

Chapter 12

ENVIRONMENT*

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ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE*

Sec. 12-31. 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:

Ambient noise means the all-encompassing noise associated with a given environment, being a composite of sounds from all sources.

Decibel means a unit or level of sound energy which denotes the ratio between two sound qualities, which is proportional to power as measured by a sound level meter.

Person means any individual, firm, copartnership or corporation. In the case of corporations, the chief executive officer shall be the responsible party under the terms of this article. (Comp. Ords. 1987, § 21.201)

Sec. 12-32. Prohibitions.

(a) It shall be unlawful for any person or the owner or occupant of any premises within the city, between the hours of 11:00 p.m. and 7:00 a.m., to cause or permit any noise to be emitted from any equipment, including by way of example only, radios, phonographs, magnetic tape players, musical instruments, television sets, sound amplifiers, electric motors, gasoline engines or other mechanical equipment owned by such person, or under the control of such person, or located upon the premises owned or under the control of such person, which noise exceeds a sound level of 72 decibels in combination with and including ambient noise measured on a sound meter having characteristics defined by the American National Standards Institute subsection 1.4-1971 set on the fast setting of the "A" scale.

*State law reference—Motor vehicle mufflers, MCL 257.707 et seq.

(b) It shall be unlawful for any person to make or cause to be made any noise or sound, whether measured or not, which creates a disturbance of the public peace, or which is of such a character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

- (1) The volume of the sound;
- (2) The intensity and frequency of the sound;
- (3) Whether the nature of the sound is usual or unusual;
- (4) Whether the origin of the sound is natural or unnatural;
- (5) The volume and intensity of the ambient sound, if any;
- (6) The proximity of the sound to residential sleeping facilities;
- (7) The nature and zoning of the area within which the sound emanates or is received;
- (8) The density and habitation of the area within which the sound emanates or is received;
- (9) The time of day or night the sound occurs;
- (10) The duration of the sound;
- (11) Whether the sound is recurrent, intermittent, or constant;
- (12) Whether the sound is produced by a non-commercial or commercial type of activity; and
- (13) Other appurtenant and applicable factors.

(c) It shall be unlawful for a person to use, operate, or permit to be played any radio receiving set, musical instrument, television set, magnetic tape player, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, peaceful comfort and repose of any person. The operation of any such set, instrument, phonograph or device within the public right-of-way within the city and/or in such a manner as to be in violation of subsection (a) of this section shall be prima facie evidence of a violation of this section. (Comp. Ords. 1987, § 21.202)

Sec. 12-33. Measurement.

Noise levels shall be measured at a distance of a minimum of 20 feet from the noise source located within any public right-of-way and if the noise source is located on private property or public property other than a public right-of-way, then the measurement shall be made at a distance of not less than 15 feet from the property line of the property on which the noise source is located.

(Comp. Ords. 1987, § 21.203)

Sec. 12-34. Exceptions.

The prohibitions of this article shall not apply to:

- (1) Any authorized emergency vehicle or to those activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the city, including but not limited to parades and fireworks displays.
- (2) Snowmobiles which are defined and governed by part 821 of Public Act No. 451 of 1994 (MCL 324.82101 et seq.), as if said section and act were incorporated herein and made a part hereof.

(Comp. Ords. 1987, § 21.204)

Sec. 12-35. Existing ordinances.

Any ordinances concerning the emission of sound, or the regulation of sound equipment, not specifically in conflict with the terms of this article are hereby saved and retained.

(Comp. Ords. 1987, § 21.205)

Sec. 12-36. Temporary permits.

(a) Applications for a permit for relief from the noise level designated in this article on the basis of undue hardship may be made to the chief of police or his designated representative. Any permit granted by the chief of police shall contain all conditions upon which the permit is granted, and shall specify the time for which such permit is granted. The chief or his designated representative may grant such a permit if he finds:

- (1) The activity, operation or noise source will be of a temporary duration and cannot be

done in a manner which will comply with the noise emission levels permitted by this article; and

- (2) No other reasonable alternative is available to the applicant.

(b) The chief of police or his designated representatives shall prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(c) Any temporary permit issued by the chief of police shall be issued without any fee being charged therefor.

(Comp. Ords. 1987, § 21.206)

Sec. 12-37. Violations.

Any person who shall violate the terms of this article shall be guilty of a municipal civil infraction.

(Comp. Ords. 1987, § 21.207)

Secs. 12-38—12-70. Reserved.**ARTICLE III. BLIGHT****Sec. 12-71. 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:

Blighted structure or building means any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:

- (1) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
- (2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the city;
- (3) Is not structurally sound, weathertight, waterproof or verminproof;

- (4) Is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- (5) Which causes or tends to cause devaluation of the subject property or other adjacent or nearby properties in the area.

Building material means any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.

Enforcement officer means the city building inspector and/or any city police officer.

Garish means any structure which, because of gaudy or glaring paint color or because of painting method (for example, but not limited to, haphazard multicolors), is determined by the enforcement officer to be devaluing of subject property or other adjacent or nearby properties in the area.

Junk means any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.

Person means and shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, operator, servant, or employee, shall, except as herein otherwise provided, be equally liable as principals.

Trash and rubbish means any and all forms of debris not herein otherwise classified.
(Comp. Ords. 1987, § 21.262)

Sec. 12-72. Blighted structures or buildings prohibited.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, build-

ing, dwelling, garage, outbuilding, factory, shop, store or warehouse in any of the following conditions:

- (1) Having peeling paint;
- (2) Sagging and deteriorating roof;
- (3) Siding off and/or damaged;
- (4) Broken and deteriorating windows;
- (5) Unfinished exterior;
- (6) Collapsing porch or deck;
- (7) Scaffolding unless associated with current building permit;
- (8) Cracked and broken foundations/chimneys; and/or
- (9) Garish exterior;

unless such structure is in the course of construction in accordance with a valid building permit issued by the city and unless such construction is completed within a reasonable time.
(Comp. Ords. 1987, § 21.263)

Sec. 12-73. Blighted exterior and maintenance requirement of property.

Every owner and operator shall improve and maintain all property under its control to comply with the following minimum requirements:

- (1) All exterior property areas shall be properly maintained in a clean and sanitary condition, free from debris, brush, severed tree limbs, rubbish or garbage, physical hazards, rodent harborage and infestation.
- (2) All stored firewood shall be in neat, orderly stacks.
- (3) The storage and accumulation of junk as herein defined is permitted only for the purpose of collection and disposal and only in a closed container or in a closed structure. Storage and accumulation shall be only for the minimum period necessary to provide for collection and disposal of same.
- (4) The storage and accumulation of any building material shall only be for a period that

is reasonably necessary for the immediate use of such materials, but in no event longer than 60 days.

- (5) Yard or garage sales in which items are for sale to the public shall be no longer than seven calendar days within a 90-day period.

(Comp. Ords. 1987, § 21.264)

Sec. 12-74. Enforcement and penalties.

(a) Any person who violates this article shall be deemed guilty of a municipal civil infraction.

(b) Before commencing prosecution under this article, the building inspector shall give notice to the person charged and violating this article. Such notice shall be in writing and set forth the violation specifics, and shall be served upon said person or at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a municipal civil infraction citation. The building inspector may extend these time limits, but not more than two ten-day periods where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

(Comp. Ords. 1987, § 21.265)

Sec. 12-75. Enforcement by authorized city officials.

Either the building inspector and/or city police are hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.

(Comp. Ords. 1987, § 21.267)

cs. 12-76—12-100. Reserved.

ARTICLE IV. WEED CONTROL*

Sec. 12-101. Noxious weeds prohibited.

It shall be unlawful for the owner and/or occupant of any lot or parcel of land within the city to allow or maintain, on any portion of such lot or land, any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health. The term "noxious and poisonous weeds" shall include Canada thistles, milkweed, wild carrots, oxeyed daisies, ragweed, goldenrod, burdock, and poison ivy, or such other noxious or poisonous weeds. It shall also include the presence of high grasses which may serve as a hiding place for debris, a refuge for rats or other rodents, and a breeding grounds for mosquitos. Any growth of weeds or grasses that may cause a fire or traffic hazard or a general nuisance or any weeds or grasses exceeding a height of 12 inches above ground level are also declared to be a public nuisance and in violation of this article. The owner or occupant shall cut down all noxious and poisonous weeds as frequently as necessary to comply with the requirements of this article, to prevent them from perpetuating themselves and to prevent them from becoming a detriment to public health.

(Comp. Ords. 1987, § 35.051)

Sec. 12-102. Notice of violation.

It shall be the duty of the city manager or a designee to give notice specifying section 12-101, and requiring the owner and occupant of any lot or parcel of land coming within the terms of section 12-101 to cut and destroy all noxious or poisonous weeds upon the land before a certain date, but not less than five days from the date of the publication of such notice, and giving notice that upon failure or neglect of such owners and occupants to comply with the provisions of section 12-101, the city manager will cause such weeds to be destroyed and the expense thereof charged the owner of such land. After two such notices in a calendar year, the city manager or a designee shall have the option to cause the property to be

*State law reference—Control and eradication of weeds, MCL 247.61 et seq.

mowed with no notice and at an increased fee determined by the manager through administrative policy.

(Comp. Ords. 1987, § 35.052; Ord. No. 630, 9-6-2011)

Editor's note—Ord. No. 630, adopted Sept. 6, 2011, retitled § 12-102 from "Newspaper notice" to "Notice of violation".

Sec. 12-103. Destruction of weeds by city; expenses.

Where it has been established that noxious or poisonous weeds' are present on any lot or parcel of land within the city, and the owner or occupant has failed to comply with the provisions of this article, the city engineer shall assign employees to enter upon such land for the purpose of destroying such growths. The city engineer shall keep an accurate account of the expense incurred in destroying growths of noxious and poisonous weeds with respect to each parcel of land entered upon therefor, and make a sworn statement of said account and deliver the same to the city clerk. (Comp. Ords. 1987, § 35.053)

Sec. 12-104. Assessment of costs; lien.

It shall be the duty of the city clerk to forthwith certify to the city assessor any and all accounts delivered to the clerk under this article; provided, however, that before so certifying he shall submit the same to the city council for its approval of said certification. Upon receiving said certification the city assessor shall add to all said accounts so approved ten per centum of the total of each several account and shall cause all such expenditures, so approved, together with the additional ten per centum to be severally levied on the lands on which said expenditures were made, and the same shall become a lien upon said land and shall be collected in the same manner as other city taxes are collected and when collected shall be paid into the general city fund to reimburse the outlay therefrom for the city's expense in destroying said noxious or poisonous weeds. (Comp. Ords. 1987, § 35.054)

Sec. 12-105. Penalty.

Any owner, possessor or occupier of land, within the city, or any person or persons, firm or corporation having charge of such lands who shall fail to conform to the provisions of this article shall be guilty of a municipal civil infraction. (Comp. Ords. 1987, § 35.055)

Sec. 12-106. Enforcement by authorized city officials.

Either the building inspector and/or city police are hereby designated as the authorized city

official to issue municipal civil infraction citations (directing alleged violators to appear in court) or a municipal civil infraction violation under this article.

(Comp. Ords. 1987, § 35.058)

Secs. 12-107—12-130. Reserved.

ARTICLE V. NUISANCES*

Sec. 12-131. Nuisance defined and prohibited.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this article. No person shall commit, create, allow or maintain any public nuisance.

(Comp. Ords. 1987, § 35.202)

Sec. 12-132. Nuisances per se.

The following acts, omissions, conditions, apparatus and structures are hereby declared to be nuisances per se:

- (1) The throwing, placing, depositing, keeping, maintaining or leaving in any street, highway, lane, alley, sidewalk or public place, or in any private place or premises, by any person, firm or corporation, of any animal or vegetable substance, dead animal, fish, shell, tin cans, metal, bottles, glass, stones, bricks, brush, paper or other rubbish, dirt, excrement, filth, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, or any other offensive or dangerous article or substance whatever; provided, that nothing herein shall be construed to prohibit the placing of litter in designated refuse receptacles, nor the storage of refuse in

*State law reference—Public nuisances and abatement, MCL 600.3801 et seq.

sanitary containers for reasonable periods of time until disposed of, nor the dumping of refuse at any location designated by the city as an official dumping site.

- (2) The pollution of any stream, river, lake or other body of water by any garbage, rubbish, litter, foul or nauseous liquid or water, or commercial or industrial wastes.
- (3) The maintenance of any pond, pool or water, or vessel holding stagnant water.
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (5) The obstructing of or the discharge into of the depositing in any watercourse, drain or sewer of the city, or in any drain or sewer connecting with those of the city, of any oil, grease, inflammable liquid, chemical, substance or material damaging or harmful to city watercourses, drains or sewers, or detrimental to the operation thereof or injurious to the health of the city's inhabitants by reason of such discharge or deposit.
- (6) The placing, keeping, maintaining or leaving on any public or private place or premises, either inside or outside any building or structure in a place accessible to children, any unused, abandoned, unattended or discarded icebox, refrigerator or any other airtight container of any kind which has a snap latch or other kind of locking device thereon, without first removing the snap latch or other locking device, or the door, lid or cover from such icebox, refrigerator or other airtight container.
- (7) The placing, keeping or leaving of any object or property of any kind, whether valuable or of no value, on a public sidewalk so as to impede the movement of pedestrians or authorized vehicles thereon.
- (8) All explosives, flammable liquids and other dangerous substances stored or kept in any manner or in any amount contrary to the statutes of the state.
- (9) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract or be readily accessible to the public.
- (10) All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface of the ground.
- (11) All barbed wire fences which are located within three feet from any public sidewalk.
- (12) The failure of any person to secure any business, commercial, or industrial building or office under his ownership, tenancy or control so as to leave such building or office unlocked and unoccupied and in such condition that an area therein where personal property is located could be entered without unlocking the premises.
- (13) The distribution of samples of medicines, drugs or any product, object or substance of any kind which could be harmful if taken internally by children or other persons, unless each such sample is placed directly in the hands of an adult person.

(Comp. Ords. 1987, § 35.203)

Sec. 12-133. Abandoned vehicles.

No person shall park, store, keep, maintain, leave or allow any dismantled, partially dismantled, wrecked, junked, discarded, abandoned or inoperable motor vehicle or any parts thereof on any private premises or property under his ownership, tenancy or control. An abandoned motor vehicle shall include and is declared to be a public nuisance if said vehicle is inoperative for any reason for a period in excess of 60 days; provided, however, any inoperative vehicle which is not in operation for lack of a license shall not be declared a public nuisance unless it has been unlicensed more than six months. Such nuisances shall be abated according to the provisions of section 12-135, and the police department shall

have the same authority to impound and dispose of abandoned and inoperable motor vehicles prohibited herein as provided for vehicles abandoned in the public streets. Provided, that this section shall not be deemed to apply to the storage of motor vehicles in a fully enclosed building, or by a licensed junk dealer, or which have been impounded by the city police department or other police agency. Provided further that, notwithstanding any provision herein to the contrary, the chief of police, upon written application, may exempt from the provisions of this article for any reasonable period of time, any historic or classic vehicle, any vehicle in a process of restoration or repair, or any vehicle which by reason of special circumstances is deemed by him to warrant such exemption.

(Comp. Ords. 1987, § 35.204)

Sec. 12-134. Other nuisances.

It is the legislative intent of the city council, in adopting this article, that all provisions and sections herein be liberally construed to protect the peace, health, safety and welfare of the inhabitants of the city, and the city council hereby reserves the power and authority, as established in the city Charter, to abate any public nuisance or hazard, whether specifically prohibited by this article or not.

(Comp. Ords. 1987, § 35.205)

Sec. 12-135. Abatement of nuisances.

Any act, omission, condition, apparatus or structure prohibited by this article shall be abated by the city manager in accordance with the following procedure:

- (1) The city manager shall first investigate the alleged nuisance to determine whether or not a public nuisance, as defined herein, exists, and to further determine the person or persons who are committing, creating, allowing or maintaining such nuisance.
- (2) The city manager shall then give written notice to the person or persons responsible for committing, creating, allowing or maintaining such nuisance, specifying in particular the nature of such nuisance,

the corrective action to be taken to abate such nuisance, and the time limit for abatement of such nuisance, which shall be a reasonable period of time but not to exceed ten days from the time such notice is served. Such notice shall be given:

- a. By posting such notice upon the premises;
- b. By publication as provided in the city Charter;
- c. By personal service; or
- d. By registered or certified mail addressed to the address set forth in the current assessment roll of the city or the records of the assessor.

- (3) If, at the expiration of the time limit in said notice, the person or persons responsible for committing, creating, allowing or maintaining such nuisance shall not have complied with the requirements thereof, the city manager shall carry out the requirements of said notice by whatever reasonable means are necessary to accomplish it, including the use of the city workforce or contracted services, or both. The cost of such abatement, including a reasonable overhead charge, shall be a debt owned to the city by the person or persons responsible for committing, creating, allowing or maintaining such nuisance; and, if such nuisance is attributable to the use, occupancy or ownership of any lands or premises within the city, shall be charged against such premises in accordance with the provisions of the city Charter.

(Comp. Ords. 1987, § 35.206)

Sec. 12-136. Appeal.

Upon written request, the city manager may make written exception for a reasonable period of time under special circumstances which would prohibit or make impractical the enforcement of any section of this article. The granting or rejection of such request shall be at the discretion of the city manager.

(Comp. Ords. 1987, § 35.207)

Sec. 12-137. Disregarding notice or orders.

Any person who shall fail to comply with any notice or order under the provisions in this article shall be deemed guilty of a violation of this article.

(Comp. Ords. 1987, § 35.208)

Sec. 12-138. Emergency cases.

Notwithstanding the provisions in section 12-137, the city manager and the chief of police are each hereby authorized to abate immediately, by any reasonable means available, any public nuisance which constitutes an immediate danger to the life, health or safety of any person, after making a reasonable attempt to contact the person or persons responsible for committing, creating, allowing or maintaining such nuisance in person, by telephone and other available means of instantaneous communication. The cost for such abatement shall be charged and collected as provided for in section 12-135.

(Comp. Ords. 1987, § 35.209)

Sec. 12-139. Abatement does not preclude court action.

Any action taken by the city to abate any public nuisance shall not affect the city's right to institute proceedings against the person or persons committing, creating, allowing or maintaining any public nuisance for violation of this article, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the city to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained or enjoined.

(Comp. Ords. 1987, § 35.210)

Sec. 12-140. Penalty.

Any person who violates this article shall be deemed guilty of a municipal civil infraction.

(Comp. Ords. 1987, § 35.211)

Secs. 12-141—12-170. Reserved.**ARTICLE VI. TREES*****Sec. 12-171. 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:

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the city.

Private trees means all other trees within the city.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying on the street right-of-way on either side of all streets, avenues or ways within the city.

(Comp. Ords. 1987, § 35.351)

Sec. 12-172. Management, supervision and operation.

It shall be the responsibility of tree committee to develop a plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees. Such plan will be reviewed and approved, from time to time, by the city council. The committee and city manager shall consider, investigate, make findings, report and recommend upon any special matter of question within the scope of this work.

(Comp. Ords. 1987, § 35.352)

Sec. 12-173. Planting and species.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without prior written approval of the city manager.

Small trees:

Flowering Cherry Tree form varieties*

Flowering Crab Tree form varieties*

Bradford Pear

*State law references—Municipal forests, MCL 324.52701 et seq.; destruction of trees and shrubs, MCL 750.382.

Medium trees:

English Oak
 Red Oak
 Green Ash
 Marshall's Seedless
 Summit Ash
 Little Leaf Linden
 Thornless Honey Locust*

Large trees:

London Plane
 Norway Maple*
 Sugar Maple

*All varieties acceptable.

Such trees, when planted, shall have a diameter of at least one inch at a distance of one foot above the ground level.

(Comp. Ords. 1987, § 35.353)

Sec. 12-174. Distance from curb and sidewalk.

(a) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in section 12-173, and no trees may be planted closer to any curb or curblines or sidewalk than the following: Small trees, two feet; medium trees, three feet; large trees, four feet.

(b) The city may enter into a contractual arrangement with the owners of private properties for the planting and maintenance of trees where there is insufficient space between the curb or curblines and the sidewalk or right-of-way. In such instances, the city may establish a new line of street trees on private properties, with property owner approval. Whether such planting is desirable or not, and the selection of the tree species and specific planting locations, shall be the determination of the city. When such plantings occur, the initial cost of trees and their planting shall be as determined by mutual agreement. The proper care of such trees for a period of three years

thereafter shall be the responsibility of the city. Following such three-year period, the tree shall become the responsibility of the property owner. (Comp. Ords. 1987, § 35.354)

Sec. 12-175. Utilities.

No street trees other than those species listed as small trees in section 12-173 may be placed under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Comp. Ords. 1987, § 35.355)

Sec. 12-176. Corner clearance.

No person shall maintain any hedge or shrub along the sidewalk abutting his premises or within 20 feet of the nearest right-of-way line of any intersecting street, at a height greater than three feet above the surface of the street, nor shall any such person fail to keep such hedge trimmed to the right-of-way line. No person shall maintain any hedge, shrub, or tree anywhere upon his premises which interferes with the clear view of traffic by drivers approaching an intersection.

(Comp. Ords. 1987, § 35.356)

Sec. 12-177. Private trees trimming.

No person shall maintain upon any lot of which he is the owner, either individually or as one of two or more tenants in common, joint tenants, or tenants by the entirety, any tree which is so located as to extend its branches over a public alley or highway, unless the same shall be kept so trimmed that there shall be a clear height of not less than 12 feet above that portion of the surface of the alley or highway used for vehicular traffic, and not less than seven feet above all sidewalks, unobstructed by branches; and no such person shall fail to remove all dead branches or stubs on such tree or trees which are or may become a menace to travelers on a street.

(Comp. Ords. 1987, § 35.357)

Sec. 12-178. Street trees, trimmings, removal.

No person shall remove, destroy, break, cut, deface, or trim any tree growing in any highway or park in the city without first obtaining a permit

from the city manager, which permit shall state the work to be done under it and the time within which it is to be done; and no person shall remove, destroy, or trim any such tree under any permit unless proper precautions, approved by the city manager, are taken to ensure the safety of the public while such tree is being removed, destroyed or trimmed.

(Comp. Ords. 1987, § 35.358)

Sec. 12-179. Injury to trees.

(a) No person shall climb any tree growing in any highway or park in the city, or walk upon the branches thereof, while wearing spurs, unless such person is in the act of removing such tree.

(b) In the erection, alteration, repair, or removal of any building, or structure, the owner or owners thereof shall place, or cause to be placed, such guards around all nearby trees on the public highway as will effectually prevent injury to such trees.

(c) No person shall attach or connect any electric or other wire to any tree in a highway or park in the city, or permit any such wire to come in contact with any such tree.

(d) No person shall attach any sign, placard, or poster to any tree growing in any highway or park.

(Comp. Ords. 1987, § 35.359)

Sec. 12-180. Public tree care.

(a) The city shall have the right to plant, replant, 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) No tree, plant or shrub shall be planted, or replanted, within the lines of all streets, alleys, lanes, squares and public grounds, by any private party, except by written permission of the city.

(Comp. Ords. 1987, § 35.360)

Sec. 12-181. 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 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 article at the determination of the city.

(Comp. Ords. 1987, § 35.361)

Sec. 12-182. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground to a depth of six inches.

(Comp. Ords. 1987, § 35.362)

Sec. 12-183. Sidewalk damage.

Existing street trees which have caused an upheaval or severe cracking of public sidewalks may be removed at such time that sidewalk replacement is ordered by the city or desired by the property owner. The necessity for such removal shall be based upon the overall vigor of the tree and the extent of conflict with the sidewalk structure, as determined by the city.

(Comp. Ords. 1987, § 35.363)

Sec. 12-184. Penalties.

Violation of this article shall constitute a municipal civil infraction.

(Comp. Ords. 1987, § 35.364)

Chapter 13

RESERVED