

(e) Incandescent lighting designed to illuminate private pedestrian walkways and/or building entries in any Residential District shall be limited to a maximum of 60 watts and shall not be positioned higher than 8 feet above grade or base of entry. Lighting facilities shall not emit ambient light that exceeds one (1) foot candle at grade measured at any adjoining property line.

SEC. 1508. PLANT MATERIALS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed, with the spacing as required, shall be provided.

- 1. Plant material spacing.
 - (a) Plant materials shall be placed at least four (4) feet from the fence line or property line.
 - (b) Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
 - (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2.	Suggested plant materials	Minimum Size
	(a) Evergreen Trees	Five (5) feet in height
	(1) Juniper	
	(2) Red Cedar	
	(3) White Cedar	
	(4) Pines	
	(b) Narrow Evergreens	Three (3) feet in height
	(1) Pyramidal Arbor-Vitae	
	(2) Columnar Juniper	
	(3) Irish Juniper	

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|-----|-----------------------------|--------------------------|
| (c) | Tree-Like Shrubs | Four (4) feet in height |
| | (1) Flowering Crabs | |
| | (2) Russian Olives | |
| | (3) Mountain Ash | |
| | (4) Dogwood | |
| | (5) Redbud | |
| | (6) Rose of Sharon | |
| | | |
| (d) | Large Deciduous Shrubs | Six (6) feet in height |
| | (1) Honeysuckle | |
| | (2) Viburnum | |
| | (3) Mock-Orange | |
| | (4) Forsythia | |
| | (5) Lilacs | |
| | (6) Ninebark | |
| | | |
| (e) | Large Deciduous Trees | Eight (8) feet in height |
| | (1) Oaks | |
| | (2) Hard Maples | |
| | (3) Ash | |
| | (4) Hackberry | |
| | (5) Sycamore | |

3. Trees not permitted.

- (a) Box Elder
- (b) Soft Maples
- (c) Elms
- (d) Poplars
- (e) Ailanthus (tree of heaven)
- (f) ~~Ash~~

SEC. 1509.* USE RESTRICTION:

No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area per family, or percentage of lot coverage or occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot required in connection with any other building or structure existing or proposed at the same time. Where less than the total lot or parcel area is used to comply with the provisions for yards, lot area per family, or percentage of lot coverage or occupancy, the plot plan shall be drawn to designate that portion used for such compliance.

SEC. 1510. LANDSCAPING OPEN SPACE IN PARKING AREAS:

1. Where parking and vehicular circulation space is provided in any zone except One-Family Residential Districts, such parking and circulation space shall be effectively

SEC. 1517.* PRESERVATION AND PROTECTION OF TREES

1. Findings; purpose. The City Council finds that the loss, removal or destruction of certain trees during the process of development should, in the interest of public health, safety and welfare, be avoided. Specifically, the City Council finds that the preservation and protection of trees and related vegetation in their natural and existing condition serves the public interest of all existing and future residents of the City because tree and related vegetation growth (a) protects public health through the absorption of air pollutants and contamination, by providing a natural buffer against excessive noise, wind and exposure to natural elements, and by providing visual screening; (b) promotes public safety through the prevention or reduction of erosion, siltation and flooding; and (c) promotes public welfare by contributing to natural beauty, aesthetic enhancement and preservation of natural resources that form an essential component of the City's heritage and contribute to the enhancement of property values. Accordingly, the purposes of this Section are to provide for the preservation and protection of certain trees in connection with any project or development within the scope of subparagraph 2 below.
2. Scope. The provisions of this Section 1517 shall apply (a) to any project or development for which a site plan review is required under the provisions of Section 1511, (b) to any lot split proposed under Section 1516, and (c) to any preliminary or final site plan review or plat approval for any subdivision or land division that will result in the creation of one or more new building sites and/or the redevelopment of an existing building site.
3. Protected Trees. For purposes of this Section 1517, the term "protected tree" shall mean any individual tree having a diameter of twelve (12) inches or greater measured at four and one-half feet above the existing grade.
4. Prohibition of Destruction or Removal of Protected Trees. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the destruction, modification or removal of any protected tree is prohibited. In connection with the erection, modification or expansion of any building within any such project, development, lot split, subdivision or land division, the developer, property owner and any contractors shall, at their sole expense, take such precautions as are prescribed by the Director of Public Service to avoid the occurrence of damage to any protected tree. Such precautions may include, without limitation, the erection of temporary fencing or barriers around protected trees and the prohibition of any construction activities within the drip line (i.e., the ground area bounded by an imaginary

* Sec. 1517 Added, Apr. 24, 2000 Ord. No. 355

vertical line extending from the outer boundaries of the tree branches) of any protected tree.

5. Tree Survey. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the building permit application, site plan or plat submitted to the City shall include a tree survey overlay at the same scale as the submitted land survey, site plan or plat, which locates all protected trees by size and species. Such tree survey shall be prepared by a licensed landscape architect, surveyor or engineer.

6. Exceptions. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the developer or property owner may seek a permit granting one or more exceptions from the requirements of subparagraph 4 above. All such applications shall be in writing and shall describe the reasons for seeking the exception(s) and the specific action that the developer or property owner proposes to take with respect to removal, modification, relocation or replacement of protected trees. Upon application for such a permit, the same may be granted by the Director of Public Service provided that (a) not more than three (3) protected trees within the proposed project or development are to be removed or modified, and (b) the developer or property owner agrees that all such trees will be relocated on the property (if feasible) or that not less than an equal number of trees, having a minimum caliper size not less than two and one-half (2.5) inches, will be planted on the property to replace the trees to be removed or modified. In all cases not within the parameters of clauses (a) and (b) of the preceding sentence, an exception from the requirements of subparagraph 4 above may be granted only by the City Council. In considering an application for such an exception, the City Council may grant one or more exceptions from the requirements of paragraph 4 above if it determines that such exception(s) will not impair the general effect and intent of this Section 1517 and either (1) is (are) necessary to avoid unusual practical difficulty or hardship to the property owner, or (2) is (are) in the general interest of public safety, comfort, convenience, or the protection of property values.

7. Permitted Activities. Nothing contained in this Section 1517 shall preclude (a) ordinary pruning, trimming or other maintenance of any protected tree in order to promote the health and growth of such tree; (b) trimming or removal of any tree by the City or any public utility in order to protect public safety in connection with utility poles, wires, conduits or other public facilities; (c) removal or trimming of any dead, diseased or damages trees or parts thereof; or (d) the emergency removal or trimming of any tree or part thereof that constitutes an imminent hazard or threat to the safety of any person or an imminent hazard or threat to any existing structure.

CODE NO. 7-15 -- DUTCH ELM DISEASE ORDINANCE

ORDINANCE NO. 333

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF DUTCH ELM DISEASE; TO PROVIDE FOR THE DESTRUCTION AND REMOVAL OF ELM TREES INFECTED WITH DUTCH ELM DISEASE; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR CIVIL ENFORCEMENT REMEDIES; AND TO REPEAL ORDINANCE NOS. 125, 155 AND 230.

The City of Grosse Pointe Farms Ordains:

Section 1. (a) Any elm tree within the City which is found to be infected in whole or in part with Dutch Elm Disease is hereby declared a public nuisance, and it shall be unlawful for the person owning property on which the same is located to possess or keep the same.

(b) Elm trees, or parts thereof, in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle, *Scolytus Multistriatus*, or similar carriers of infection, also are hereby declared public nuisances, and it shall be unlawful for the person owning property on which the same is located to possess or keep the same.

Section 2. The City shall have power, through its authorized agents or contractors, to enter upon any private lands for the purpose of inspection and determining whether any elm tree located thereon is or may be infected with Dutch Elm Disease, and if any elm tree is found to be so infected to place a distinguishing mark thereon, by blaze or otherwise.

Section 3. Every person, firm or corporation which owns or has under its control an elm tree within the City limits which the City has determined is infected with Dutch Elm Disease shall cut down and remove all of the infected portions. If, however, removal of only the infected portions would be impracticable or ineffective (as determined by the Director of Public Service in his sole discretion), the entire tree shall be removed. Any owner or person in control of any elm tree located within the City limits so determined to be infected with Dutch Elm Disease who shall fail or refuse to cut down and remove the same (or the infected portions) within fifteen (15) days after having been notified so to do by the City shall be guilty of a misdemeanor and shall be punished as provided in this Ordinance, provided, however, that any owner or person in control thereof may, prior to the expiration of said fifteen (15) day period, authorize in writing the City (through its authorized agents or contractors) to cut down and remove such infected elm tree (or the infected portions) at the sole cost and expense and responsibility of said owner or person in control.

Section 4. Any notice required or permitted to be given by the City under this Ordinance shall be sufficient if delivered to the owner or person in control of the property on which any tree within the City limits is located, or by mailing the same by registered mail to his or her last known address. If the owner or occupant is not readily available for personal service, and if no mailing address for the owner is readily available, the notice may be served by posting a copy in a

conspicuous place on the premises.

Section 5. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, or shall be punished by imprisonment for a period of not to exceed ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies herein provided are cumulative and in addition to all other penalties provided by law.

Section 6.

(a) Abatement of Nuisance. In addition to the penalties provided in Section 5, any nuisance which violates any provision of this Ordinance, and which continues after the 15-day period prescribed in Section 3, shall be subject to abatement under one or more of the following procedures:

- (i) The Director of Public Service or his designee is hereby authorized to issue and serve upon a property owner or occupant a notice of violation of any applicable provision of this Ordinance, including a directive to correct or abate such violation within a reasonable period of time as specified in such notice. The owner or occupant may appeal such directive to the City Council by written application filed with the City Clerk within the time period for abatement as specified in such notice (which notice shall advise the owner or occupant of such right of appeal). In connection with any such appeal, the City Council may reverse, affirm or modify the directive issued by the Director of Public Service.
- (ii) The Director of Public Service or his designee is hereby authorized to issue and serve appearance tickets upon any person whom the Director of Public Service has reasonable cause to believe has violated any provision of this Ordinance.
- (iii) The City Council may, after reasonable notice, order the abatement of any nuisance which violates any provision of this Ordinance.

If the owner or occupant fails to comply with any order or directive issued by the City Council or the Director of Public Service under subparagraphs (i) or (iii) above, or if the owner or occupant is unknown, the City may abate such nuisance by all necessary means (including without limitation entry upon private property by the City's authorized agents or contractors for the purpose of cutting and removing any infected trees or portions thereof).

(b) Liability for Costs. The City, its authorized agents and contractors shall not be liable in trespass or for any claims of damage in connection with any abatement or enforcement measures undertaken under subparagraph (a) above. Any and all costs and

expenses incurred by the City in connection with such abatement or enforcement measures (including without limitation wages, salaries, benefits, overtime charges, equipment charges or fees of independent contractors) shall be the responsibility of the property owner or occupant that caused or suffered the nuisance condition. A property owner liable for costs under this subparagraph (b) shall, upon demand, reimburse the City in full for all such costs. Upon failure to satisfy such reimbursement obligation in full within thirty (30) days following such demand, the City shall be permitted at any time thereafter to commence a civil action to recover such costs or to assess such costs against the property in accordance with Section 11.9 of the City Charter. In connection with any civil action to recover costs, the City shall be entitled to recover, as a separate item of damages, the actual amount of attorneys' fees and other litigation expenses in connection with such civil action. Any order of abatement under this Section 6, and any civil liability imposed under this Section 6, shall be in addition to, and not in lieu of, any other penalties or responsibilities imposed by this Ordinance or by applicable law for violation of this Ordinance.

Section 7. If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

Section 8. The provisions of Ordinance Nos. 125, 155 and 230 are hereby repealed.

Section 9. This Ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and is given immediate effect.

Enacted: March 20, 1995

Nuisance

If the owner or occupant fails to comply with any order or directive issued by the City Council or Director of Public Service, the City may enter upon private property to cut weeds or grass, to remove refuse or rubbish, or to otherwise enforce the requirements of the ordinance. Costs and expenses incurred by the City will be the responsibility of the property owner.

Noxious Weeds

Homeowners or occupants are required to cut down all noxious weeds on their property (e.g., Canada thistle, poison ivy and sumac, ragweed, milkweed, and any other plant that endangers property or the health or safety of the public). In addition, grass must not exceed 6" in length.

Refuse And Rubbish

No person shall permit any refuse, rubbish or waste to accumulate on property which he or she owns or occupies in such manner as to interfere with the safety, health or comfort of the public. This also applies to "junk" motor vehicles that are not housed within a fully enclosed building.