

## City of Ypsilanti – Tree Ordinance

### ARTICLE II. TREES AND SHRUBS\*

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**\*State law references:** Planting of trees along highways, MCL 247.231 et seq.; care of trees and shrubs along highways, MCL 247.241 et seq.; obnoxious plants and trees, MCL 124.151 et seq.

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#### Sec. 110-31. 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:

*City manager or manager* means the city manager or his representative designated for the purposes of the enforcement of this article.

*Park* means all public parks having individual names, and areas owned by the city, or to which the public has free access.

*Public utility* means any person, organization, firm or corporation, public or private, duly authorized to supply electric, gas, telephone, telegraph or water service to, or for the general benefit of the public.

*Right-of-way* means any public street, highway, alley or avenue of the city.

*Trees and shrubs* mean all woody vegetation.

(Code 1983, § 3.81)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 110-32. Applicability.

The terms of this article, unless otherwise specifically stated, shall apply only to trees and shrubs on public streets, alleys, highways, highway easements, parkways, parks and other land publicly owned or controlled by the city.

(Code 1983, § 3.82)

#### Sec. 110-33. Power and control of city manager.

The city manager shall have control over all trees, shrubs and plants in the streets, alleys and parks of the city and is empowered to plant, prune, spray, cultivate and preserve all trees and shrubs within the confines of the streets, alleys, parks and public areas of the city.

(Code 1983, § 3.84)

#### Sec. 110-34. Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Sec. 110-35. Permit to prune, spray, etc.

No person shall prune, spray, plant, remove, cut or destroy any trees or shrubs upon any public right-of-way or park within the city without first obtaining a written permit from the public works director.

(Code 1983, § 3.85)

Sec. 110-36. Planting; permission required.

No person shall plant any shade or ornamental tree or shrub in any public right-of-way or park in the city, except by permission of the public works director.

(Code 1983, § 3.86)

Sec. 110-37. Planting prohibited where roots may injure sewers, walks, etc.

It shall be unlawful for any person to plant any tree in such a location that its roots are likely to injure sewers or heave sidewalk or street surfaces.

(Code 1983, § 3.87)

Sec. 110-38. Planting near street intersections.

At the intersection of any two or more streets, no tree shall be planted in the right-of-way within 25 feet of the point of intersection of the two right-of-way lines.

(Code 1983, § 3.88)

Sec. 110-39. Orders to plant or remove.

The planting or removal of trees and shrubs in the public right-of-way, parkways, parks and other public areas of the city may be done either upon resolution of the city council or by order of the city manager upon recommendation of the public works director.

(Code 1983, § 3.89)

Sec. 110-40. Assessment of costs of planting and removal.

Whenever it is deemed necessary by the city manager to lay out and plant trees and shrubs upon any public right-of-way within the city or to remove undesirable species of trees, it shall be the duty of the city manager to report such fact to the city council. Such planting or removal may be deemed to be a public improvement. The cost thereof may be paid, in whole or in part, by levying and collecting a special assessment upon property especially benefitted thereby, in accordance with the provisions in the city Charter and in article II of chapter 90 of this Code.

(Code 1983, § 3.90)

Sec. 110-41. Spacing of trees planted in rights-of-way.

In all future planting of shade trees in the right-of-way, such trees shall be spaced not less than 50 feet apart, except that:

(1) Trees may be planted less than 50 feet from an existing tree in the rights-of-way if the existing tree has been approved for removal within a period of two years from the date of planting of the new tree; and

(2) In unusual cases any owner of a single lot may, in order to provide a shade or ornamental tree in front of his lot, secure special permission from the public works director to have a tree planted closer than 50 feet from an existing tree, but in no case shall such planting be less than 30 feet from any existing tree on the right-of-way.

(Code 1983, § 3.91)

Sec. 110-42. Planting near sidewalks.

No tree or shrub shall be planted in the margin between the curb and sidewalk less than 2 1/2 feet from the sidewalk. Trees or shrubs on private property adjacent to the sidewalk shall be planted not less than three feet therefrom. No tree or shrub shall be planted in the margin where the distance between the back of the curb and the sidewalk is less than four feet six inches in width.

(Code 1983, § 3.92)

Sec. 110-43. Use of trees as anchors.

No person shall use any tree as an anchor, and no material shall be fastened to or hung on any tree in any right-of-way or park.

(Code 1983, § 3.93)

Sec. 110-44. Excavations and driveways near trees.

No excavation or driveway shall be placed within ten feet of any tree without permission of the public works director or his authorized agent. Any person making such excavation or construction shall guard any affected tree with a substantial frame box to be approved by the public works director, and all building material or other debris shall be kept at least four feet from any tree. All persons desiring to make such excavation or construction shall deposit with the city clerk a sum sufficient to cover the cost of inspection. Such charge shall be set by resolution of the city council and placed in the general fund of the city.

(Code 1983, § 3.94)

Sec. 110-45. Trimming of trees obstructing streets.

Every owner of any tree overhanging a street right-of-way within the city shall trim 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 at least ten feet above the surface of the street, alley, sidewalk or right-of-way. Such owners shall remove all dead, diseased or dangerous trees or broken, decayed or dangerous limbs which constitute a menace to the safety of the public.

(Code 1983, § 3.95)

Sec. 110-46. Trimming by city.

Upon failure of the property owner to do so after adequate notice, the city shall have the right to trim 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, or interferes with any public utility wires or equipment necessary to serve police or fire communication systems or street lighting or traffic control systems or when it is a menace to the safety of the public. Such trimming shall be confined to the area immediately above the right-of-way. The cost of such trimming shall be levied against the property owner and, if not paid upon request, shall be assessed against the property in the manner prescribed in article II of chapter 90 of this Code. (Code 1983, § 3.96)

Sec. 110-47. Interference with growth of trees.

No person shall place on public property any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree subject to the provisions of this article. (Code 1983, § 3.97)

Sec. 110-48. Damage from leaking gas.

Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired and the cost of the work, including the cost of removal and the replacement of any trees, shall be levied against the party responsible for care, repair and maintenance of the pipe or main. (Code 1983, § 3.98)

Sec. 110-49. Protection of trees and shrubs generally.

No person shall break, injure, mutilate, kill or destroy any tree or shrub on public property, or set any fire or permit any fire or the heat therefrom to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree; provided, that this shall not prohibit the use of city approved chemical control of tree and brush growth. No electric wires or installation or any other lines or wires shall be attached to any tree in any manner that shall cause damage thereto. All persons having under their care, custody or control facilities which may interfere with the trimming or removal of any tree covered by this article shall, after notice thereof by the public works director, promptly abate such interference in such a manner as may permit the trimming or removal of any tree by the public works director. (Code 1983, § 3.99)

Sec. 110-50. Removal of dead and diseased trees.

All dead trees and trees afflicted with any fatal or communicable disease, located in any public area, shall be removed by the public works director. (Code 1983, § 3.100)

Sec. 110-51. Removal of living trees.

(a) Living trees located in public areas may be removed in accordance with the requirements of this article, when the owner of the property in front of which the tree is situated shall, in writing, request the removal of such tree. The abutting property owner shall be notified in the event of the intended removal of any living tree.

(b) Where an owner of property requests the removal of a living tree, the city manager is authorized to require, as a condition precedent to granting of approval for such removal, that such property owner assume all or any part of the costs of removing such tree and that such tree be replaced at some other location in the immediate vicinity by planting another tree of a type permitted under this article.

(Code 1983, § 3.101)

Sec. 110-52. Undesirable species of trees.

The city manager is hereby authorized to direct the public works director to remove any undesirable species of poplar, willow, box elder, soft maple, tree of heaven, ash, wild chestnut and cottonwood trees growing on any right-of-way, park or public place in the city.

(Code 1983, § 3.102)

Sec. 110-53. Trees and shrubs interfering with fire hydrants, sewers, etc.

The city manager is hereby authorized to direct the public works director to remove any trees or shrubs growing on any right-of-way, park or public place in the city when such trees or shrubs are interfering with fire hydrants, sewers and water mains, visibility at street intersections, traffic control devices or construction affecting the public health and safety within rights-of-way.

(Code 1983, § 3.103)

Sec. 110-54. Chemical control and trimming by public utilities.

The city manager may, upon request of any interested public utility, issue an annual permit and, annually thereafter, renew such permit granting permission to such public utility to chemically control and trim and keep trimmed all trees and shrubs intruding into the air spaces over, or growing within the confines of the streets, alleys, parks, rights-of-way and public places of the city in such a manner as shall keep the overhead lines and equipment of such public utility safe and accessible, and clear of all tree growth which endangers or may endanger such overhead lines or equipment and the public health and safety. Such chemical control and trimming shall be done in accordance with approved practices and under the general direction of the public works director. The permit provided for in this section shall require reasonable prior notice to the city before any work is commenced thereunder. In the event of an emergency requiring immediate maintenance work on the overhead lines of the public utility, prior notice of commencing work under such permit shall not be required. The word "emergency," as used in this section, shall be defined to mean the occurrence or happening of an event which could not be expected or prevented by the exercise of reasonable care and foresight and which endangers or may endanger the overhead lines of the public utility and the public health and safety.

(Code 1983, § 3.104)

**Cross references:** Utilities, ch. 106.

Secs. 110-55--110-79. Reserved.