubs, bushes or plants, growing on corner lots and located on the triangle formed by two property lines at the intersection of two streets and extending for a distance of twenty-five feet each way from the intersection of the right of way lines, shall be permitted to a height of more than three

feet above the surface of the roadway. These provisions are included to provide a clear view for drivers of vehicles approaching street intersections.

In the event that the owners of the premises referred to in this section neglect or refuse to trim such trees, shrubs or plants on being notified in writing to do so by the City Manager, it shall be the duty of such City Manager, after ten days from the date of such written notice, to cause such trimming to be done, and the cost of such trimming shall be a charge upon the real property of such owners. Such costs shall be certified by the City Manager to the City Treasurer, and shall thereupon become and be a lien upon such property, and shall be included in the next tax bill rendered to the owners, unless paid before, and shall be collected in the same manner as other taxes against such property.

(Ord. 259. Passed 3-28-66.)

690.06 REMOVAL OF VEGETATION FOR PUBLIC IMPROVEMENTS.

Nothing in this chapter shall be construed so as to prevent the removal of any trees, shrubs, plants, roots or parts thereof, which may be done under the supervision of the City Manager or under the supervision of the Board of Public Utilities, when such removal shall be necessary or advisable for the construction or maintenance of any sidewalk, sewer, waterline, electric line and/or equipment, street or other public improvement.

(Ord. 259. Passed 3-28-66; Ord. 413. Passed 11-25-85.)

690.07 GUARDING OF TREES.

In the erection, removal, alteration or repair of any building or structure, the owner or owners thereof shall previously thereto place, or cause to be placed, adequate guards and protection around all nearby trees, shrubs and plants situated on public streets, highways, alleys, places and parks as will prevent injury thereto.

(Ord. 259. Passed 3-28-66.)

690.08 PERMIT TO PLANT.

It shall be unlawful for any person, firm or corporation to plant or set out any trees or shrubs, or cause or authorize any person to plant or set out any trees or shrubs, in or upon any part of any public highway or public place, without obtaining from the City Manager a written permit to do so, and without first complying in all respects with the conditions set forth in such written permit and with the provisions of this chapter. Such permit shall be issued in accordance with the judgment of the City Manager for such planting and in

accordance with such regulations for planting as the City Manager may from time to time impose.

(Ord. 259. Passed 3-28-66.)

690.09 POWER TO PRESERVE OR REMOVE TREES.

The City Manager shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, parks and public grounds as may be necessary to insure safety or preserve the symmetry and beauty of such place. The City Manager may remove any trees or parts thereof which are in an unsafe condition or which, by reason of their nature, are injurious to sewers or other public improvements, or are affected with any injurious fungus, insect or other pest.

(Ord. 259. Passed 3-28-66.)

690.10 DISEASED OR INFECTED TREES ON PRIVATE PROPERTY.

The City Manager shall have the power to enter upon any private property in the City and to spray or otherwise treat any shrub or plant infected or infested by a parasite or insect pest, or fungus, when it shall in his or her opinion be necessary to do so in order to prevent the spreading of such parasite, fungus or insect pest and to prevent danger therefrom to trees and shrubs planted on public grounds or places.

The City Manager shall further have the right to remove any trees or shrubs located on private property when, in his or her opinion, the infected condition of the trees or shrubs is such that damage may likely be injurious to trees growing on public property. The cost of any trimming or removal under this section shall be a charge upon the real property and shall be certified by the City Manager to the City Treasurer and shall be a lien upon such property, shall be included on the next tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

At least ten days prior to any treatment, trimming or removal under this section, however, the City Manager shall first give notice in writing to the owner of such property in order that the owner may provide for such treatment, trimming or removal, and upon failure of such owner to comply with the orders contained in the notice, the City Manager shall have the power to treat, trim or remove trees in accordance with this section.

(Ord. 259. Passed 3-28-66.)

690.11 GRASS PLOTS.

Grass plots growing on any public street or alley shall be kept mowed by the owner or owners of the abutting property. When such grass or weeds on such premises are twelve inches in height, they shall be considered neglected. In case the owner or owners shall refuse to mow such grass or weeds on being notified in writing to do so by the City Manager, it shall be the duty of the City Manager, after ten days from the date of such written notice, to cause the mowing to be done, and the cost of the mowing by the City Manager shall be a charge upon the abutting real property, shall be certified to the City Treasurer and shall become a lien on such property, shall be included in the next tax bill rendered to the owner or owners unless paid before, and shall be collected in the same manner as other taxes against such property.

(Ord. 259. Passed 3-28-66.)

690.12 NOXIOUS WEEDS.

(a) It shall be the duty of the owner, owner's agent or occupant of any land within the City to cut or destroy all weeds, noxious weeds, grass or other rank or noxious vegetation before the same reaches seed-bearing stage on all land located within 200 feet of developed property. It shall further be the duty of such person or persons to destroy poison ivy or other spreading brush, such as sumac, mulberry trees, wild blackberry and tree of heaven, located within 200 feet of developed property. All diseased elm trees should be cut and destroyed to keep them from spreading. It shall further be the duty of such person or persons to destroy poison ivy or other plants injurious to health, whenever growing upon lands under their control, when such plants may cause injury or discomfort to any person in the City. It shall further be the duty of persons to cut all brush on land located within 200 feet of developed property. (Ord. 331. Passed 4-12-76.)

(b) The City Manager shall notify the owner, agent or occupant of any land who is neglectful of his or her duties under this chapter, personally or by certified mail, with return receipt requested, and shall order such owner, agent or occupant to comply with the terms of this chapter within ten days.

(c) Failure of the City Manager to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty herein provided or a defense to any debt or lien created under the provisions of this chapter.

(d) In case any such owner, agent or occupant shall not comply with the order of the City Manager within the ten-day notice period, it shall be the duty of the City to destroy or cause to be destroyed such weeds, noxious weeds, grass, brush or other rank or noxious vegetation, and the City Manager or other persons authorized by the City may enter upon such lands and shall destroy such weeds, noxious weeds, grass, brush or other rank or noxious vegetation, but so as not to damage the property or sidewalk adjacent thereto. In the event it is necessary for the City to so destroy any of the vegetation referred to, all expenses incurred in such destruction shall be paid by the owner or owners

of such lands; provided, further, that the City shall have a lien on such lands for the amount of such expenses, which lien shall be added to the real estate tax assessment rolls for such lands and may be collected in the same manner in which real estate taxes are collected. (Ord. 259. Passed 3-28-66.)

690.13 INTERFERENCE WITH CITY MANAGER.

No person shall interfere with, hinder or prevent the City Manager, or employees or persons working under his or her direction, from exercising the rights, duties and powers herein provided. (Ord. 259. Passed 3-28-66.)

690.14 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

The City Manager or his or her designated representative, and/or the Director of Police and Fire Services and his or her designated representative, are hereby designated as the authorized City officials to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the City of Coldwater Municipal Ordinance Violations Bureau) as provided in Chapter 211 of the Administration Code.

(Ord. 500. Passed 12-12-94.)

690.99 PENALTY.

A person who violates any provision of this chapter is responsible for a Municipal civil infraction and shall be subject to the payment of a civil fine of not less than twenty-five dollars (\$25.00), plus costs and other sanctions, for each infraction. A second offense, within a period of ninety days, shall be subject to a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Third and subsequent offenses, within ninety days, shall be subject to a civil fine of one hundred dollars (\$100.00), plus costs and other sanctions, for each infraction.

(Ord. 500. Passed 12-12-94.)

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