

Chapter 22

VEGETATION*

- Art. I. In General, §§ 22-1-22-25
- Art. II. Trees, §§ 22-26-22-60
- Art. III. Noxious Weeds and Grass, §§ 22-61-22-64

ARTICLE I. IN GENERAL

Secs. 22-1-22-25. Reserved.

ARTICLE II. TREES

Sec. 22-26. 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:

Public highway shall mean all the land lying between private property lines on either side of all public streets and places.

Tree shall not include shrubs which do not grow higher than fifteen (15) feet.
(Ord. No. 182, § 3, 5-4-62)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 22-27. Enforcement.

It shall be the duty of the city manager to see that the provisions of this article are obeyed and all complaints as to the violation of this article shall be presented in writing to the city attorney and prosecutions for all violations of this article shall be instituted by the city manager and shall be prosecuted in the name of the city.

(Ord. No. 182, § 14, 6-4-62)

Sec. 22-28. Rules, regulations.

The city manager is hereby directed to set up such rules, regulations and policies with approval of the city council as he deems necessary and proper to enforce and carry out this article.

(Ord. No. 182, § 15, 6-4-62)

*Cross references—Nuisances, Ch. 11; streets, sidewalks and other public places, Ch. 17.
State law reference—Care of trees and shrubs, MCL 247.241 et seq., MSA 9.361 et seq.

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Sec. 22-29. Obstruction, interference with public works department.

No person shall hinder, prevent or interfere with the agents or employees of the public works department while engaged in carrying out the provisions of this article.
(Ord. No. 182, § 13, 6-4-62)

Sec. 22-30. Supervision generally.

The city manager shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, plants and shrubs planted or growing in or upon the public highways and public places of the city and the planting, removal, care and maintenance and protection thereof.

(Ord. No. 182, § 1, 6-4-62)

Sec. 22-31. Powers of city manager; enforcement.

(a) It shall be the duty of the city manager to:

- (1) Superintend, regulate and encourage the preservation, culture and planting of shade and ornamental trees, plants and shrubs and to direct the method and time for trimming the same.
- (2) Advise, without charge, owners and occupants of lots regarding the kind of trees, plants and shrubs to be planted and the method of planting best adapted to or most desirable on particular streets and public highways.
- (3) Take such measures as may be deemed necessary for the control and extermination of insects, pests and plant diseases which may injuriously affect trees, plants or shrubs that are growing in the streets, parks, public highways or boulevards of the city.

(b) The city manager shall also have power to enter upon any private grounds in the city and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest, when it shall be necessary in his opinion so to do so as to prevent danger therefrom to trees and shrubs planted in the public streets or other public places.

(c) Whenever in the opinion of the city manager trimming, treatment or removal of any tree or shrub located on private grounds is necessary, he shall have power to trim, treat or remove any such tree or shrub or cause or order the same to be trimmed, treated or removed, and the cost of such removal of such tree shall be a charge upon the real property involved. Such cost shall be certified to the city assessor by the city manager and shall become and be a lien upon such property, and shall be included in 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.

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(d) Notice to remove under this section shall be served personally at least ten (10) days before such removal is ordered on the owner or agent of the property or abutting property, unless in the opinion of the city manager immediate removal be necessary for public safety, in which event the city manager may remove the same without notice.
(Ord. No. 182, § 2, 6-4-62)

Sec. 22-32. Planting restricted.

No shade or ornamental tree, plant or shrub shall be planted in any of the public highways of the city until the city manager shall have first approved the kind, size and the variety of the same, designated the location therefor and granted a permit for the planting of same. It is provided further that no varieties of willow (salix), poplar (populus), catalpa, Box Elder, Chinese Elm, Silver Maple, Horse Chestnut or Mulberry shall be set out on the public highways, nor any other tree unless it is free from infectious disease and has a diameter of one and one-half (1½) inches or over one (1) foot above the ground level. Where deemed advisable planting of trees will be done by city employees under the direction of the city manager, costs to be assessed to adjacent property owner and collected as hereinabove provided.
(Ord. No. 182, § 4, 6-4-62)

Sec. 22-33. Removal, trimming, etc., restricted.

No person shall, without the written permit of the city manager, remove, destroy, break, cut, deface, trim or in any way injure or interfere with any tree, plant or shrub in any highway, park or boulevard of the city; provided, however, that nothing in this section shall be construed to apply to the removal, under the direction of the department of public works, of any root, tree, shrub, or plant or parts thereof when such removal shall be necessary for the construction of any sidewalks, sewer or public improvement, after having first notified the city manager.
(Ord. No. 182, § 5, 6-4-62)

Sec. 22-34. Protection generally.

No person shall attach any rope, wire, cable, sign, card or poster or any other article to a tree or its guard in a public highway without a written permit from the city manager; nor shall any person pour or deposit salt or brine or other injurious material upon any public highway in such manner as to injure any tree or shrub planted or growing thereon.
(Ord. No. 182, § 6, 6-4-62)

Sec. 22-35. Protection from construction.

In the erection, alteration, repair or removal of any building or structure, the owner thereof shall place or cause to be placed such guards around all nearby trees on the public highway, as will effectually prevent injury to such trees.
(Ord. No. 182, § 7, 6-4-62)

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Sec. 22-36. Clearance over streets.

Any tree not growing on a public alley, street or highway, but so located as to extend its branches over a public alley, street or highway, shall be so trimmed by the owner of the property on which the tree stands or by his agents so that there shall be a clear height of sixteen (16) feet above the surface of the street or highway unobstructed by branches.
(Ord. No. 182, § 8, 6-4-62)

Sec. 22-37. Correction of hazards.

The owner of any property upon which a tree stands, or his agents, shall remove all dead branches and stubs on such tree which is or may become a menace to travelers on the public highways, streets or alleys of the city. Any plantings which are a hazard in the opinion of the city manager shall be removed.
(Ord. No. 182, § 8, 6-4-62)

Sec. 22-38. Protection from gas leaks.

No person owning, maintaining or operating any gas pipes or mains laid beneath the surface of any street, alley or public place in the city shall permit any leaks to exist in such pipe or main within forty (40) feet of any tree growing in any street or public place in the city. If leaks exist or occur in such pipes or mains, it shall be the duty of the person owning or operating such defective pipes or mains to repair the same immediately and stop such leak in a manner so as to prevent a recurrence of the same and compensate the city for the removal and replacement of any tree caused by such leaks.
(Ord. No. 182, § 9, 6-4-62)

Sec. 22-39. Protection of root systems; sidewalk lines.

No person shall without the written permit of the city manager deposit, place or maintain upon the surface of any street, or public highway of the city, any stone, cement, or other material which shall impede the free passage of water and air to the roots of any tree now or hereafter growing in such street or public highway. Nothing contained in this section shall be construed to require the city in the construction of sidewalks or pavements to leave any open space around the trunk of any tree when such tree is planted or is growing within the lines established as a sidewalk line. If any tree grows within a distance of less than one (1) foot from the inner or outer established sidewalk lines, the sidewalk shall be so constructed as to leave an open space of one (1) foot around the trunk of such tree.
(Ord. No. 182, § 10, 6-4-62)

Sec. 22-40. Electric wires, etc., prohibited.

No person shall attach any electric wire, insulation or other device for holding electric wire to any tree growing in any street or public highway under the control of the city.
(Ord. No. 182, § 11, 6-4-62)

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Sec. 22-41. Certain electrical wires not to contact trees.

Every person having any wire charged with electricity of more than six hundred (600) volts shall securely fasten the same where reasonably practical so that such wire shall not come in contact with any tree in any street or public highway in the city.

(Ord. No. 182, § 12, 6-4-62)

Secs. 22-42-22-60. Reserved.

ARTICLE III. NOXIOUS WEEDS AND GRASS

Sec. 22-61. General prohibition.

No person occupying or owning any premises within two hundred (200) feet of any dwelling shall permit or maintain on any such premises any growth of weeds, grass or other rank vegetation exceeding twelve (12) inches in height, nor any accumulation of dead weeds, grass or brush.

(Ord. No. 255, § 1, 9-8-81)

Sec. 22-62. Noxious weed control.

No occupant or owner of any premises shall cause, suffer or allow poison ivy, rag weed or other poisonous plants, nor plants detrimental to health or dangerous to the touch, to grow on any premises in such a manner that any part of such ivy, rag weed or other poisonous or harmful plant shall extend upon, overhang or border any public place, nor allow seed, pollen or other objectionable particles or emanations therefrom to be carried through the air into any public place or the property of another.

(Ord. No. 255, § 2, 9-8-81)

Sec. 22-63. Duty of owner, occupant.

In order to avoid the undesirable conditions and effects set out in this article, it shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by legal means, all such weeds, grass and poisonous or harmful vegetation as often as necessary to comply with the provisions of this article.

(Ord. No. 255, § 3, 9-8-81)

Sec. 22-64. Correction by city.

If the provisions of this article are not complied with, the city manager shall have the authority to arrange for mowing and removal of objectionable material and assess all costs involved on the tax roll of the involved property, including a twenty-five-dollar inspection fee for each occurrence.

(Ord. No. 255, § 4, 9-8-81)

As Amended