

Village of Middleville – Tree Ordinance

ARTICLE II. TREES, SHRUBS AND PLANTS

Sec. 74-31. 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 means and includes all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the village.

Cross references: Definitions generally, § 1-2.

Sec. 74-32. Control.

The council shall have control over all trees, shrubs, and plants planted or to be planted in the public highways, parks, or other public places of the village. The council shall have power to plant, prune, spray, and otherwise maintain such trees, plants, and shrubs, and to determine the type or kind of trees to be planted.

Sec. 74-33. Destruction.

(a) No person shall cut down, deface, destroy, damage or injure any tree, shrub, or plant upon the public highways or parks or other public places of the village without first obtaining permission from the council.

(b) No person shall fasten any wire, rope, chain, or cable to any tree or shrub for the purpose of anchorage without a written permit from the council.

(c) No person shall nail, tie, or in any other manner fasten any cards, signs, posters, boards, or other article to any tree, shrub, or plant growing upon any public highway, park, or other public place in the village.

State law references: Destruction of trees and shrubs, MCL 750.382; destruction or injury of trees on public highways, MCL 247.235.

Sec. 74-34. Overhanging trees and shrubs.

Every owner of any tree, shrub, or plant overhanging the streets or highways within the village shall trim the branches so that such branches shall not obstruct the light from any streetlamp, or obstruct the view of any street intersection, and so that there shall be a clear space of 12 feet above the surface of the street or highway. Such owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs of trees which constitute a menace to the safety of the public.

Sec. 74-35. Corner lots.

All bushes, shrubs, or plants located on any corner lot within the village shall not be permitted to grow to a height of more than three feet above the surface of the roadway, in order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed. However, if in the opinion of the council the view of the driver would not

be appreciably obstructed thereby, bushes, shrubs or plants located as stated in this section shall be permitted to grow more than three feet in height.

Sec. 74-36. Failure to trim.

(a) In all cases of violation of section 74-34 or section 74-35, the council shall, by written notice given in accordance with section 34-10, order the owner of any tree, shrub, or plant, to trim or cut the same so as to comply with the provisions of this article. Such order shall be complied with within a period of ten days.

(b) Should the owner refuse or neglect to comply with such order within the ten-day period, the council shall cause to be performed the necessary work. In such case the village shall have an action at law against the owner of such premises for the cost and expenses associated with such work and shall be entitled to a judgment for the same.

(c) Any failure to comply with the provisions of this article, or with any lawful order of the council after due notice thereof, shall be a violation of this article and punishable as provided in section 1-55(h)(2).

Sec. 74-37. Planting of trees.

(a) No tree, shrub, or plant shall be placed in any public street, park, or public place except under the supervision of the council and in accordance with the provisions of this article.

(b) No poplar, box elder, or willow tree shall be planted in the public highways, parks, or other public places of the village.