



APPLICATION TO PLANT/ REMOVE/ MAINTAIN TREES/ SHRUBS WITHIN CITY RIGHTS-OF-WAY

Please fill out this application to request permission to plant, remove, or maintain trees or shrubs within a City right-of-way. Please consult with City staff if you are unsure where the right-of-way is. It is unlawful to plant or remove any tree or shrub within a City right-of-way except in compliance with City Ordinance, Section 18-6 "Trees and shrubs." Violators will receive a civil infraction and will be responsible for fines. Property owners are responsible for maintaining trees on their property.

- 1. Name of property owner or representative:
2. Property owner's address in the City:
3. Email, fax, or address to send reply to:
4. Daytime telephone/ cell number:
5. Please describe the location and details of your request. (You may provide a diagram or pictures, if you would like.)

- 6. Reason(s) for request:
___ Diseased ___ Dead ___ Threat to public safety
___ Overhead utility line(s) ___ Underground utility line(s) ___ Noxious ___ Disrupts sidewalk/ pavement
___ Other (explain)

The property owner is responsible for following all City Ordinance requirements and the City's Tree and Shrub Removal and Planting Policy. If approved, the property owner is responsible for making sure Miss Dig is called (dial 811) at least three working days before work is started. Stumps must also be removed. Contractors are responsible for removing all tree debris they create - the City's brush removal service is not to be used for this purpose. Any tree which is removed (but not diseased, dead, or a threat to public safety) is required to be replaced. The property owner is responsible for all expenses.

7. Property owner's signature: Date:

Street Superintendent John Sayne 269-469-2781 streetdept@cityofnewbuffalo.org 224 W Buffalo St
Code Enforcement Official Ed Carpenter 269-469-7144 codeenforcement@cityofnewbuffalo.org New Buffalo, MI 49117
City Manager William "Rusty" Geisler 269-469-1500 manager@cityofnewbuffalo.org Facsimile: 269-469-7917

City staff use only:

Request Number: Species of the tree(s):

Condition of tree(s):

Recommendation by Street Superintendent: Circle one: Yes No Date:

Recommendation by Code Enforcement Official: Circle one: Yes No Date:

Decision by City Manager: Date:

Circle one: Request approved Request NOT approved Request approved with attached stipulations

CITY ORDINANCE

Section 18-6. Trees and shrubs. [Ord. 185, 7/7/2009]

- A. **Trees on personal property overhanging a right-of way - danger of falling:** The owner of any lot or parcel of property within the City shall be responsible for all trees upon their property, and shall remove, or cause to be removed, any tree or limb which, due to age, illness, or other damage, poses a distinct threat of falling or collapsing onto an improved right-of-way. The City Manager or designated personnel shall make the final determination as to whether or not any tree poses such a threat.
- B. **Trees and shrubs on personal property overhanging a right-of way - obstruction:** The owner of any lot or parcel of property fronting any improved right-of-way within the City shall trim, or cause to be trimmed, the branches from all trees and shrubs upon their property overhanging the street and sidewalk so as to leave a clear height of eight (8) feet above surface of the sidewalk and surface of the street unobstructed by branches of such trees and shrubs.
- C. **Elective planting and removing trees and shrubs in a right-of-way:** It shall be unlawful for any party to plant or remove any tree or shrub in a right-of-way except in compliance with this Ordinance.
1. The City, or a contractor performing work approved by the City, may plant or remove trees and shrubs in the right-of-way at the discretion of the City Manager or designated personnel, in accordance with the "Tree and Shrub Removal and Planting Policy", which may be established from time to time by the City Council.
 2. No person shall plant or remove any tree or shrub in the right-of-way without written permission to do so. Such permit shall be issued by the City Manager or designated personnel. The planting and removing of trees and shrubs in the right-of-way shall be in accordance with the "Tree and Shrub Removal and Planting Policy", which may be established from time to time by the City Council. The cost of said planting or removing shall be borne by the person who obtained the permit.
- D. **Responsibility for disposal of debris from private tree and shrub removal:**
1. The owner of any lot or parcel of property within the City shall remove or cause to be removed debris from a tree or shrub when the tree or shrub from said lot or parcel is being removed in-whole, or a substantial part thereof. It is not the intention of this Ordinance that the City serve as a tree service to dispose of tree debris relating to the removal of trees and shrubs from private property.
 2. Debris from a tree or shrub left on a right-of-way from a tree or shrub which is being removed in-whole, or a substantial part thereof, shall not be in conformance with the "Yard Waste Collection Policy" of the City.
- E. **Penalties.** The owner (as shown on the assessor's records) of private property subject to this chapter is responsible for compliance. Each violation of this chapter shall be a civil infraction punishable by a civil fine as provided in Section 1-6 of the City Code of Ordinances, plus costs and all other remedies available pursuant to the City Code of Ordinances or by statute. Each day of violation shall be a separate violation. Subject to the provisions of Chapter 2 of the City Code of Ordinances, failure to timely pay the civil fine as provided herein shall result in a civil action by the City in a court of competent jurisdiction. Should the City receive a judgment and should the judgment not be satisfied within sixty (60) days of service upon the defendant, the City may, upon thirty (30) days written notice, submit a copy of said judgment to both the City Treasurer and County Treasurer for said costs to be added to the tax bill of the defendant. The cost of enforcement and prosecution shall be the actual amount of attorney fees and costs of enforcement. An itemized bill of fees and costs given under oath shall be prima facie evidence of the attorney fees and costs.

Tree and Shrub Removal and Planting Policy

Approved by resolution of the City Council on April 21, 2009.

It is the policy of the City to remove trees and shrubs in the right-of-way which are diseased, dead, or a threat to public safety. Such trees and shrubs shall be removed by the City or its agent during a schedule of the City's choice and is subject to funding availability. Stumps generated from the removal of said trees and shrubs shall likewise be removed.

Final determination as to whether a tree or shrub is diseased, dead, or a threat to public safety shall be made by the City Manager or designated personnel. Please contact John Sayne at 269-469-2781 to report a tree in the right-of-way which is diseased, dead, or a threat to public safety.

The City, or contractor for the City, may plant trees and shrubs in the right-of-way, at the direction of the City Manager or designated personnel, in accordance with the criteria below.

Trees and shrubs planted in the right-of-way shall be of native species.

Wherever overhead utility lines are present, trees or shrubs planted in the right-of-way must be of a species with a mature growth height that is not expected to generate limbs which, if separated from the tree, would likely cause damage to those overhead utility lines.

In addition to native shrubs, native tree species suitable to be planted under utility lines include:

- Chokecherry, Common (*Prunus virginiana*)
- Dogwood, Flowering (*Cornus florida*)
- Dogwood, Grey (*Cornus racemosa*)
- Hawthorn (*Crataegus spp.*)
- Hornbeam, American (*Carpinus caroliniana*)
- Nannyberry Viburnum (*Viburnum lentago*)
- Redbud, Eastern (*Cercis canadensis*)
- Serviceberry, Downy (*Amelancier arborea*)

Here is a list of other tree species native to Berrien County. These species grow too tall to be placed under utility lines, but they could be planted in other locations:

- Arborvitae (*Thuja occidentalis*)
- Beech, American (*Fagus grandifolia*)
- Birch, White (*Betula papyrifera*)
- Blackgum (*Nyssa sylvatica*)
- Cedar, Eastern Red (*Juniperus virginiana*)
- Cherry, Black (*Prunus serotina*)
- Hackberry (*Celtis occidentalis*)
- Honeylocust (*Gleditsia triacanthos*)
- Ironwood (*Ostrya virginiana*)
- Kent. Coffee Tree (*Gymnocladus dioicus*)
- Linden/ Basswood (*Tilia americana*)
- Maple, Red (*Acer rubrum*)
- Maple, Sugar (*Acer saccharum*)
- Oak, Bur (*Quercus macrocarpa*)
- Oak, Chinkapin (*Quercus muehlenbergii*)
- Oak, Pin (*Quercus paustris*)
- Oak, Red (*Quercus rubra*)
- Oak, Swamp White (*Quercus bicolor*)
- Pine, Red (*Pinus resinosa*)
- Pine, White (*Pinus strobes*)
- Tuliptree (*Liriodendron tulipifera*)