

City of Standish – Tree Ordinance

CHAPTER 93: TREES

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§ 93.01 PLANTING, CARE AND PROTECTION OF TREES.

The City Council shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, plants, shrubs and grassy areas planted or growing in or upon the public highways and public places of the City of Standish and the planting, removal, care, maintenance and protection thereof.

(Ord. 127A, passed - -)

§ 93.02 PERMIT TO CUT, TRIM OR PRUNE.

Except upon the order of the City Council, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation, without a written permit from the City Council, to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Standish or cause or authorize or procure any person to cut, break, climb, remove, destroy or injure any such tree, plant or shrub or part thereof, or to injure, misuse or remove, or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place. Any person, firm or corporation, or officer or employee of a corporation, desiring for any

lawful purpose to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects or thin any tree, plant or shrub in or upon any public highway or public place shall make application on blanks furnished by the city to the City Council. The application must state the number and kind of trees to be trimmed, removed or treated and the kind and condition of nearest trees upon the adjoining property. If in the judgement of the City Council the desired removing, cutting, pruning, treatment or trimming shall appear necessary, the proposed method and manner shall be such as the City Council shall approve. The City Council shall thereupon issue a written permit for such work. Any work performed under such written permit shall be in strict accordance with the terms thereof and the provisions of this chapter and under the supervision and direction of the City Council or its duly authorized representative.

(Ord. 127A, passed - -)

§ 93.03 GAS, SALT, BRINE WATER, OIL OR OTHER SUBSTANCES THAT MAY KILL OR INJURE.

It shall be unlawful for any person, firm or corporation owning, using or having control or charge of gas or other substances deleterious to tree life to allow such gas or other deleterious substance to escape or come into contact with the soil surrounding the roots of any tree, shrub or plant in any public highway or public place in such manner as may kill, destroy or injure any tree, shrub or plant. It shall be unlawful for any person to cause any salt, brine, oil or other substance deleterious to tree life to flow into the soil about the base of any tree, shrub or plant so as to injure or damage the same. It shall be unlawful for any person, firm or corporation to deface with paint, whitewash or other materials, trees or shrubs in any public highway or public place.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.04 STONE, CEMENT OR IMPERVIOUS MATERIAL, MINIMUM OPENING.

It shall be unlawful for any person, firm or corporation, without a written permit from the City Council, to place or maintain upon the ground around any tree, plant or shrub in any public highway or public place, any stone, cement or other impervious material or substance in any manner which may prohibit the free access of air and water to the roots of any tree, plant or shrub. Unless otherwise permitted, there shall be at least nine square feet of ground for each tree, three inches in diameter, and for every two inches of increase of such diameter, there shall be an increase of at least one square foot of open ground maintained about the base.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.05 WIRE, ELECTRICITY THAT MAY INJURE OR KILL.

It shall be unlawful for any person, firm or corporation to cause any wire or other conductor, charged with electricity, to come into contact with any tree, plant or shrub in or upon any public highway or public place in such manner as to injure or abrade, destroy or kill the same.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.06 ATTACHMENTS, WIRES, ROPES, CHAINS, SIGNS.

It shall be unlawful for any person, firm or corporation to attach or keep attached to any tree, plant or shrub in or upon any public highway or public place or to a guard or stake intended for the protection of such tree, any rope, wires, chains, signs or other device whatsoever, except for the purposes of protecting it or the public.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.07 HORSES, INJURY OR POSSIBLE INJURY.

It shall be unlawful for any person, firm or corporation to tie any horse or other animal to any tree, plant or shrub to allow, cause or procure it to injure any tree, plant or shrub in or upon any public highway or public place.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.08 GUARDING OF TREES DURING CONSTRUCTION.

During the erection, repair, alteration or removal of any building or structure, it shall be unlawful for any person or persons responsible for such erection, repair, alteration or removal to leave any tree in or upon any public highway or public place in the vicinity of such building or structure without a good and sufficient guard or protector which will prevent injury thereto. The moving of trees, plants or shrubs in or upon any public highway or place necessitated by the moving of any building or structure or for any other purpose shall be done by or under the supervision of the City Council, at the expense of the applicant. Should the moving or replanting cause the death of such tree, plant or shrub, the applicant shall replace the same at his or her expense.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.09 GRASS PLOTS TO BE KEPT CUT.

Grass plots growing on any public street or alley shall be kept mowed or cut by the owner or owners of the abutting property. When the grass, weeds or brush in such places are 12 inches or more in height, they shall be considered to be in violation of this chapter. In case the owner or owners shall refuse to mow or cut such grass, weeds or brush, upon receiving written notice to do so from the City Council, it shall be the duty of such City Council after ten days from the date of service of such written notice to cause the mowing or cutting to be done and the cost thereof shall be a charge upon the abutting real property. The cost shall be certified by the City Council to the City Treasurer and shall thereupon become and be a lien upon the property, shall be included in the next tax statement rendered to the owner or owners thereof, unless paid prior thereto, and shall be collected in the same manner as other taxes against such property.

(Ord. 127A, passed - -)

§ 93.10 REMOVAL OF UTILITIES.

The City Council may, 24 hours after service of a written notice upon any person or utility company, require the temporary removal of any utility conduit, wires, conductors, pipeline or appurtenances thereto for the purpose of the removal or pruning of any tree or shrub growing upon a public highway or place.

(Ord. 127A, passed - -)

§ 93.11 PERMIT TO PLANT NECESSARY.

(A) It shall be unlawful for any person, firm or corporation to plant or set out any tree, plant or shrub in or upon any part of any public highway or public place without obtaining a written permit from the City Council and complying with the conditions therein set forth in this chapter. All applications for such permit shall be made on blanks

furnished by the City Council and shall describe the planting contemplated and the variety, size and precise location of each tree, plant or shrub. Upon the receipt of the application, the City Council, or its representative, shall investigate the locality and type of tree, plant or shrub to be planted and shall grant a permit, if in his or her opinion the location is such as to permit normal growth and development thereof. The permit shall specify the location, variety and grade of each tree and means of planting. The permit shall be valid only for the planting season stated thereon.

(B) All planting plans shall show the following:

- (1) Existing or proposed streets, together with any plans of pavement, curb, gutter, parking strip or sidewalk areas;
- (2) The existing and proposed location of each and every tree, together with the location of each existing tree within the existing or proposed street lines;
- (3) The variety of each and every tree proposed to be planted;
- (4) The distance between trees in any one row in feet.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.12 CERTAIN TREES PROHIBITED.

It shall be unlawful for any person, firm or corporation to plant a poplar, box elder, basswood, Chinese Elm, soft maple or willow tree within any public highway within the limits of the city and not in accordance with the Standish Master Tree Plan, the roots of which will penetrate over, on or under the surface of any public highways, sewers or drains.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 93.13 REGULATIONS.

The following regulations are established for the planting, trimming and care of trees in or upon the public places of the city:

- (A) Trees must not be less than one inch in diameter of trunk, one foot above the ground;
- (B) All trees from one to three inches in diameter of trunk one foot above the ground must be protected and supported by tree guards. When guarded with one stake only, the stake must be toward the prevailing wind;

(C) No tree shall hereafter be planted within 15 feet of the intersection of a public sidewalk at any corner;

(D) In cutting trees down, the same shall be removed with the root stump grubbed out, when so required by the city;

(E) All cuts, cleavages or abrasions over one inch in diameter shall be properly sealed against the elements;

(F) Trees shall hereafter be planted at least 30 feet apart, except where a special permit is obtained from the City Council;

(G) No tree shall be planted where the clear space between the curb and the sidewalk is less than two feet;

(H) No tree shall be planted nearer than one foot from the curb line or outer line of the sidewalk unless a special permit is granted by the City Council;

(I) No tree shall be planted on any street except of the variety selected by the City Council for that street.

(Ord. 127A, passed - -)

§ 93.14 POWER TO PRESERVE OR REMOVE TREES.

The City Council shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, lanes, squares and public grounds as may be necessary to insure safety or preserve the symmetry and beauty of such public grounds. The City Council, under the power here given, 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 or other public improvements or is affected with any injurious fungus, insect or other pest. The City Council shall also have power to enter upon any private property in the city and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary in its opinion to do so, to prevent the spreading or scattering of any parasite or insect pest and to prevent danger therefrom to trees and shrubs planted in the public streets or other public places and, whenever in the opinion of the City Council, trimming, treatment or removal is deemed wise, the City Council shall have the power to trim, treat or remove any such tree or shrub or cause or order the same to be trimmed, treated or removed. The cost of the removal of a tree or trees from private property by the City Council shall be a charge upon the private real property from which such tree or trees shall have been removed. The cost shall be certified by the City Council, to the City Treasurer, and shall thereupon become and be a lien upon such private property and shall be included in the next tax

statement rendered to the owner or owners thereof unless paid sooner and shall be collected in the same manner as other taxes against such property. Notice to remove under this section shall be served personally at least ten days before such removal on the owner or agent of the property, unless in the opinion of the City Council immediate removal be necessary for public safety.

(Ord. 127A, passed - -)

§ 93.15 INTERFERENCE WITH CITY ADMINISTRATOR OR EMPLOYEES.

It shall be unlawful for any person, firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference or delay with the City Council or any of its employees, agents or servants while they are engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plant or shrub in or upon any public highway or public place or upon any private grounds as authorized in § 93.14 or in removing any device attached to such tree, plant or shrub or in such removing of stone, cement, sidewalk or other materials or substance as may be necessary for the protection and care of any such tree, plant or shrub in accordance with the requirements set forth in § 93.04 as to the area of open grounds to be maintained about the base of the trunk of each tree in the public highways or other public place in the city.

(Ord. 127A, passed - -) Penalty, see § 10.99

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