

DEARBORN – TREE ORDINANCE

ARTICLE VI. PLANTING AND CARING FOR TREES AND SHRUBS ALONG STREETS AND PUBLIC PLACES

Sec. 17-241. Violations.

The doing of any act forbidden by this article, neglecting or refusing to perform any act required to be done by this article or neglecting or refusing to obey any order of the proper authorities of the city authorized hereby to be made, shall constitute and be a violation of this article.

(Ord. No. 81-140, § 12, 11-4-81)

Sec. 17-242. Public benefit declared; obligation of property owner.

Planting and caring for trees and shrubs, or either of them, along and within the boundary lines of streets and public places in the city and in front of or adjacent to lots or parcels of land abutting upon streets and public places for the purpose of beautifying such streets and public places are hereby declared to be public improvements which benefit the lots and parcels of land abutting upon or adjacent to such streets and public places along which such trees and shrubs, or either of them, are planted. Every owner of any such lot or parcel is hereby obligated to plant any such tree; provided, however, that if any such owner does not plant or pay for the planting of any such tree, and if the city plants or causes to be planted any such tree, the cost thereof, together with an additional ten percent of such cost for overhead, shall be chargeable to and paid for by the abutting owners of the land so improved and benefited, and shall be a charge against and a lien upon such land.

(Ord. No. 81-140, § 1, 11-4-81)

Sec. 17-243. Assessment of costs, collection.

(a) Upon the completion of the planting and caring for trees and shrubs provided for by this article, a bill for the cost thereof, together with the additional ten percent, as above specified, shall be mailed by the director of public works to the owner of the property improved, if his address is known or can with reasonable diligence be ascertained, requesting payment of the amount due. If such amount is not paid to the city within 30 days from the date of such bill, the amount due shall be assessed against such property as a special assessment, in accordance with the provisions of chapter 15 of the charter.

(b) If the planting occurs in a geographical area or district represented by an area association, membership in which is open to all property owners and tenants in the defined area, and the planting occurs as the result of a request of the association or the planting is requested and approved by the property owners and tenants representing 75 percent of the property in the affected area and the costs and overhead hereinabove identified exceed \$300.00, the property owner or person charged with the responsibility of paying the bill shall have the option of paying the bill in five equal annual installments, each installment to bear interest at a rate not to exceed 7 1/2 percent; provided further, that any annual installment not paid within 30 days from its due date shall be assessed against the property as a special assessment in accordance with the provisions of the city charter.

(Ord. No. 81-140, § 1, 11-4-81)

Sec. 17-244. Administration, enforcement.

The director of public works shall have charge of the planting, care, trimming, spraying and protection of all trees, shrubs and flowers within the parks and public places of the city. It shall be his duty to cause all the provisions of this article to be enforced both as to the planting, care and protection of trees, shrubs and flowers upon streets, parks and public places, and upon private premises in the city, as prescribed in this article.

(Ord. No. 81-140, § 2, 11-4-81)

Sec. 17-245. Determination of necessity; notice.

Whenever in the opinion of the city council it is necessary to plant any trees along any street or sidewalk in the city, the council shall declare such opinion by resolution, whereupon the director of public works shall cause to be served upon the owners of any lot in front of or adjacent to which such tree or trees are required to be planted, that such tree or trees must be planted within ten days of the service of such notice, or that the work will be done by the city under the direction of the director of public works, and the cost thereof, with ten percent additional for overhead, will be charged to the owner of the property improved, and if not sooner paid by such owner, will be assessed against the property as hereinabove provided. Such notice may be served by securely posting it upon the premises if the owner cannot be found. If the owner can be found on or about the premises, such notice may be served either personally or by ordinary mail on such owner of such lot. If such owner shall fail or neglect to comply with the terms of the notice, the director of public works shall cause any such tree to be planted as the case may be and the costs assessed, as hereinabove provided.

(Ord. No. 81-140, § 2a, 11-4-81)

Sec. 17-246. Replacement of trees, flowers, etc.

If a tree, shrubbery or flowers planted in accord with the provisions hereof shall become damaged or diseased beyond repair, a notice similar in content, form and surface shall be provided the owner of affected or abutting property to replace the tree, shrubbery or flower and the costs assessed in the same manner and form as an original planting under this article. The director of public works shall be charged with responsibility for determining the extent of damage or disease prior to issuance of a mandatory notice of replacement under this article.

(Ord. No. 81-140, § 2a, 11-4-81)

Sec. 17-247. Contents of notice.

Notices provided for in this article shall contain the name of the owner of the lot in front of or adjacent to which such tree or trees are required to be planted, if known, a description of the property to be improved thereby, and shall designate the work required to be done. Such notices shall also recite that such tree or trees are required to be planted by resolution of the council, giving the date of such resolution and such other information as shall enable the owner notified to comply fully with the terms thereof.

(Ord. No. 81-140, § 2b, 11-4-81)

Sec. 17-248. Apportionment of costs.

Whenever the spacing of trees ordered by the council to be planted along the lines of streets or public places shall result in a greater number of trees being planted in front of or adjacent to any one lot or parcel of land than is required for other lots or parcels of land similarly located with respect to the planting, the cost of the improvement

shall be apportioned as benefits to each lot or parcel of land according to the number of front feet of each lot or parcel of land improved by the planting as a whole.
(Ord. No. 81-140, § 3, 11-4-81)

Sec. 17-249. Location of trees.

(a) All trees planted along streets and/or public places must be selected from a list of species recommended by the city forester or the director of public works and shall be planted not less than 35 feet apart and three feet from the general sidewalk line, except where the lawn space between the sidewalk line and the curb is less than six feet wide, in which case the trees shall be planted in the middle of the lawn space. All trees so planted shall be of healthy stock, not less than 1 1/2-inch caliper and tall enough so that the first limb shall be not less than seven feet above the curb level. No hedges, plants or shrubbery planted between the sidewalks and curbs of streets in the city shall be permitted to grow more than four feet in height.

(b) In the case of original plantings or replacement, in accord with the requirements of this article, the species selection shall be based upon limitations of space, proximity of utilities, size and shape of mature trees, avoidance of monoculture and commercial availability. Where possible and practical, in the opinion of the director of public works, a choice of species to a homeowner will be permitted based upon a list prepared by the director of public works.
(Ord. No. 81-140, § 4, 11-4-81)

Sec. 17-250. Permit required--General care.

(a) No person shall plant, grow, remove, transplant, treat, spray, do surgery work on or otherwise care for any trees, shrubbery or other bushes and plants, except grass, within the streets or public places of the city, without first having obtained a permit therefor from the department of public works and engineering of the city.

(b) Application for such permit shall be made in writing to the department of public works. Such application shall contain the name and address of the applicant, the description and dimensions of the property in front of which such proposed planting is to be done, the kind and number of trees or shrubs and their respective locations proposed to be planted.

(c) The director of public works shall inspect or cause to be inspected the premises upon which the proposed planting is to be made and, if the same shall conform in all respects to the general scheme of planting upon the street and with all the provisions of this article, such permit shall be granted, subject to everything being done in strict conformity with the provisions of this article and in conformity to the general scheme of planting upon the street.
(Ord. No. 81-140, § 5, 11-4-81)

Sec. 17-251. Same--Trimming, removal.

It shall be unlawful for any person to plant, trim, remove, injure, destroy, break, deface, disturb or care for any tree, shrub, plant or flower, except by watering the same, within the limits of any street or public place of the city, without first obtaining written permission from the director of public works.
(Ord. No. 81-140, § 6, 11-4-81)

Sec. 17-252. Attachment of rope, wire, etc.--On public property.

It shall be unlawful for any person to attach any guy rope or other rope, wire, cable or other contrivance whatsoever, to any tree within any street or public place, or to use the same for any banner, sign or business purpose whatsoever.
(Ord. No. 81-140, § 6, 11-4-81)

Sec. 17-253. Same--On private property.

It shall be unlawful for any person, other than the owner or one having the owner's consent, to break, injure, destroy or deface any tree, shrub or plant or to attach any guy rope or other rope, wire, cable or other contrivance whatsoever to any tree upon any private premises within the city.
(Ord. No. 81-140, § 7, 11-4-81)

Sec. 17-254. Diseased, infected trees.

No person shall plant, keep, maintain or cultivate any trees, shrubs or other vegetation infected or attacked by any parasite, insect or disease nor permit the same to exist upon any premises owned or occupied by him or them. The director of public works and engineering shall have authority to provide for the proper treatment and care of all trees, shrubs and other plants within the streets and public places of the city, and shall have the power to enter upon private premises to inspect any trees, shrubs or other plants growing thereon and to take such action as may be necessary to protect and preserve such infected trees or plants, and to prevent the spread of any such parasites, insects or disease to other trees, shrubs and plants in the city. If necessary to do so, the powers granted to the director of public works and engineering shall extend to the destruction and removal of such infected trees, shrubs and plants. Any attempt on the part of the owner or occupant of such premises to prevent the entry thereof by the director of public works for the purpose set forth in this section, shall constitute a violation of this article.
(Ord. No. 81-140, § 8, 11-4-81)

Sec. 17-255. Inspection; conformance to division.

(a) All planting, trimming or otherwise caring for trees, shrubs and other plants, performed by the authority of permits granted by the director of public works, in accordance with the provisions of this article, shall be subject to his inspection.
(b) If such work is not done in accordance with the provisions of this article and the conditions of such permits, he may order any necessary changes, replanting, replacement or removal of such trees, shrubs or other plants. If such orders are not complied with within a reasonable time, he may proceed to do any and all work thus ordered at the cost and expense of the owner of the property being improved by such planting or other work, such cost to be collected or taxed to the property.
(Ord. No. 81-140, § 9, 11-4-81)

Sec. 17-256. Assessment of costs for work.

Upon the completion of the planting and otherwise caring for or doing and performing any work or service upon such trees, shrubs and plants, or either or any of them, upon the order either of the city council or of the director of public works, in accordance with the provisions of this article, an invoice for the cost thereof, together with 10 percent additional for overhead, shall be mailed by the director of public works to the owner of the property thus improved if his address be known or can, with reasonable diligence, be ascertained, demanding payment of the amount due. If the amount is not paid to the city treasurer within 30 days from the date of such bill, the amount thereof

shall be assessed against the property improved as a special assessment within the provisions of chapter 15 of the charter.
(Ord. No. 81-140, § 10, 11-4-81)

Sec. 17-257. Indemnification of city.

It shall be the duty of every owner of property who shall be permitted to plant any tree, shrub or other plant within the streets or public places of the city to do any work to be done under such permit in such manner as to protect the city from any damages or claims of damages to any person whatever, and if such damages or claims of damages shall result from any improper work or omission of necessary precautions to prevent such damages or to save the city harmless from any such damages or claims of damages, such owner shall be liable to the city for the full amount of such damages.
(Ord. No. 81-140, § 11, 11-4-81)