

## City of Warren – Tree Ordinance

### Chapter 38 VEGETATION\*

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**\*Charter references:** Authority to regulate trees and shrubs, § 3.1(b)(3)(l).

**Cross references:** Noxious weeds, § 21-46 et seq.; design standards for trees in subdivisions, § 35-70.

**State law references:** Care of trees and shrubs, MCL 247.241 et seq.

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Sec. 38-1. Definitions.

The word "trees," as used in this chapter, includes shrubs which grow higher than fifteen (15) feet; "shrubs" under fifteen (15) feet in height may include vines and plants; the word "growth" includes any or all thereof unless the context otherwise requires.

(Code 1967, § 7-201)

**Cross references:** Definitions and rules of construction generally, § 1-2.

Sec. 38-2. Control by director of parks and recreation in public places; rules and regulations.

The director of parks and recreation shall have complete charge and control of the planting, cutting, trimming and removal of trees and other growth upon all public highways and places, and the director may promulgate and adopt rules and regulations to effectuate the provisions of this chapter.

(Code 1967, § 7-202)

Sec. 38-3. Prohibited varieties.

The planting of any poplar, soft maple, box elder, tree of heaven, ash, wild chestnut, or cottonwood tree, or any variety thereof, in the public ways, parks or places in the city is prohibited.

(Code 1967, § 7-203)

Sec. 38-3.5. Undesirable species.

(a) *Undesirable species* includes Box Elder, Chinese Elm, Cottonwood, Mulberry, Poplar, Silver Maple, Tree of Heaven, Willow and those other species that the director of parks and recreation determines are undesirable.

(b) *Removal*. Any owner of property may remove an undesirable species of tree by a city licensed and approved contractor on the condition that the new tree planted to replace the removed tree is a desirable species (as defined by the director of parks and recreation).

(Ord. No. 80-558, § 1, 7-11-00)

Sec. 38-4. Permit required for planting, removing, etc., in public ways.

No person, except the city, shall plant, remove or destroy any ornamental shade tree or shrub in any public way without first procuring a permit from the director of parks and recreation.

(Code 1967, § 7-204)

Sec. 38-5. Permit required for trimming in public ways.

(a) No person shall cut, mutilate, remove, saw or trim any tree within any public way in the city to make room for any telegraph, telephone or electric lines, moving buildings or machinery or other things, or for repairing sidewalks, without first procuring a permit from the director of parks and recreation.

(b) No person owning or operating any bus line or other motor transportation over the city streets, or any public utility lines upon, above or below the surface, shall trim, cut or cause to be trimmed or cut any tree, shrub or plant along any public way or park, without first having submitted to the director of parks and recreation a plan of the work to be done and having procured a permit for such work.

(c) Nothing in this section shall be construed to apply to the removal, under the direction of the director of parks and recreation, of any stump, roots, tree, shrub, vine, plant or part thereof, wherever such removal shall be found necessary in the construction or repair of any street, sidewalk, sewer, pavement or other public improvement.

(Code 1967, §§ 7-206, 7-207)

Sec. 38-6. Application for permits; approval requisite.

Applications for any permit required by the provisions of this chapter shall be available in the office of the department of parks and recreation. No permit shall be granted until it has been approved by the director of parks and recreation.

(Code 1967, § 7-208)

Sec. 38-7. Repair of gas pipes and mains.

Gas pipes or mains within or beneath any public way shall be maintained so as to avoid any leakage therefrom. If any leak exists or occurs, it shall be reported to the owner of the pipe and main, and the leak shall be repaired within twenty-four (24) hours. The city may repair any leak not stopped within twenty-four (24) hours and the owner of the pipe or main causing the leak shall be charged with the cost of repair and the damage caused thereby.

(Code 1967, § 7-205)

Sec. 38-8. Attaching articles or animals to trees in public ways prohibited.

No person shall attach, tack or in any manner fasten to any tree in a public way any wire, rope, chain, cable, sign, card, board, poster or other article, nor hitch any animal thereto.

(Code 1967, § 7-206)

Sec. 38-9. Obstructions to public-way prohibited.

The owner or person in charge or control of any lot or parcel of land within the city upon which any tree, shrub, vine or plant may be standing adjacent to any public way, shall trim or cause to be trimmed, either at the property line or to a clear height of at least eight (8) feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets. The city may enter upon any such private premises to do such trimming as it determines necessary, or to remove such obstructions herein prohibited upon the failure of the owner to do so after notice to him or her in writing. The owner shall, or the city may, remove from such tree, shrub, plant or vine, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang or are close to the public way; and when any such tree, shrub, plant or vine is dead, the owner shall remove the same, or after notice of such intention to the owner, the city may do so and charge the cost thereof to such owner.

(Code 1967, § 7-209)

Sec. 38-9.1. Obstructions to visibility.

In order to provide for the safety of pedestrians, no person shall plant or maintain any shrub or hedge in the front yard of any dwelling that obscures the vision of a driver of an automobile exiting any driveway adjacent to such dwelling.

(Ord. No. 80-428, § 1, 2-23-93)

Sec. 38-10. Excavations, etc., in public way; guards required.

In any excavation, or the erection, alteration or repair of any building or structure, or other work, the owner thereof or someone for him or her shall place or cause to be placed such guards around all nearby trees, shrubs and plants in the public way as will effectually prevent injury to them.

(Code 1967, § 7-210)

Sec. 38-11. Stones, bricks, sand, etc., injuring trees in public way.

No person shall place or maintain upon the ground in any public way or public place of the city any stone, brick, sand, concrete or other material or article which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine or plant, without leaving an open space of ground not less than four (4) feet in diameter surrounding same.

(Code 1967, § 7-211)

Sec. 38-12. Destruction of diseased trees, etc.

The owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or in a dangerous condition, shall destroy same when such destruction is necessary for the protection of other trees and growth and for the public safety, health and welfare.

(Code 1967, § 7-212)

Sec. 38-13. Trees in front of dwellings.

Wherever feasible, as determined by the director of parks and recreation, every dwelling in the city shall have a tree planted in front of the dwelling in the area between the sidewalk and the curb. All dwelling owners shall have one (1) year from the date of receipt of the notice from the director of parks and recreation to comply with this provision.

(Code 1967, § 7-213)

Sec. 38-14. Failure of owners or occupants to comply with chapter.

If the owner or occupant of any premises fails to perform any duty required of him or her by this chapter, the director of parks and recreation may serve notice upon such owner or occupant, directing him or her to cause such work to be done within thirty (30) days, and upon his or her failure to comply with the notice, the city may enter upon the premises and perform the work required and charge the cost thereof to the owner or occupant. The cost shall be charged in accordance with the provisions of the Charter relative to special assessments and pursuant to the provisions of chapter 33.

(Code 1967, § 7-214)

Sec. 38-15. Removal of live trees from public places.

Any person desiring to remove a live tree from any public place for the construction of walks, drives, buildings or any other structures for his or her own gain, shall deposit with

the department of parks and recreation a sum equal to the value of the tree as determined by the director of parks and recreation.  
(Code 1967, § 7-215)

Sec. 38-16. Tree requirements for construction of new dwellings.

Any person desiring a building permit for the construction of a new dwelling in the city shall deposit with the division of buildings and safety engineering the sum of two hundred dollars (\$200.00) for each permit issued, which shall be used by the director of parks and recreation to purchase a tree to be placed in the public right-of-way in front of the dwelling. The director of parks and recreation shall have complete discretion as to the type of tree to be planted, the time of such planting, and shall supervise the planting of the tree.

(Code 1967, § 7-216; Ord. No. 80-533, § 1, 4-28-98)

Sec. 38-17. Guaranty of trees planted by city.

Any tree planted by the city under the supervision of the director of parks and recreation shall be guaranteed by the city for a period of two (2) years after the date of planting; provided, however, that the city will not be responsible for the replacement of trees which were damaged or destroyed by the acts or omissions of the abutting property owner. The director of parks and recreation shall have the sole authority to determine whether a tree was so damaged or destroyed by the abutting property owner.

(Code 1967, § 7-217)

Sec. 38-18. Penalty.

The violation of any provision of chapter 38 is a municipal civil infraction which shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) per violation, plus costs and other sanctions for each infraction.

(Ord. No. 80-527, § 25, 1-13-98)