

ORDINANCE NO. 03-260

TREE ORDINANCE

AN ORDINANCE TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY PROVIDING FOR REGULATION OF THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS, AND OTHER PLANTS WITHIN THE CITY OF MORENCI.

**THE CITY OF MORENCI
LENAWEE COUNTY
MICHIGAN**

ORDAINS:

Section 1. Purpose

The preservation of trees and natural vegetation is deeply rooted in the history of the City of Morenci. It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of planting, maintenance, and removal of trees, shrubs, and other plants within the City of Morenci.

Section 2. Authority and Power

There is hereby created and established a City Tree Board for the City of Morenci, which shall consist of the City Superintendent and City Council's Public Works Committee, concurrent with their term in office.

Section 3. Applicability

This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks, public places of the city; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

Section 4. Adjacent Landowner Responsibility

No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first obtaining permission from the City Superintendent. The person receiving the permission shall abide by the standards set forth in this ordinance.

Section 5. Permits/Licensing/Insurance

It shall be unlawful for any person to engage, for hire or remuneration, in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs or vines within the city rights of way without first producing evidence of certification/license to the City Superintendent. Before any permit/license shall be issued by the city, each applicant shall first file with the City Clerk/Administrator evidence of possession of worker compensation and liability insurance in the minimum amounts of \$1,000,000.00 for bodily injury or death and \$100,000.00 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

Section 6. Landscaping

In new subdivisions or when the development of commercial property occurs, the City Tree Board shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.

Section 7. Tree Planting, Maintenance, and Removal

The city shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is afflicted with any injurious fungus, insect or other pest.

Tree Topping -- It shall be unlawful as a normal practice for any person firm, or city department to top any street tree, park tree, or other tree on

public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City Tree Board.

Pruning, Corner Clearance -- Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Section 8. Tree Protection

The City Tree Board shall have as one of their duties the location, selection and identification of any trees which qualify as "Landmark Trees." A tree may qualify as a Landmark Tree if it meets one or more of the following criteria: Species rarity, old age, association with a historical event or person, abnormality, scenic enhancement, etc.

Section 9. Private Trees

Dead or Diseased Tree Removal on Private Property - The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and/or property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal against the property on the property tax roll of the city.

Section 10. Enforcement

The City Tree Board shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the city.

Section 11. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed Five Hundred (\$500.00) Dollars and costs of prosecution or by imprisonment for not more than Ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each act of violation and every day upon which any such violation shall continue shall constitute a separate offense. The penalty shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation of any license or permit.

EFFECTIVE DATE:

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

Merillat moved for adoption of the foregoing Ordinance which was supported by Pennington.

AYES: 7 COUNCIL MEMBERS: Decker, Pennington, Van Havel, Shoemaker, Bach, Merillat and Mayor Sutherland.

NAYS: 0 COUNCIL MEMBERS: -----

ABSENT: 0 COUNCIL MEMBERS: -----

CERTIFICATE OF CLERK

The foregoing Ordinance was adopted by the City Council of the City of Morenci, Lenawee County, Michigan, at a regular meeting conducted on Jan. 13, 2003, and was published in the Morenci Observer, a newspaper of general circulation in the City of Morenci, on Jan. 29, 2003.

Renée Schroeder
Morenci City Clerk/Administrator