

City of Trenton – Tree Ordinance

Chapter 102 VEGETATION*

***Cross references:** Community development, ch. 26; environment, ch. 38; manufactured homes, ch. 62; parks and recreation, ch. 70; damaging property or trees, § 70-121; tree limbs, brush, grass clippings and leaves, § 74-46; streets, sidewalks and other public places, ch. 82; subdivisions and other divisions of land, ch. 86; waterways, ch. 106; zoning, ch. 110.

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ARTICLE II. TREES AND SHRUBS

DIVISION 1. GENERALLY

Sec. 102-31. 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:

Highway includes all the land lying between the property lines on either side of all public streets, boulevards and alleys.

Park means any public park having an individual name.

Public place means all grounds, other than parks, owned by the city.

Trees and shrubs means all woody vegetation.

(Code 1974, § 31-16)

Cross references: Definitions generally, § 1-2.

Sec. 102-32. Violations.

Unless otherwise designated as a municipal civil infraction, any person who shall violate any provision of this article, or any lawful order issued in pursuance of the provisions of this article, shall be guilty of a misdemeanor. The imposition of any penalty

for a violation of this article shall not be construed as a waiver of the right of the city to collect the costs of removal of any tree in accordance with the provisions of this article and the Charter, where it is necessary for the city to remove such tree in accordance with the provisions of this article.

(Code 1974, § 31-36)

Sec. 102-33. Rights of property owners.

Nothing in this article shall be construed as an attempt to prohibit a public hearing or the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city.

(Code 1974, § 31-17)

Sec. 102-34. General duties of city engineer.

The city engineer shall cause the provisions of this article to be enforced and shall discharge any and all duties that may be required of him by the provisions of this article or by the city council.

(Code 1974, § 31-18)

Sec. 102-35. Powers and duties of city engineer regarding trees and shrubs on public property.

The city engineer, under the direction of the city council, shall have the following powers and duties:

(1) Direct, regulate and control the purchase, planting, insect and disease control, fertilizing, mulching and removal of all trees and shrubs growing in any public highway, parkway, park or other public area of the city as promptly as financial and labor conditions permit.

(2) Direct the maintenance and culture of turf areas, both established and newly seeded, that belong to the city.

(Code 1974, § 31-19)

Sec. 102-36. Coordination of work between departments.

The city engineer shall coordinate the work of the supervisor of the miscellaneous section of the engineering and building department and the director of the department of parks and recreation in the routine maintenance and care of the trees, shrubs and turf areas under their respective controls so as to have a uniform program under the provisions of this article.

(Code 1974, § 31-20)

Sec. 102-37. Interference with city engineer.

No person shall prevent, delay or interfere with the city engineer or any of his assistants in the execution or enforcement of this article.

(Code 1974, § 31-21)

Sec. 102-38. Certain varieties prohibited in public places.

No willow (*Salix*, all varieties, except horticultural varieties), poplar (*Populus* spp.), soft (silver) maple (*Acer saccharinum*), box elder (*Acer negundo*), tree of heaven (*Ailanthus altissimus*), wild chestnut (*Castanea* spp.), American elm (*Ulmus americana*), or other trees, shrubs and vines determined to be undesirable by the city engineer shall hereafter be planted in the public highways, parks or public places in the city.

(Code 1974, § 31-22)

Cross references: Streets, sidewalks and other public places, ch. 82.

Sec. 102-39. Distance of trees from intersections; trimming of shrubs near intersections.

No tree shall be planted nearer to the intersection of two or more streets than 15 feet from the nearest street line bounding such intersection. All shrubs planted within this area shall be trimmed to a height of not more than three feet above the curb.

(Code 1974, § 31-23)

Sec. 102-40. Location of trees planted in parkways.

There shall be a minimum distance of 40 feet between trees planted in any parkway. No tree shall be planted in the parkway between the sidewalk and the curb less than three feet from the curb or sidewalk lines. However, where the parkway is less than six feet but not less than four feet in width, a tree may be planted midway between the curb and the sidewalk. Any exceptions to this section shall be determined by the city engineer.

(Code 1974, § 31-24)

Sec. 102-41. Minimum size of trees planted in parkways.

No tree shall be planted in any parkway or between any sidewalk and curb which is less than 1 1/4 inches in diameter six inches above the ground.

(Code 1974, § 31-25)

Sec. 102-42. Fastening materials to trees in public places.

No person shall fasten any sign, wire, rope or other material to or around or run any wire or rope through any trees or shrubs in any highway, park or public place of the city, except by written permit granted by the city engineer. Violations of the provisions of this section are a municipal civil infraction for which the fine is \$50.00.

(Code 1974, §§ 2-306(a)(30), 31-26)

Sec. 102-43. Placing materials on public property which impede growth.

No person shall deposit, place, store or maintain upon any highway, park or public place of the city any stone, brick, sand, concrete or other material which will impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein, except by written permit granted by the city engineer. Violations of the provisions of this section are a municipal civil infraction for which the fine is \$50.00.

(Code 1974, §§ 2-306(a)(30), 31-27)

Cross references: Streets, sidewalks and other public places, ch. 82.

Sec. 102-44. Injuring trees or shrubs in public places.

No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set fire or permit any fire to burn where such fire or the heat thereof will injure any portion of any tree or shrub, in any highway, park or public place of the city. Violations of the provisions of this section are a municipal civil infraction for which the fine is \$50.00.

(Code 1974, §§ 2-306(a)(30), 31-28)

Cross references: Streets, sidewalks and other public places, ch. 82.

State law references: Destruction of trees and shrubs, MCL 750.382.

Sec. 102-45. Gas leaks near trees and shrubs in public places.

No person shall knowingly permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub in any public place.

(Code 1974, § 31-29)

Sec. 102-46. Toxic chemicals near trees and shrubs in public places.

No person shall permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any tree or shrub in any public place.

(Code 1974, § 31-30)

Cross references: Utilities, ch. 98.

Sec. 102-47. Electrical wires near trees and shrubs in public places.

No person shall knowingly permit any wire designed to carry electric current to come in contact with any tree or shrub located in any public place, unless protected by approved methods, and no person shall attach any electrical insulation to any tree.

(Code 1974, § 31-31)

Sec. 102-48. Authority to require temporary disconnection of electricity during pruning or removal operations.

Whenever the city engineer determines it to be necessary, in order to prune or remove any tree or shrub in any highway, park or public place of the city, or for any other reason to temporarily protect such tree or shrub, he may move or cut off the electricity from any service wire. He shall serve written notice to the owner of the wire to protect, move or cut off the electricity from such wire. The owner shall comply with such order within 24 hours after service of the notice.

(Code 1974, § 31-32)

Sec. 102-49. Excavating or laying driveways near trees and shrubs in public places.

No person shall excavate any ditches, tunnels or trenches or lay any driveway within a radius of five feet from any tree or shrub located on public property without first obtaining a written permit from the city engineer.

(Code 1974, § 31-33)

Sec. 102-50. Operations by utility companies.

(a) All permits issued for the installation of public utilities shall be certified by the city engineer.

(b) When a permit is given by the city engineer to a telephone, telegraph, electric power or other public service corporation or utility to trim trees, or perform other operations affecting public trees or shrubs, the amount of such trimming or extent of the other operations shall be limited by the actual necessities of the service of the company and such work shall be done in a neat and workmanlike manner and according to specifications outlined by the city engineer.

(c) The city engineer may assign an inspector to supervise the work and the cost of such service shall be charged to the public corporation or utility at cost.

(Code 1974, § 31-34)

Cross references: Utilities, ch. 98.

Sec. 102-51. Trees and shrubs overhanging public property.

(a) Any tree or shrub or part thereof growing upon private property but overhanging or interfering with the use of any highway, park or public place of the city that in the opinion of the city engineer endangers the life, health, safety or property of the public is hereby declared to be a public nuisance.

(b) The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the city engineer shall cause the nuisance to be corrected or removed, and the cost shall be assessed against the property as provided by law.

(c) Violations of the provisions of this section are a municipal civil infraction for which the fine is \$50.00.

(Code 1974, §§ 2-306(a)(31), 31-35)

Secs. 102-52--102-70. Reserved.

DIVISION 2. PLANTING OR REMOVAL PERMIT

Sec. 102-71. Required.

No person shall plant, move, spray, fertilize, brace, trim, do surgery work, cut above or below ground, cut any branch or root therefrom or otherwise disturb any tree or shrub in any highway, park or public place of the city without first obtaining a written permit from the city engineer.

(Code 1974, § 31-42)

Sec. 102-72. Standards for issuance.

The city engineer may issue a permit required by this division if, in his judgment, the desired work is necessary and the proposed method of workmanship is of a satisfactory nature.

(Code 1974, § 31-43)

Sec. 102-73. Contents.

Every permit issued pursuant to this division shall contain the following:

- (1) A description of the work to be done.
- (2) The species or variety and the size and location of the trees or shrubs.
- (3) The method of planting.
- (4) The method of supporting the trees or shrubs.
- (5) The method of trimming the trees or shrubs.
- (6) A definite date of expiration of the permit.

(Code 1974, § 31-44)

Sec. 102-74. Violations.

Any permit issued pursuant to this division may be declared void if its terms are violated.

(Code 1974, § 31-45)

Sec. 102-75. Compliance with division.

Any person receiving a permit pursuant to this division shall abide by the specifications and standards of practice adopted by this division.

(Code 1974, § 31-46)

Sec. 102-76. Replacement of removed trees and shrubs.

As a condition to any permit to remove any tree or shrub, the city engineer may require that the permittee plant a tree or shrub in place of the one removed. Whenever any such tree has been destroyed or removed pursuant to any such conditional permit, it shall be a violation of this Code for the permittee to fail, refuse or neglect to plant another tree or shrub of the type, size and at the location specified in the permit, within six months or within the next planting season, from the date of the issuance of the permit.

(Code 1974, § 31-47)

Secs. 102-77--102-100. Reserved.

DIVISION 3. DISEASED TREES

Sec. 102-101. Applicability of state law.

Regulation No. 613 of the state department of agriculture declares elm trees and wood infected by Dutch elm disease to be a public nuisance. In connection with other public acts of the state, this regulation provides the framework for municipal control of diseased trees on private as well as public property.

(Code 1974, § 31-53)

Sec. 102-102. Enforcement powers and right of entry of city engineer; interference with city engineer.

(a) The city engineer is charged with the enforcement of this division and, to that end, he may enter upon private property at all daylight hours for the purpose of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the trees are infected.

(b) It shall be unlawful for any person to prevent the city engineer from entering on private property for the purpose of carrying out his duties under this division, or to interfere with the city engineer in his lawful performance of his duties under the provisions of this division.

(Code 1974, § 31-54)

Sec. 102-103. Diseased trees declared nuisance; removal and burning required.

(a) All species and varieties of elm, zelkova and planera affected with the Dutch elm disease (*Ceratostomella ulmi*), as determined by laboratory analysis, are hereby declared to be a public nuisance.

(b) Trees or parts thereof of elm, zelkova or planera in a dead or dying condition which may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*) are hereby declared to be a public nuisance.

(c) Trees coming within the terms of subsections (a) and (b) of this section shall be removed and burned within ten days following notification of the discovery of the infection or decay. It shall be unlawful for any person, being the owner of property on which the tree is situated, to possess or keep such a tree after the expiration of ten days following notification of the discovery of such infection or decay.

(Code 1974, § 31-55)

Sec. 102-104. Notice to remove.

(a) If trees on private property are found to be infected, the city engineer shall give to the owner of the premises where such trees are situated written notice of the existence of such disease, and require the removal and burning of such trees within a period of ten days following such notice. The removal and burning of the trees shall be under the direction and supervision of the city engineer. The notice shall also notify the owner of the premises that, unless the trees are removed and burned within ten days, the city will proceed with the removal and burning of such tree, and assess the cost thereof against the property in accordance with the provisions of the Charter.

(b) Service of such notice required by subsection (a) of this section shall be by personal service where the owner of the premises is a resident of the city. Where the owner is a nonresident of the city, the notice shall be served by registered mail, addressed to the owner at his last known address as shown on the records in the office of the city assessor, and by publication at least once in a newspaper of general circulation in the city.

(Code 1974, §§ 31-56, 31-57)

Sec. 102-105. Option of property owner to remove or have city remove trees.

After notice as provided for in section 102-104, it shall thereupon become the duty of the owner of any premises upon which a diseased tree is found to cause such tree to be removed and burned under the direction and supervision of the city engineer, or, in lieu thereof, to request that the removal and burning be done by the city engineer.

(Code 1974, § 31-58)

Sec. 102-106. Collection of costs when trees removed by city.

If the city shall remove and burn any tree pursuant to this division, all expenses incurred in connection therewith shall be reported to the city council, for assessment against the lands upon which the tree was situated, in accordance with the provisions of chapter XI of the Charter.

(Code 1974, § 31-59)

Sec. 102-107. Diseased trees on public lands.

Diseased trees on public lands within the city shall be removed at city expense.

(Code 1974, § 31-60)

Secs. 102-108--102-140. Reserved.