

City of Livonia, MI

CHAPTER 12.24. TREES AND SHRUBS

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12.24.010 Title for citation.

The ordinance codified in this chapter may be known and cited as the "tree and shrub ordinance." (Prior code § 5-301)

12.24.020 Definitions.

The following words and phrases, when used in this chapter, for the purpose of this chapter, shall have the meanings respectively ascribed to them in this section:

- A. "Department" means the department of public works.
- B. "Operations" means any and all planting, growing, maintenance, care, removal and destruction of trees, shrubs and plants in or on any public place or public building, including a public place or public building used or reserved for park, playground or recreational purposes.
- C. "Regulations" means such rules and regulations as may be adopted by the department pursuant to the provisions of this chapter. (Ord. 1336 § 1, 1977: Ord. 1268 § 1, 1976: prior code § 5-302)

12.24.030 Enabling authority.

This chapter is adopted pursuant to Section 1 of Chapter II, Sections 11, 12 and 14 of Chapter IV, and Section 15 of Chapter V of the City Charter. (Prior code § 5-303)

12.24.040 Management and control--Department authority.

Subject to the provisions of the Charter and the powers of the council, the department shall have general management and control over all operations in or on public places and public buildings together with the management and control of all operations relating to the planting, removal, care and maintenance of trees, shrubs and plants in or on public places, including all public places and public buildings used or reserved for park, playground or recreational purposes. (Ord. 1336 § 2, 1977: Ord. 1268 § 2, 1976: prior code § 5-304)

12.24.050 Operations in public places--Permit required.

No person shall perform, effect or make, or cause or bring about the performance or making of any operations in or on any public places without first having obtained a permit therefor as hereinafter provided in this chapter. Permits shall be issued by the department on full compliance with this chapter and the regulations adopted pursuant thereto. (Prior code § 5-305)

12.24.060 Permit--Application and issuance conditions.

No permit shall be issued until the applicant shall have paid the fee, furnished insurance, and made the deposit hereinafter provided, and until a written application for such permit

shall have been filed with the department and duly approved as hereinafter provided.

Every application shall be signed by the applicant and shall include:

- A. The full name, description, residence and place of business of the person applying for the permit;
- B. The name and location of the public place in or on which the proposed operation is to be performed or made, and a description of the area to be affected;
- C. The nature and extent of the proposed operation; and
- D. Such other information as may be required by the regulations. (Prior code § 5-306)

12.24.070 Permit--Fees and deposits.

A. Every application shall be accompanied by a fee of three dollars (\$3.00) and such cash deposit, as may be required by the department under this chapter. The department is authorized to determine the amount of such cash deposit, which amount shall include:

1. The value of all trees, shrubbery and plants sought to be removed or destroyed under such application; and
2. The cost of repairing all damage caused by the operation for which a permit is sought and in restoring the particular public place involved to the same condition as existed immediately prior to the performance of such operation.

B. Notwithstanding the above, no fee, cash deposit or insurance shall be required in those cases where a resident of the city applies for a permit to plant a tree at his own expense in the public right-of-way between the sidewalk and curb in front of such existing residence. However, in the latter cases a permit shall be obtained and the type of tree to be planted shall be approved by the department.

C. All fees and deposits shall be paid to the city treasurer and, except as to such refunds as may be made pursuant to this chapter, shall be paid into the general fund of the city. All deposits shall be held by the city treasurer subject to the provisions of this chapter and said regulations. On receipt of a written certification from the department that there has been a full compliance with the provisions of this chapter and said regulations, the city treasurer shall refund to the applicant such portion of the deposit as does not represent the value of any trees, shrubbery or plants removed or destroyed. In the event of failure or refusal of any applicant to fully comply with the regulations and this chapter, the department shall have the right to cause the particular operations involved to be fully completed and the particular public place or places involved to be fully restored to proper condition, and is hereby authorized as may be required for such purpose. (Prior code § 5-307)

12.24.080 Permit--Insurance required--Liability for accidents or damage.

Any person to whom a permit or license is issued shall be liable for all damage both to property and to persons resulting from accidents which may occur as a result of the operation for which the permit was issued; and such person shall be further liable to the city for any and every loss and damage which the city may sustain and for all sums it may have to pay to any person as a result of such accident. Nevertheless, without admitting or imposing any liability or responsibility of any kind on the city or the department, no permit shall be issued until the applicant has furnished such insurance as may be required

under the regulations of the department and in such form as may be approved by the city attorney. Nothing herein contained shall prevent the council, city or the department from requiring any additional bonds, deposits or insurance as a prerequisite to the acceptance by the city of any bid, offer or contract; and in such cases the council shall require such deposits, bonds and insurance as it may determine necessary to fully protect the city and the department. (Prior code § 5-308)

12.24.090 Landscaping business--License and cash bond requirements.

No person shall engage in the business of landscape gardening, planting, trimming, repairing, removing, maintaining, selling or transporting trees, shrubs, lawns or other plants within the city without first obtaining from the department a license for each year authorizing such person to engage in such business. No such license shall be issued until written application therefor has been filed with the department in such form as may be required by said regulations. Such business shall be subject to inspection by the department at all times and in such manner as may be provided in the regulations. The application shall be accompanied by a fee in the sum prescribed by Section 5.03.170 of this code, together with such a cash bond, not in excess of one thousand dollars (\$1,000.00), as may be required by the department. Such fee and cash bond shall be paid to the city treasurer and the bond shall be held to insure the payment of any and all damages occurring to public places and all judgments which may be recovered against applicant by any person for violation of this chapter or said regulations, or for any fraud or misrepresentation in the sale of such goods and/or services. The bond shall be held by the city treasurer pursuant to this chapter and regulations, and shall not be released until there has been a full compliance with the same, as evidenced by certificate of the department. No permit shall be issued under this section until there has been a full compliance with this chapter and the regulations. (Ord. 2572, § 1, 2002: prior code § 5-309)

12.24.100 Refusal or revocation of permit or license--Conditions--Hearing by council.

Permits or licenses requested under this chapter may be refused by the department and permits or licenses issued under the provisions of this chapter may be revoked by the department at any time, where fraud or misrepresentation exists, either in the application or the use of a permit or license, or in case of any violation of this chapter or of said regulations, or in case of a breach of peace or menace to the health, morals, welfare and safety of the public. Any person whose permit or license is revoked or whose application for a permit or license is refused shall have a right to a hearing before the council, and the council may affirm or sustain any such refusal or revocation, and may grant or reinstate any permit or license. (Prior code § 5-310)

12.24.110 Trees and shrubs--Growing, selling, planting and maintenance by department.

The department is authorized to grow, plant, distribute and sell trees and shrubs to be planted in public places. The department is further authorized to maintain, repair, trim, spray and care for all trees and shrubs in or on public places. The regulations shall

include prices to be charged by the department for trees and shrubs and the planting thereof. (Prior code § 5-311)

12.24.120 Operations in public places--Department authority.

Nothing contained in this chapter shall in any way prevent the department, either directly or through any other department or agency, from performing any operations in or on any of the public places of the city. (Prior code § 5-312)

12.24.130 Trees and shrubs--Control on private property authorized when.

No person shall, within the city, maintain on his or her property any tree or shrub which may cause a traffic hazard or obstruction or in any way constitute a menace to the health, safety, and welfare of the public. The regulations of the department shall include provisions for the control of such trees and shrubbery on private property as may cause obstruction to vehicular traffic and cause traffic hazards, or which may be a menace to the health, safety and welfare of the public. On certification by the police department and the department of public works that any trees or shrubbery on private property do constitute a traffic hazard or on certification by the department of public works and the inspection department that trees or shrubbery on private property constitute a menace to the public health, safety and welfare, the owner or owners of such trees or shrubbery shall be given a written request by the inspection department to remove the same within ten (10) days from the date of such request; and, in the event of failure to comply with such request within the time specified, (a) the inspection department may seek to initiate the prosecution of such owner or owners for violating this section, and (b) the department of public works may also cause the removal or cutting of such trees or shrubbery so as to eliminate the hazard or menace, and the cost thereof shall be collected either by proceedings in the district court or by special assessment against the property on which such trees or shrubbery are situated. (Ord. 2355 § 1, 1996: Ord. 1268 § 3, 1976: prior code § 5-313)

12.24.140 Operations in public places--Financing.

The performance by the department, either directly or through any other department or agency, of any operation on any of the public places of the city, may be authorized and financed under special assessment procedure as provided in this code. (Prior code § 5-314)

12.24.150 Regulations--Department authority--Contents and distribution.

The department is authorized to adopt regulations governing all operations in public places, and likewise governing the performance, administration and enforcement of this chapter. Such regulations shall specify and control the kind, nature, and description of trees, shrubs and plants which may be grown, planted or maintained on or in any public place. Said regulations shall not become effective until approved by resolution of the council. The department shall cause copies to be made of the regulations and shall furnish the same to all interested persons. (Prior code § 5-315)

12.24.160 Enforcement.

This chapter shall be enforced by the department of public works, by the inspection department and by the police department. (Ord. 2355 § 2, 1996: Ord. 1268 § 4, 1976: prior code § 5-316)