

Chapter 16

Vegetation*

- Art. I. In General, §§ 16-1-16-25
Art. II. Trees and Shrubs on Public Ways, §§ 16-26-16-45
Art. III. Weeds, §§ 16-46-16-49

Article I. In General

Secs. 16.1-16.25. Reserved.

Article II. Trees and Shrubs On Public Ways

Sec. 16-26. Prohibited varieties.

No shade or ornamental trees shall be planted in any of the streets or public highways of the village of the variety of poplar, box-elder, tree of heaven, soft maple or willow.
(Ord. No. 11, § 1, 6-19-44)

Sec. 16.27. Removing, destroying, etc., without permission.

No person shall, without the written permit of the village council, remove, destroy, break, cut down, deface or in any way injure or interfere with any tree in any highway, park, avenue or boulevard in the village. However, nothing in this section shall be construed so as to apply to the trimming of trees as required herein.
(Ord. No. 11, § 2, 6-19-44)

Sec. 16.28. Hitching animals; attaching cables, posters, etc.; depositing injurious substances nearby.

No person shall fasten a horse or other animal to any tree in any public highway in the village or cause a horse or any such other animal to stand in such a position so that the horse or animal can injure such tree; nor shall any person attach any rope, wire, cable, sign, card or poster or any other article to a tree in a public highway in the village without a written permit from the village council; nor shall any person pour or deposit salts or brine upon any public highway in such manner as to injure any tree growing thereon.
(Ord. No. 11, § 3, 6-19-44)

Sec. 16-29. Encroachment over or upon streets, sidewalks; trimming by owner or village.

* **Cross reference**-Nuisances generally, Ch. 9.

State law references-Control and eradication of noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.; obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.; deposit of noxious weeds on highways, MCL 247.51, MSA 28.181.

Any tree, shrub or hedge growing on any street or highway so located as to extend its branches over a public alley, sidewalk, street or highway shall be so trimmed by the owner of property in front of which the tree, shrub or hedge stands or by the agent of the owner, so that there shall be a clear height of twelve (12) feet above the surface of the street, highway or alley, and so that the passageway along the sidewalk shall be unobstructed by its branches. Such owner or agent shall remove all dead branches or stubs on such tree, shrub or hedge which are or may become a menace to travelers on public highways, streets, alleys or sidewalks in the village. Should the owner, or agent of the owner, at any time refuse or neglect to trim such trees, shrubs or hedges, the village council shall have the right, and it shall be its duty, to trim same in the manner aforesaid and the village shall have an action at law against the owner, or owners, of the premises for the cost and expenses incident to such work, and shall be entitled to a judgment for the same.

(Ord. No. 11, § 4, 6-19-44; Ord. No. 11A, § 1(4), 2-11-56)

Sec. 16.30. Attachment of electrical devices.

No person shall attach any electric wires, insulators or other devices for holding electric wires to any tree growing in any street, alley or public highway under the control of the village.

(Ord. No. 11, § 5, 6-19-44)

Secs. 16.31-16.45. Reserved.

Article III. Weeds

Sec. 16.46. Cutting, disposal by property owner.

It shall be the duty of every owner, possessor or occupier of land within the village or of every person having charge of any such lands to cut or cause to be cut down and destroyed all Canada thistles, milkweed, wild carrots, oxeye daisies or other noxious weeds growing thereon, at least twice in each year, once before June 1 and again before September 1, and as much oftener as may be necessary to prevent them from going to seed, and either piled up and burned or removed to some place where refuse is ordinarily disposed of.

(Ord. No. 42, § 1, 5-2-77)

Sec. 16.47. Service of notice to abate.

In case the owner, possessor, occupier of land or the person in charge thereof shall refuse or neglect to comply with the provisions of this article, within the time limited therefore, the village clerk shall serve, personally or by registered mail, a copy of this article, together with a notice to the owner, possessor or occupier of land to cut or cause to be cut and destroyed all noxious weeds enumerated herein, within a period of five (5) days from and after service of such notice.

(Ord. No. 42, § 3, 5.2-77)

Sec. 16.48. Abatement by village upon failure of owner; statement of expenses.

In case the owner, possessor or occupier of land shall fail to conform with the provisions of this article within the time limited therefore in the notice served as provided in section 16-47, it shall be the duty of the commissioner of streets to cause all of the noxious weeds to be cut down on all front lots adjacent to streets, and the commissioner of streets shall keep an accurate account of the expenses incurred in carrying out the provisions of this section, with respect to each parcel of land entered upon therefore, and shall make a sworn statement of the account and present same to the village council. The commission shall audit and allow such account and order same paid from the fund for general village purposes out of any monies in the village treasury not otherwise appropriated.

(Ord. No. 42, § 4, 5-2-77)

Sec. 16-49. Recovery of village costs.

It shall be the duty of the village clerk to certify to the village council any and all accounts audited and allowed pursuant to section 16-48, and the village council shall add to all such accounts so audited and allowed ten (10) percent of the total of each account and shall cause all such expenditures so audited and allowed, together with the additional ten (10) percent to be severally levied on the lands on which the expenditures were made. The same shall become a lien upon the land and shall be collected in the same manner as other village taxes are collected and when collected shall be paid into the general village fund to reimburse the outlay there from as hereinbefore authorized.

(Ord. No. 42, § 5, 5-2-77)