

## City of Pontiac – Tree Ordinance

### ARTICLE II. TREES AND SHRUBS

#### DIVISION 1. GENERALLY

##### Sec. 122-26. 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* means all public parks having individual names.

*Public highway* means all land lying between property lines on either side of all city streets, alleys and boulevards.

*Public places* means all other areas owned by the city or to which the public has free access.

*Trees and shrubs* means all woody vegetation.

(Code 1985, § 25-1)

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

##### Sec. 122-27. Permit required for certain activities.

No person shall do, or cause to be done by others, without the written permission of the director of the department of public works and services or his designee, any of the following acts in any park, public highway or public place:

- (1) Remove, cut, prune, break, injure, deface or in any way interfere with any tree or shrub or part thereof, either above or below the ground.
- (2) Plant any tree or shrub until such tree or shrub has first been approved and the planting space designated.
- (3) Spray with any chemical any tree or shrub.
- (4) Secure any rope, wire, sign or other device on or about any tree or shrub.
- (5) Remove or injure any guard or device placed on or about the base of a tree or shrub to permit access of air, water and fertilizer.
- (6) Close or obstruct any open space provided about the base of a tree or shrub to permit access of air, water and fertilizer.

(Code 1985, § 25-2)

##### Sec. 122-28. Chemicals, fire, smoke or gas prohibited in certain areas.

- (a) No person shall place salt, oil, or any other substance injurious to plant growth upon any public highway, park, or public place in such manner as to injure any tree or shrub growing thereon.
- (b) No person shall build any fire or station any engine in any public place in such a manner that the heat, vapors or fumes therefrom may injure the trees or shrubs growing thereon.
- (c) No person shall permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub in any public place.

(d) No person shall allow or continue to pollute the air surrounding any tree or shrub in any public place with toxic smoke, gases or other injurious chemicals which may be harmful to the health or life of such tree or shrub.

(Code 1985, § 25-9)

Sec. 122-29. Construction, electrical wires and house moving; protection of trees.

(a) The director of the department of public works and services shall certify all city permits for the construction, installation, altering, moving or razing of all buildings, utilities, sidewalks, sewers or other operations where trees or shrubs or parts thereof are involved.

(b) Prior to the erection, altering, repairing or razing of any building, sidewalk or other structure, the owner or contractor shall place such guards around all public trees and shrubs as will effectually prevent injury to such trees and shrubs.

(c) No person shall permit any wire designed to carry electric current to come in contact with any tree or shrub unless protected by approved methods. Any person having or maintaining such electric service shall maintain the wires in such a manner as will safeguard the trees and shrubs and shall make periodic adjustments whenever necessary to prevent damage to trees and shrubs.

(d) When the moving of any building or object along a public highway will necessitate the removal or injury or threaten the safety of any tree or shrub on public property, the owner or contractor shall assume full responsibility for such removal, replacement, repair or alteration of such trees or shrubs.

(e) It shall be the duty of the person maintaining services or structures in a public highway, park or public place to assume responsibility for the protection of such facilities during the progress of tree operations deemed necessary by the director of the department of public works and services, provided prior notice has been given the person of the existence of such tree operations.

(Code 1985, § 25-10)

Sec. 122-30. Enforcement of article.

(a) It shall be the duty of the director of the department of public works and services aided by the chief of the police department to see that all the provisions of this article are obeyed. Prosecution for all violations of this article shall be prosecuted in the name of the city.

(b) The director of the department of public works and services shall have the right to assign an inspector to supervise the provisions of all permits involved in this article. The cost of such service shall be charged to the person involved.

(Code 1985, § 25-11)

Sec. 122-31. Interference with city agents.

No person shall hinder, prevent or interfere with the agents or employees of the department of public works and services while engaged in carrying out the provisions of this article.

(Code 1985, § 25-12)

Sec. 122-32. Violations and penalties.

(a) Any person violating any of the provisions of this article shall assume full responsibility for the removal, replacement, repair or alteration of such trees and shrubs according to such specifications deemed necessary by the director of the department of public works and services.

(b) Violators of this article shall also, on conviction, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Code 1985, § 25-13)

Secs. 122-33--122-45. Reserved.

## DIVISION 2. NUISANCES

Sec. 122-46. Declaration of nuisance; trimming.

(a) Any tree or shrub or part thereof upon any property in the city which is infested with any injurious insect, pest or plant diseases which are liable to spread to other trees or shrubs, or which may otherwise be detrimental to the peace, health and safety of persons or property of the inhabitants of the city, are hereby declared to be a nuisance. All persons owning or controlling lands or places in this city, and all public authorities having jurisdiction over streets, parks and other public places, shall keep the same free from all injurious matters declared by the provisions of this section to be a nuisance.

(b) All trees and vegetation in the city which extend over public highways shall at all times be kept so trimmed that no branches of such trees shall be less than nine feet above sidewalks, 12 feet above local and residential streets and alleys, and 14 feet above major streets or state trunk lines. All owners of such trees shall keep them trimmed as required by this section.

(Code 1985, § 25-3)

Sec. 122-47. Abatement of nuisance.

The mayor is authorized, either through the office of the mayor or through such other city departments or divisions to which the mayor may delegate the authority, to cause the abatement of the nuisance defined in section 122-46 in accord with procedures set forth in this division and applicable laws.

(Code 1985, § 25-4)

Sec. 122-48. Notice of abatement; contents.

(a) The city department abating the nuisance defined in section 122-46 shall cause periodic inspections to be made of those lands included in the definition contained in section 122-46. When it is found that the lands have thereon such a nuisance, those persons having ownership or other interest in or custody of the lands, as disclosed by the records of the county register of deeds, shall be notified by certified or registered mail addressed to the last-known address of such persons concerned with the lands.

(b) The notice provided for in this section shall set forth:

(1) The description of the lands found to be containing violations of this article;

- (2) The nature of the violations;
  - (3) The corrective action to be taken; and
  - (4) The time by which the corrections are to be completed, such time not to be less than ten days from the date of mailing the notice.
- (c) The notice shall further advise such persons of the provisions contained in this division for the city to abate the nuisance and that the cost thereof will be charged to such persons connected with the land or assessed such lands.  
(Code 1985, § 25-5)

Sec. 122-49. Notice by publication; trimming.

In lieu of the notice provided for in section 122-48 pertaining to the trimming of trees overhanging public highways, the city department responsible for maintaining tree clearance over public highways may cause a notice to be published in a newspaper of general circulation in the county stating that any vegetation or trees with overhanging limbs and branches lower than the specified clearance called for within section 122-46 must have such limbs trimmed or removed by the date specified within the notice. Failure to do so on the part of the property owner will result in the city trimming such overhanging limbs and the cost thereof charged against the person responsible for the property. The notice shall specify the method of trimming such trees and vegetation and a summary of the provisions of this division.

(Code 1985, § 25-6)

Sec. 122-50. Failure to abate nuisance; city removal, costs.

(a) If any person having the duty, through connection with lands as set forth in this division, to abate the nuisance set forth in section 122-46 fails or refuses to eliminate the nuisance after the notice procedures as contained in this division have been carried out, then the office of the mayor or such other city department or division as may be designated by the mayor shall cause the nuisance to be abated.

(b) All of the costs incurred in the abatement of the nuisance shall be the expense of the person responsible for the lands. The city department or division undertaking the abatement process under this division shall keep records of all expenses related to the abatement with costs assigned to each parcel of land or lot or property description and the person responsible for such lands.

(Code 1985, § 25-7)

Sec. 122-51. Costs a lien; assessment.

All costs in connection with cutting, removing, destroying, trimming, eliminating or abating the nuisance shall be a lien upon the land where such nuisance shall have been caused by the city to be destroyed, cut, eliminated, removed, trimmed or abated, and all the costs of such abatement remaining unpaid each year, pursuant to provisions contained in the Charter of the city, shall be collected in the same manner that other special assessments are collected under the Charter.

(Code 1985, § 25-8)

Secs. 122-52--122-70. Reserved.