

Village of Caledonia: Tree Ordinance

Section 3.11. Overhanging Trees and Shrubs .

(1) Any tree or shrub which overhangs any sidewalk, street, alley or other public way in such manner or to such extent as to impede or interfere with traffic or travel on such public way, or which obstructs any street lamp or interferes with other public facilities, shall be trimmed by the owner of the abutting premises on which such tree or shrub grows, so as to eliminate the obstruction.

(2) Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the lands on which such tree grows or stands.

(3) In the event that the appropriate property owner fails to remove any interfering trees or shrubs, or limbs or branches thereof, after being given notice by the Village Council to do so, the Village Council may arrange for the removal of the same, and the cost and expense thereof shall thereupon be charged to the owner of the lands on which such tree or shrub is located.

Section 8.2 Trees .

(1) Definitions.

(a) "Street Trees" are defined as trees, shrubs, bushes and all other woody vegetation on lands located within the rights of way of public streets and public alleys within the Village.

(b) "Park Trees" are defined as trees, shrubs, bushes and all other woody vegetation in public parks, on all lands owned by the Village and on all lands to which the public has access for park purposes.

(2) Village Tree Board.

(a) There is hereby established a Village Tree Board, which shall consist of three persons, to be appointed by the Village President, with the approval of the Village Council by a majority vote of those present and voting. One member of the Tree Board shall be a member of the Village Council.

(b) Term of Office. The term of office of a member of the Tree Board shall be three years. A successor shall be appointed by the Village President with

approval by the Village Council for the unexpired portion of a term. Of the three persons first appointed to the Tree Board, one shall be appointed for a three-year term, one for a two-year term and one for a one-year term; thereafter, each member shall be appointed for a three-year term. Members of the Board shall serve without compensation.

(c) The Tree Board shall study, investigate, prepare and develop a written plan or plans for the planting, replanting, care, preservation, removal and disposition of trees and shrubs within street and alley rights of way, in parks and on other public lands in the Village. Such plan or plans may be in the form of annual plans, or may be in more comprehensive form, covering multiple years. Any such plans can be amended and updated at any time. Such plans or amendments thereof shall be presented to the Village Council and upon approval thereof by the Council, the same shall comprise the comprehensive Village Tree Plan.

(d) The Tree Board shall select its own officers annually, such officers being a chairperson, vice chairperson and secretary. The Board shall keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(3) Permitted Species of Street Trees and Park Trees. The following shall be the permitted species of street trees and park trees within the Village. No other species of trees may be planted as street trees or park trees without the prior written approval of the Tree Board.

Small Trees (15' to 25')

Bradford Pear

Redbud

Serviceberry

Flowering Dogwood, Crab or Cherry, all varieties

Medium Trees (30' to 40')

Honeylocust (thornless)

Crimson King Maple

Red Maple (Sunset, Royal, etc.)

River Birch

Red Oak

Little Leaf Linden

Ginko

Large Trees (50' to 75')

London Plane

Sycamore

Norway Maple, all varieties

Sugar Maple

Ash, all varieties

(4) Spacing of Trees.

(a) The spacing of street trees shall be as follows: small trees, as designated in subsection 3, not closer than 30 feet apart; medium trees, as designated in subsection 3, not closer than 40 feet apart; large trees, as designated in subsection 3, not closer than 50 feet apart. Exceptions to this requirement may be made only by prior written approval of the Tree Board.

(b) Street trees may be planted no closer to any curb or sidewalk than as follows: small trees, 2 feet; medium trees, 3 feet; large trees, 4 feet.

(c) No street trees shall be planted closer than 35 feet from any street corner, as measured from the point of the nearest intersecting curb or street line. No street trees shall be planted closer than 10 feet to any fire hydrant.

(d) No street trees, except those listed under subsection 3 as small trees, may be planted under or within 10 lateral feet of any overhead utility wire or over or

within five lateral feet of any underground water line, sewer line, gas transmission or distribution line or other utility.

(5) Care of Trees.

(a) The Village shall have the right to plant, prune, maintain and remove trees, shrubs and plants lying within the boundaries of all public streets, alleys, lanes, parks and other public lands as may be necessary to insure or promote public safety, health and welfare, or to preserve or enhance the symmetry, beauty and usefulness of public parks and other public lands.

(b) The Tree Board may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewer lines, water lines, electric power or gas lines or other public improvements or which is affected with any injurious fungus or other disease or insect or other pest. This subsection shall not, however, prohibit the planting of street trees by adjacent property owners, provided, however, that the selection and locating of such trees shall comply with subsections 3 and 4 of this Ordinance.

(6) Topping of Trees. It shall be unlawful for any person to top any street tree, park tree or other tree on public property without the prior written consent of the Tree Board. For purposes of this subsection, the topping of a tree is defined as the severe cutting back of the limbs of the tree to substantially shorter limbs or stubs within the crown of the tree, to such a degree as to remove the normal canopy of the tree and to disfigure the tree, in whole or in part. However, trees that have been severely damaged by storms or other causes, or trees that are located under utility wires or other obstructions, and where other pruning practices are impractical, are exempt from the provisions of this subsection, upon the prior determination of the Tree Board.

(7) Pruning of Trees Overhanging Streets, etc. Every owner of any tree overhanging in any street, alley or right of way within the Village shall prune the branches of the tree so that the branches will 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 eight feet above the surface of the street or sidewalk. The owners of trees shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace or interference to the safety of the public. The Village will have the right to prune any tree or shrub on private property when it interferes with the proper dispersal of light along the street from a street light or interferes with the visibility of any traffic sign or traffic control device.

(8) Removal of Dead or Diseased Trees. The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when any such tree constitutes a hazard to life and property or harbors insects or diseases

which constitute a potential threat to other trees within the Village. Upon determining that a tree satisfies these requirements, the Village Tree Board shall notify in writing the owner thereof, and shall state in writing the necessity for the owner to remove the tree and specify the period of time within which removal must occur. Such removal must be completed by the tree owner at the owner's expense within 60 days after the date of the mailing of such notice. In

the event of the failure of the owner to comply with such notice, the Village shall have the authority to remove such tree and, where permitted by law, to charge the cost of removal to the owner, to impose a lien upon the owner's property or to include the cost of such removal within the real property taxes otherwise required to be paid by the owner of such property.

(9) Removal of Stumps. All stumps of street trees and park trees shall be removed below the surface of the ground, so that the top of the stump shall not project above the surface of the ground.

(10) Interference with Tree Board. It shall be unlawful for any person to prevent delay or interfere with the Tree Board or any of its agents while they or any of them are engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or tree on private lands, consistent with the terms of this Ordinance.

(11) Arborist License.

(a) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees or park trees within the Village without first applying for and obtaining an arborist license, under the applicable provisions of Chapter 9 of the Ordinance Code. The fee for such license shall be determined by resolution of the Village Council. However, no such license shall be required of any employee or agent of the Village or of any public utility company or agent or employee thereof, for the performance of such work in behalf of the Village or of public utilities, as the case may be.

(b) Before the issuance of any arborist license, the applicant shall first file with the Village Clerk satisfactory evidence of public liability insurance in the minimum amount of \$100,000 of coverage for bodily injury and \$100,000 of coverage for property damage, indemnifying the Village or any person injured or any person sustaining property damage, resulting or in any way arising out of the applicant's business, operations or activities in the pruning, treating or removing of street trees or park trees within the Village, whether or not such activities are in compliance with this section.

(12) Appeal to Village Council. Any person aggrieved by a ruling, order or other decision of the Tree Board may file an appeal of the same with the Village Council, by submitting such appeal in writing to the Village Clerk not later than 14 days after the ruling, order or decision complained of. Any such appeal filed after such period of time shall not be effective. The Village Council shall have the right to hear any such timely filed appeal and shall have the right to review any conduct, acts, decisions, rulings or orders of the Tree Board thus appealed to the Council. The Council shall set a date, time and place for the hearing of the appeal and shall give at least seven days notice by ordinary mail of such date, time and place of hearing, to the person filing the appeal. At the hearing, the person submitting the appeal shall have opportunity to address the Village Council and to state the basis for the appeal, and otherwise to comment on it. Other interested persons shall be heard as well. After the hearing, the Village Council may in its discretion affirm, reverse or modify in whole or in part the act, conduct, ruling, order or decision of the Tree Board.

Section 12.3. Public Improvements .

The term public improvement as used in this chapter shall be construed to mean any public work or public and special improvement which the Village is empowered to undertake under the laws of the State of Michigan, any part of the cost of which may be assessed against property benefitted, including without limitation the following:

- (a) The construction, improvement, and maintenance of storm or sanitary sewers (or the separation thereof) or combined storm and sanitary sewer systems;
- (b) The construction, improvement, and maintenance of water systems;
- (c) The construction, improvement, and maintenance of public streets and roads;
- (d) The acquisition, improvement, and maintenance of public parks;
- (e) The collection and disposal of garbage and rubbish;
- (f) The construction, maintenance, and improvement of bicycle paths;
- (g) The construction, maintenance, repair, or improvement of erosion control structures or dikes;
- (h) The planting, maintenance, and removal of trees;
- (i) The installation, improvement, and maintenance of lighting systems;

- (j) The construction, improvement, and maintenance of sidewalks;
- (k) The eradication or control of aquatic weeds and plants;
- (l) The construction, improvement, and maintenance of private roads;
and
- (m) The construction improvement and maintenance of public parking
systems.