

CITY OF BELLEVILLE
ORDINANCE NO. 99-116

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE PLANTING,
MAINTENANCE AND REMOVAL OF TREES WITHIN THE CITY OF BELLEVILLE.**

The City of Belleville Ordains:

SECTION 1. PURPOSE

The purpose of this ordinance is to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Belleville.

SECTION 2. DEFINITIONS

The following terms, as used in this ordinance, shall have the meanings provided:

- A. **“City”** shall mean the City of Belleville, Wayne County, Michigan.
- B. **“Street tree”** shall mean any tree growing within the right-of-way of any street or alley.
- C. **“Public tree”** shall mean any tree in all areas owned by the City.
- D. **“Private tree”** shall mean any tree which is not a street tree or a public tree.
- E. **“Tree”** shall mean any tree, shrub, bush or other woody vegetation.

SECTION 3. CITY TREE BOARD

There is hereby created and established a City Tree Board which shall consist of five (5) members appointed by the Mayor with the approval of the City Council. At least three members shall be City residents, at least one member shall be a business owner, and if available at least one member shall be a professional tree expert.

A. TERM OF OFFICE

The term of the five (5) persons to be shall be for three (3) years, except that the term of one (1) of the members appointed to the first board shall be for one (1) year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the

term of any member, his/her successor shall be appointed for the unexpired portion of the term.

B. COMPENSATION

Members of the Board shall serve without compensation.

C. DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and public trees. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official City Tree Plan for the City of Belleville, State of Michigan. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

D. OPERATION

The Board shall choose its own officers, make its own rules and regulations subject to approval of the City Council, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SECTION 4. STREET AND PUBLIC TREE PLANTING AND MAINTENANCE

The City shall have the right to plant, prune, maintain and remove street trees and public trees within the City of Belleville as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds, subject to the following requirements:

- A. The Tree Board shall establish by resolution a list of planting materials to be used for street trees and public trees. No species other than those provided in the resolution shall be planted as street trees or public trees without the specific permission of the Tree Board.
- B. No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of the intersection of the curbs or shoulders at such corner. No street tree shall be planted closer than ten (10) feet from any fireplug.
- C. No street tree other than those species listed as small trees in the City Zoning Ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 10. TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or City Department to top any street tree or public tree. Topping shall mean the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown 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 practices are impractical may be exempted from this provision.

SECTION 11. PRUNING – CORNER CLEARANCE

Every owner of any tree overhanging any street right-of-way within the City shall prune the branches so that such branches shall not obstruct any street lamp from adequately illuminating the street or obstruct the view for drivers of any street intersection, and so that there shall be a clear space of eight (8) feet above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property which overhangs any street right-of-way 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 the safe passage of pedestrians and vehicles.

SECTION 12. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The City shall have the right to cause the removal of any dead or diseased private tree within the City, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the City, subject to the following procedure:

- A. The City Tree Board shall notify the owner in writing regarding the need to remove such tree. The notice shall include a statement as to the problem with such tree, and the source of professional advice regarding the need for such removal. Removal shall be done by said owner at his/her own expense within sixty (60) days after the date of service of such notice.
- B. In the event of failure of the owner to comply with the notice provided in subsection A above, the City Tree Board shall notify the owner of such tree in writing, stating the City's intention to remove such tree and charge the cost of removal on the owner's property tax bill. The notice shall state that the owner has ten (10) days from receipt of the notice to file with the City Clerk a written request for an appeal of the order to the City Council.
- C. If the owner files a written appeal as provided in subsection B above, then the matter shall be scheduled on a regular or special City Council meeting, and the owner shall be given at least seven (7) days written notice of the hearing schedule. At the hearing, the owner shall have the right to appear in person or be represented by an agent, and to present information and testimony. The decision of the City Council shall be final.

- D. If the owner does not file a written request for an appeal, or if the City Council determines after a hearing that such tree should be removed, then the City shall proceed forthwith to remove such tree and levy the reasonable costs therefor on the owner's property.

SECTION 13. REMOVAL OF STUMPS

All stumps of street trees and public 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.

SECTION 14. INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, public trees or private trees as authorized in this ordinance.

SECTION 15. ARBORIST'S LICENSE REQUIRED FOR STREET & PUBLIC TREES

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing of street trees or public trees within the City without first applying for and procuring a license. No license shall be required of any Public Service Company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 16. OVERSIGHT BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal, in writing to the City Clerk, from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision. When such an appeal is filed, the ruling or order related thereto shall be held in abeyance until the City Council makes its final decision.

SECTION 17. PENALTY.

Any person violating this Ordinance shall, upon conviction, be guilty of a civil infraction and shall be subject to such fines as established by resolution.

SECTION 18. RIGHTS.

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

SECTION 19. SEVERABILITY.

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance, as a whole or part thereof other than the part declared invalid.

SECTION 20. REPEAL.

Ordinance 1916-25 in its entirety, and all other ordinances inconsistent with the provisions of this ordinance to the extent of such inconsistencies are hereby repealed.

SECTION 21. EFFECTIVE DATE.

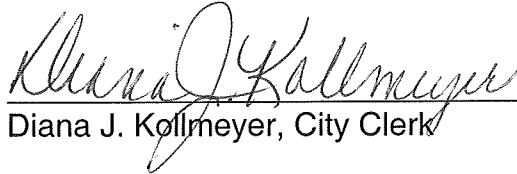
This Ordinance shall be effective ten (10) days after adoption and after publication.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the Ordinance therein set forth.



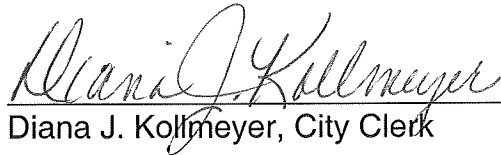
Thomas A. Fielder, Mayor



Diana J. Kollmeyer, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true copy of an Ordinance adopted by the Council of the City of Belleville at a regular Council meeting hereof held on September 20, 1999, and became effective on September 30, 1999, having been published in the official newspaper of the City of Belleville on September 23, 1999.



Diana J. Kollmeyer, City Clerk