

AN ORDINANCE TO AMEND CHAPTER 42, OF TITLE III,
OF THE CODE OF THE CITY OF GRAND RAPIDS ENTITLED "TREES".

ORDINANCE NO. 2003 - ____

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Chapter 42, of Title III of the Code of the City of Grand Rapids be amended in its entirety to read as follows:

Chapter 42

TREES

ARTICLE 1. IN GENERAL

3.31. Purpose, Interpretation and Application. The provisions of this Chapter shall be deemed to be the minimum requirements necessary and which are adopted for the promotion of the public health and safety and general welfare of the people of Grand Rapids. It is the intent of the Chapter to promote and maintain a vibrant and healthy urban treescape and canopy. Among other purposes, such provisions are intended to provide for the requiring of a permit to plant trees or shrubs or plants in any of the streets of the City of Grand Rapids; to prohibit the planting of certain kinds of trees, plants and shrubs in certain places; to authorize the removal, replacement or removal and replacement of diseased trees, plants or shrubs, or, in such cases where the existence of such trees, plants or shrubs can be proven to cause serious prolonged health conditions; and, to authorize the Director of Streets and Sanitation to promulgate rules and regulations relative to such planting, subject to the approval of the City Commission.

3.32. Scope. The provisions of this Chapter shall govern the planting, removal or replacement of trees, plants and shrubs in any of the streets, avenues, alleys, sidewalks and boulevards of the City of Grand Rapids, particularly that space between the public sidewalk

and the curb line, so-called. The word “street” or “streets” shall be deemed to include any public right-of-way, or other public area used for street or sidewalk purposes.

3.33 Jurisdiction and Supervision Enforcement. The responsibility for the enforcement of this Chapter shall be vested in the Director of Streets and Sanitation and that Director’s duly authorized assistants or agents.

3.34 Jurisdiction. The Director of Streets and Sanitation shall have jurisdiction over the planting or removal of any trees, plants or shrubs in the public streets of the City of Grand Rapids.

3.35 Permit Required. No person shall plant, place, trim or remove any shade or ornamental tree, plant or shrub which will, when grown, reach a minimum height of eighteen inches (18”) or more, in any street of the City of Grand Rapids without having first secured a permit as hereinafter provided.

3.36. Application for a Permit to Place, Trim, Plant or Remove. Application for a permit to place, trim, plant or remove a shade or ornamental tree, plant or shrub with a mature height greater than thirty-six inches (36”) in any street of the City of Grand Rapids shall be made to the Director of Streets and Sanitation of the City of Grand Rapids. Such application shall be on forms provided by the Director of Streets and Sanitation. There shall be no application fee for such permit.

ARTICLE 2. RULES AND REGULATIONS

3.37 Promulgation of Rules. The Director of Streets and Sanitation is hereby authorized and directed to promulgate necessary rules and regulations to carry out the purpose of this Chapter, and to protect the public health, safety, and welfare. The Director shall have the authority to recommend reasonable fees to be applied pursuant to this Chapter, except where this Chapter specifically states that no fee shall be charged. No fees shall be effective until approved by the City Commission.

3.38. Approval. Rules and regulations provided for herein shall be submitted to the City Commission for approval. No such rule or regulation shall become effective until approved by the City Commission.

3.39. Rules to be filed. Upon approval by the City Commission, copies of the rules and regulations promulgated hereunder shall be kept on file at the office of the City Clerk and the office of the Director of Streets and Sanitation for distribution to interested parties.

3.40. Standards. The rules and regulations provided for herein shall provide for the minimum distance between trees, shrubs and ornamental trees planted or placed in the streets of the City of Grand Rapids, which distance shall be such as will be beneficial to the growth of such tree, plant or shrub; shall prohibit the placing or planting therein of any trees, plants or shrubs that will endanger the public health or safety of the people of Grand Rapids; shall provide for the minimum open space around the trunk of any tree, plant or shrub placed therein, which distance shall be sufficient to encourage the growth of trees, plants and shrubs; shall set rules regarding and standards for removal and replacement of trees; shall set rules and standards for root trimming and cutting; shall prohibit the planting or placing of any tree, plant or shrub in any location that will create a dangerous or hazardous traffic condition, and the Director of Streets and Sanitation is hereby directed to confer with Traffic Engineer, or any other official agency concerned in such cases. The Director of Streets and Sanitation is likewise empowered to vary the minimum distance between trees, plants and shrubs, in accordance with the variety of tree to be placed or planted within said streets of the City of Grand Rapids, and to make reasonable rules and regulations governing the placing of and maintenance of underground and aboveground public utility facilities in or near trees or tree roots.

3.41. Modification. The Director of Streets and Sanitation is authorized to exercise discretion in the application of any rules or regulations promulgated hereunder, where practical

difficulties in carrying out the strict letter of such rule or regulation would result in a personal hardship to someone affected thereby. Such applications, however, must be those of a character which will not impair the overall purposes and intent of this Chapter.

[Secs. 3.42 – 3.44 Reserved]

**ARTICLE 3. INTERFERENCE WITH
TREES, PLANTS AND SHRUBS IN PUBLIC WAY**

3.45. Trees Not to Be Disturbed. No person shall remove, destroy, break, cut, deface, trim or in any way injure or interfere with any tree, plant or shrub that is or may be hereafter placed or planted in any street by the City of Grand Rapids, without a proper permit from the Director of Streets and Sanitation. Plants or shrubs planted in any right-of-way by adjoining property owners pursuant to a permit acquired herein may be trimmed or cut to properly maintain said plant or shrub without obtaining a permit hereunder.

3.46. Not to Apply to Public Improvements. The provisions of Section 3.45 shall not be construed to apply to the removal of any tree, root, plant or shrub, or any part thereof, wherever the removal of same shall be necessary for the construction of new sidewalk projects, roadways, streets, avenues, alleys, pavements, sewers, watermains, or other public improvements where such public improvement is authorized by any public governmental agency.

3.47. Director of Streets and Sanitation to be Notified. Whenever any tree, plant or shrub must be removed, in whole or in part, because of the placing of a public improvement, the person responsible for the construction of said public improvement shall notify the Director of Streets and Sanitation of such necessity, within a reasonable time (not less than 5 working days) prior to the time work is to be done.

3.51. Damage to Trees, Posters, etc., Prohibited. No person shall attach or place any rope, wire, sign, poster, handbill or any similar object, on any tree now or hereafter planted or placed in any street.

3.52 Deleterious Substance. No person shall deposit or throw upon any street, parkway, avenue, alley, sidewalk, boulevard or gutter any material injurious to trees, plants or shrubs. This includes but is not limited to any poison, pesticide or chemical that is harmful to the tree or its root system.

ARTICLE 4. TRIMMING OF TREES

3.53. Trimming Required. The owner or owners of any premises adjacent to a street, avenue, alley, sidewalk or boulevard, or other public property shall trim all branches of any tree, plant or shrub on such premises which overhangs any street, avenue, alley, sidewalk or boulevard, gutter or other public property so that there shall be a clear height a minimum of fourteen (14) feet above the surface of the street and ten (10) feet above a sidewalk or public property unobstructed by branches.

3.54. Dead Limbs and Branches. The owner or owners of any premises adjacent to a street shall remove all decayed and broken limbs and branches from trees on such property where such limbs and branches overhang a street or public property.

ARTICLE 5. DISEASED TREES, PLANTS AND SHRUBS

3.55. Power to Examine. The Director of Streets and Sanitation shall have authority to take such legal action as may be necessary to enter onto any lot or premises within the City of Grand Rapids for the purpose of examining trees, plants and shrubs for infectious diseases which constitute a hazard to the people of Grand Rapids, or to other trees, plants or shrubs in the City of Grand Rapids.

3.56. Procedure, if Infected. If the Director of Streets and Sanitation shall find any tree, plant or shrub that is infected with a disease that constitutes a hazard to the people of Grand

Rapids, or to other trees, plants or shrubs in the City of Grand Rapids, the Director shall notify the owner of such tree, plant or shrub in writing and give to such owner thirty (30) days in which to take such action as may be directed in the notice. If such owner fails to comply with the order of the Director of Streets and Sanitation, the Director of Streets and Sanitation shall have power to take such action as may be legally necessary to enter such lots or premises and remove said diseased tree, plant or shrub, and require the owner of such lot or premises to pay the cost of such removal, pursuant to the provisions of Section 24 of Title X of the City Charter of City of Grand Rapids.

3.57. Decision Final. The determination of the Streets and Sanitation Director with regard to any decisions required under this article shall be the final administrative determination of the matter.

3.58 Violation; Enforcement. Violation of any provision of this Chapter 42 or of the Rules and Regulations promulgated hereunder, shall constitute a Municipal Civil Infraction, with fines as set forth in Section 9.857(a)(3) of the City Code. The Director of Streets and Sanitation, or his or her designees, are authorized to issue municipal civil infraction citations or municipal civil infraction violation notices to enforce the provisions of this Chapter.

ARTICLE 6. URBAN FORESTRY COMMITTEE

3.59 Urban Forestry Committee. An Urban Forestry Committee of seven members is hereby created. The Mayor shall appoint two members who shall be citizens with a demonstrated interest or expertise in trees, and one member from the membership of the Parks and Recreation Advisory Board. The City Manager shall appoint two members; one from the Streets and Sanitation Department of the City and one from the City's Utility Departments (Street Lighting, Water, or Environmental Services). Consumer's Energy shall appoint a representative to serve as a member on the Committee, and the City Forestry

Supervisor shall be a permanent member of the Committee. All members of the Committee, except the City Forestry Supervisor, shall serve three (3) year terms.

3.60 Duties and Responsibilities. The Urban Forestry Committee shall be an advisory committee with the following duties and responsibilities:

- (1) Develop recommendations for a comprehensive tree management program within the City.
- (2) Develop recommendations for tree care, and for guidelines for planting, maintenance and removal of trees.
- (3) Make recommendations on the species of trees to be used in planting.
- (4) Make recommendations on changes or additions to the Rules & Regulations promulgated under Chapter 42 of the Code.
- (5) Develop recommendations for activities and promotions for Arbor Day and for other activities which might promote the planting and proper care of trees.
- (6) Conduct such special studies or projects as the Director, the City Manager or the City Commission may request.

The Committee shall select a chairperson and may adopt such rules of procedure for its meetings as it may deem appropriate. The Committee shall meet at least quarterly at a time and place convenient for its purposes. The Committee shall be subject to the provisions of the Michigan Open Meetings Act. [MCL §15.261 et. seq.]

[Sections 3.61 – 3.80 Reserved]

CHAPTER 42

“TREES”

RULES AND REGULATIONS

[These Rules and Regulations are promulgated pursuant to the authority of Ordinance 2003 - ____ adopted October 28, 2003 by the Grand Rapids City Commission and approved by the City Commission on that same date.]

Dated: October 28, 2003

- I. JURISDICTION. The Director of Streets and Sanitation shall have full power and jurisdiction over all trees, plants and shrubs in any of the streets of the City of Grand Rapids as that term is defined in Section 3.32 of the Grand Rapids City Code. He shall likewise have full power and jurisdiction over the portion of any tree, plant or shrub, which overhangs any public street or City property.
- II. PERMITS. The permits required by Section 3.36 of the Tree Ordinance of the City of Grand Rapids shall be obtained from the Director of Streets and Sanitation at 201 Market Avenue SW. Copies of all permit requests will be kept on file at the Administrative Office of the Streets and Sanitation Department for a period of not less than five (5) years. All permits five (5) years old or older will be disposed of in the manner prescribed by City of Grand Rapids Code for the disposal of all non-critical documents. Permits shall be required for any of the following operations whenever such operations shall affect a tree, plant or shrub in the public streets or on City property, when the mature height of such tree, plant or shrub exceeds eighteen inches:
 - A. Planting of trees, plants or shrubs
 - B. Removal of trees, plants or shrubs
 - C. Trimming of trees, plants or shrubs
 - D. Spraying of trees, plants or shrubs
 - E. Tree surgery
 - F. Annual permit for utility trimming operations per Section VI

Plants or shrubs which are otherwise part of this section and which have been planted in the public right-of-way by an adjoining property owner pursuant to a properly issued permit, may be trimmed or cut to properly maintain said plant or shrub without obtaining a second permit.

III. GENERAL RULES RELATIVE TO PLANTING OF TREES, PLANTS OR SHRUBS..

- A. All trees, plants or shrubs planted in the public streets or on City property shall be first approved as to species, variety and size by the Director of Streets and Sanitation.
- B. Trees, plants or shrubs must be free of all diseases and free of any serious injury on roots or limbs.
- C. The dimension of the tree hole shall be not less than eighteen (18) cubic feet and the tree must be planted in good topsoil approved by the Director of Streets and Sanitation.
- D. No tree may be planted where the planting space is less than thirty-six (36") inches.
- E. No tree shall be planted less than twenty-five (25') feet from any street corner or street intersection; no tree shall be planted less than ten (10') feet from the intersection of any alley and street. No trees shall be planted less than forty-five (45') feet apart or one (1) tree per lot if lot has less than forty-five (45') feet frontage.
- F. Trees less than four (4") inches in diameter, measured at six (6") inches above the ground shall be staked with two (2) posts, of an approved length, two and one-half (2-1/2') feet of which must be in the ground.
- G. No tree shall be planted in public streets or on City property having a diameter of less than one and one-half (1-1/2') inches measured six (6") inches above the ground, unless special permission has been secured from the Director of Streets and Sanitation.

H. The Species of tree to be planted will take into consideration the characteristics of the tree, the size, root network, shape, and durability of the species, and the planting location as it pertains to overhead utilities and general rule of intersection visibility as stated in Section III (E). Final evaluation and approval for planting will be by the Director of Streets and Sanitation.

IV. GENERAL RULES PERTAINING TO PERMITS.

A. The Director of Streets and Sanitation shall prepare or cause to be prepared permit forms, and shall likewise prepare or cause to be prepared application for such permits, on which application such information as may be necessary will be filled in by the applicant.

B. Permits shall be valid for thirty (30) days from the date of issuance unless otherwise specified, and must be applied for at least (5) days prior to the work to be performed.

C. Where more than ten (10) trees are to be planted in the public right-of-way on any one location, a drawing indicating the exact location of each tree shall be furnished to the Director Streets and Sanitation, and no such trees shall be planted until approved by the Director Streets and Sanitation.

V. TREE REMOVAL.

A. Only employees of the City of Grand Rapids or its authorized agents or approved contractors will be permitted to remove trees in the public right-of-way or on City property.

B. Trees will be removed only upon written authorization of the Director Streets and Sanitation. *Trees will be removed and replaced at a ratio of 1:1 at 100% cost to the City for the following reasons:*

1. Where the tree is dead, or has been severely damaged by accident or storm;
2. Where the tree constitutes a public hazard;
3. Where the tree is diseased;
4. Where trees are planted too closely together;
5. Where necessary for the installation of public street improvements, driveway or public utility;
6. Where, in the opinion of the Director of Streets and Sanitation, trees are undesirable or distasteful.

Trees will be removed and replaced at a ratio of 2:1 with the City paying 100% of the removal cost and the resident paying 100% of the replacement cost for two, 2" caliper or greater trees for the following reasons:

7. Where a resident's health-related conditions are documented by a medical professional who attests that the existence of the tree(s) in question adjacent to their home is a contributing factor to the health-related condition, and removal of the tree(s) will relieve the condition significantly.

Trees will be removed and replaced at a ratio of 2:1 with the City paying 50% of the removal cost and the resident paying the remaining 50% and the full 100% of the replacement cost for two, 2" caliper or greater trees for the following reasons:

8. Where there is persistent root invasion, preventing enjoyment of the resident's property by the resident which cannot be alleviated without unreasonable expenditures by the resident.
9. Where roots have prevented reasonable maintenance of the grass area in the parkway and lawn area.

10. Whenever the City Manager or his or her designee determines that there is other good reason for removal of a tree that outweighs the value of retaining the tree.

Trees will be removed and replaced at a ratio of 1:1 with the City paying 50% of the removal cost and the resident paying the remaining 50% and the full 100% of the replacement cost for one, 2" caliper or greater tree for the following reasons:

11. Where the root system of the tree can be proven to be causing damage to the foundation of the resident's home.

Trees will be removed and replaced at a ratio of 1:1 with the City paying 100% of the removal cost and the resident paying 100% of the replacement cost for one, 2" caliper or greater tree for the following reasons:

12. Where it is apparent that the tree has reached full maturity, has overgrown its planted area, thus causing extensive damage to public and private property in one of the numerous ways outlined in any or all of the above circumstances and no other reasonable alternative to removal exists.

C. Trees shall not be removed which lift concrete sidewalk or driveway, unless it is not possible to correct the situation by relocating the concrete area at the owner's expense or by cutting or removing roots, which will be done by the City after the defective concrete areas have been lifted and the roots exposed. The Contractor hired by the owner shall give at least (5) days notice to the Director before commencing such operation.

D. Trees will not be removed for the installation of new driveways unless a permit for such construction, issued by the City Engineer's Office, is presented to the Director.

- E. Where trees are removed for reasons other than they are harmful to the resident or causing extensive damage to public or private property, the full cost of such removal will be charged to the property owner requesting the removal. In addition, for every tree, shrub or plant removed, the property owner requesting such removal will be required to pay for the replacement of two, 2" caliper trees, plants or shrubs.
- F. Trees will be removed in the order the requests for removal are received at the Office of the Director of Streets and Sanitation, except that first priority for removal shall be given to trees which constitute a hazard.
- G. Trees may be removed at the owner's request by persons other than employees of the City of Grand Rapids, but only if the person to do the removing has the specific approval of the Director of Streets and Sanitation, and obtains a permit for such work. Any person desiring to remove trees under this subsection must agree to comply with all safety regulations and insurance requirements as prescribed by the Director of Streets and Sanitation. Any trees so removed must be removed six (6") inches or more below grade and removed from the public right-of-way at once. The tree holes shall be filled with suitable fill to the surrounding grade.
- H. As a condition to any permit to remove any tree in the City right-of-way, the Director of Streets and Sanitation may require that the holder of the permit plant or provide for the planting of one or more approved trees in the place of the one removed.

VI. TRIMMING OF TREES BY PUBLIC AND PRIVATE UTILITY CORPORATIONS.

- A. Utility corporations possessing a valid annual permit may trim trees in order to facilitate installation and maintenance of existing facilities of electric power lines,

telephone lines and other utility installations, provided such public utilities notify the Director of Streets and Sanitation at least fifteen (15) days in advance of their intended operations and the locality thereof. Said notice shall provide the exact location by address of the proposed trimming. Any such trimming shall be done in accordance with instructions of the Director of Streets and Sanitation and in accordance with rules set forth in Section VI (B). If trimming is required beyond that allowed in Section VI (B) and VI (E), the owner of the utility will be required to employ other means not injurious to the trees. Acts of God, the loss of utilities services due to weather and like emergencies constitute exceptions to this subsection.

B. LINE CLEARANCE:

The following standards represent tree trimming guidelines that are in accordance with industry standards for maintaining safe distances between utility lines and trees.

	Primary	Secondary	Transmission (up to 46KV)
Top Trimming	5' to 7'	1' to 3'	6' to 8'
Side Trimming	4' to 6'	1' to 3'	10' to 14'
Over Trimming	6'	1' to 3'	(no overhang permitted)

C. Utility corporations shall provide notice to adjacent house addresses of residents prior to parkway tree pruning activities for non-emergency trimming. Notice shall be given in accordance with procedures approved by the Director of Streets and Sanitation.

D. Any removal of trees by a public utility corporation requires authorization from the Director of Streets and Sanitation.

- E. All maintenance of City trees shall be in accordance with the National Arborist Association's Pruning Standards.
- F. Clearance for utility lines voltages greater than 46KV and telecommunication conductors will be negotiated with the Streets and Sanitation Director.

VII. TREATMENT IN EVENT OF EPIDEMIC.

The City will treat R.O.W. trees at no charge to property owners. In the event of an epidemic of tree disease or of insect invasion, and in accordance with the statutes of the State of Michigan, any owner of any property within the City of Grand Rapids, on which is growing any tree, plant or shrub, may be compelled to spray or treat such tree, plant or shrub upon the order of the Director of Streets and Sanitation. In the event that such owner does not comply with such order, then the City may take such legal steps as are necessary to cause such spraying or treating to be done at the expense of the owner.

VIII. UNDERGROUND UTILITIES.

- A. Opening in any street within six (6') feet of any tree, plant or shrub shall have the approval of the Director of Streets and Sanitation. No person, firm or corporation owning, maintaining or operating gas pipes, mains or other utilities beneath the surface of any street, alley or public place shall permit any leak to occur which will kill or injure any tree, shrub or plant. In the event that such a leak exists, it shall be the duty of such person, firm or corporation owning such defective installations to repair the same immediately and stop such leaks in a manner to prevent its recurrence. If such person, firm or corporation shall fail, within three (3) days after receipt of a written notice from the Department of Streets and Sanitation, to stop such leaks as to prevent recurrence thereof, such person, firm or corporation shall be subject to the penalties provided in Chapter 42 of the City Code. In the event of death or destruction of any plants, shrubs or trees as the

result of such leak, the owners of the installations shall be held liable for all replacement costs.

IX. PROTECTION OF TREES.

In the erection, alteration, repair or removal of any building, structure, utility line, pavement or sidewalk, the owner shall place or cause to be placed such guards on or around all nearby trees in the public right-of-way or on City property as will effectively prevent injury to such trees.

X. ASSESSMENT DISTRICTS.

Planned unit developments or subdivisions being developed in any area of the City shall be reviewed for tree planting prior to final approval or designation, and may be assessed for tree planting. The share of the cost to be borne by the owner or developer will be set by the City Commission. The number of trees to be planted will be based on this policy. Where trees have been planted under any such plan, the City will replace any trees that have died from natural causes during the three (3) year period following planting.

XI. NEW TREES.

- A. Any citizen within Grand Rapids who does not have a shade tree and possesses the required space needed within the adjoining City right-of-way may purchase such a tree from the City for fifty (\$50.00) dollars. Final location and planting of such trees will be at the discretion of the Director of Streets and Sanitation.
- B. Any existing City-owned tree that must be removed because it is structurally hazardous, or infected with a contagious pathogen shall be replaced at City expense. Such replacement will be done as provided by this policy.

XII. CONTROL OF SHADE AND ORNAMENTAL TREES

- A. The City of Grand Rapids shall control all public tree planting, maintenance and removal, with City personnel, or through contract with qualified, licensed and insured private tree companies or permitted utilities. City personnel shall prune trees using the guidelines as established by the Streets and Sanitation Director and approved by the City Commission.

ATTACHMENT A

**APPLICATION FOR A PERMIT TO PLACE, TRIM, PLANT OR REMOVE
A SHADE OR ORNAMENTAL TREE, PLANT OR SHRUB**

This application is for a permit to place, trim, plant or remove a shade or ornamental tree, plant or shrub with a mature height greater than 3 feet in any street of the City of Grand Rapids. This application shall be submitted to the Director of the Streets and Sanitation Department of the City of Grand Rapids. There is no fee for the permit.

Applicant Name: _____

Applicant Address: _____

Applicant City, State and Zipcode: _____

Location of Tree or Shrub to be removed: _____

Location of Tree or Shrub to be trimmed: _____

Location of Tree or Shrub to be planted: _____

Distance new Tree or Shrub shall be from existing trees and/or shrubs and from curb: _____

Have all utilities been notified and cleared the location?

Proposed date of planting or removal: _____

Application Approved:

James A. Jackson, Director Streets and

TEMPORARY GRADING/CONSTRUCTION PERMIT

PERMIT TO THE CITY OF GRAND RAPIDS

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof is acknowledged, the undersigned, _____, whose address is _____, hereby grant(s) permission to the City of Grand Rapids for tree removal activities on a parcel of land described as:

Address: _____

Parcel No.: _____

Signed in Presence of:

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

On this ____ day of _____, 2001, before me, a Notary Public in and for said County, personally appeared the above named to me known to be the same person(s) who signed and is/are described in the above instrument, and acknowledged the same to be _____ free act and deed.

Notary Public, _____ County, MI
My commission expires: _____

PREPARED BY:
Streets and Sanitation Department
201 Market Ave., SW
Grand Rapids, MI 49503