



CITY COUNCIL REPORT

May 8, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark Stimac, Director of Building and Zoning
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Tree Ordinance: Private Property Issues

The infestation of the Emerald Ash Borer has caused most ash trees in the city to die. City owned ash trees have been removed, however many ash trees on private property have not been removed. Property owners contact the Parks and Recreation department frequently (5-10 calls/week) asking the city to intercede to require the adjacent property owner to remove dead trees. The tree ordinance gives authority and duty to order removal on private property necessary for public safety or to prevent spread of disease or insects to public trees or places. If the fall line of a tree intersects the Right of Way and there is a danger to public property, we have the authority to order removal. There is no provision in the ordinance to order removal when the tree is a hazard to adjoining property unless that adjacent property is publicly owned. If a tree does fall on private property due to disease or other means, the Property Maintenance Code does require that the property owner remove the debris.

Mt. Clemens, Ann Arbor, and Lapeer have ordinance language similar to Troy. Novi requires property owners to maintain trees so that they do not become a danger to the public or adjacent property owners. The city of Southfield ordinance is similar to the Novi language however, they have available a loan program which offers residents the option of a low-interest loan to finance removal of trees under the ordinance.

Should the ordinance be changed whereby the city would have authority to require removal of trees on private property, it is estimated that a minimum of 520 hours/year of staff time (25% of one full time equivalent) would be spent doing this enforcement work. This estimate is based on current complaints and does not include inspection based enforcement.

The issue has economic implications for both property owners and the City. Property owners with dead trees must bear the cost of removal. Adjacent property owners may incur costs if damage occurs as a result of a tree falling onto their property. There will be costs associated with this work if the City begins inspecting trees and ordering removal of private property trees.

Adding additional services given the budget constraints and reduction of staff is not recommended. Absent further direction, staff will proceed as current policy dictates.

cc: Laura Balyeat

Mary F Redden

From: Mary Kerwin [marykerwin5@hotmail.com]
Sent: Wednesday, April 29, 2009 10:10 AM
To: John Szerlag
Subject: FW: Danger of Dead trees and no power

Please address this concern.

To: Louise.Schilling@troymi.gov; rbeltram@wideopenwest.com; cristinabroomfield@yahoo.com; david@eisenbacher.org; wade.fleming@troymi.gov; Mfhowryl@umich.edu; marykerwin5@hotmail.com
CC: council@troymi.gov
Subject: Danger of Dead trees and no power
Date: Wed, 29 Apr 2009 10:00:20 -0400

The back of my rather large lot had 10 or 12 large dead trees and a few smaller ones. All were dead or so close to dead that they might as well have been. I think they were all ash. My neighbor already had a tree that had fallen into the "V" divide of one and split the trunk. When I was out there clearing the drainage area that goes under Rochester Road. I was more than a bit nervous. I realized that not only was I endanger of a tree just falling over on me but that any children playing within 60 feet of that area could be injured should some of them choose to topple in the wrong direction and that they were also a danger to my neighbors should they fall on their property, kids, fences, whatever.

With a neighborhood full of children and my 2 grandchildren living here I made the decision to have that whole area cleared. The trees are down.... Some of the wood is gone.. but the clearing will have to wait until the ground dries out. While I did not spend the \$1200-\$3000 a tree some of these tree services charge, it still cost what was for me a lot of money.

My neighbors have dead trees as well, some of them long dead with no bark, etc. There are trees that have already partially fallen and look like dominos ready to topple. If their trees fall on my property I have to remove the part that falls on mine. If these folks wait until those trees fall then not only will I have to spend more money removing trees they should have had removed but the kids still aren't safe back there.

Last week I called the city and asked if I went to my neighbors was there any city ordinance regarding their obligation that I could fall back if they didn't want to do anything about them. According to Candy Griffith (Griffin?), The only ordinance related to trees has to do with litter. If a tree is down you have to clean up the mess. Well, it looks like until the ground dries out and they can get a truck to the back of my yard, I am the one in violation of the ordinance.

If you drive down Vanderpool, Trombley, or most of the streets between Livernois and Rochester you will see these partially fallen trees. The woods along the bridge between Wattles School and the Hidden Ridge homes looks dangerous as well. There are woods across from Schroder Elementary that are in bad shape and the homes along the creek on Walker in Emerald Lakes are terrible. Over there they continue to take down power lines when they fall. These examples are only the ones I view on a regular basis.

I believe we have serious problem that needs to be addressed by some ordinance. I know people are under a great deal of financial pressure. I also know that the regular tree services aren't their only option for the removal of trees. While I paid for a "whole" job, I have a friend who just found an insured guy to do take down 2 of hers for \$200. She will dispose of the wood. (I know a couple years ago it was \$51 a ton dispose of ash wood - Yes.. I have over the past 2 years had 7 other trees removed.)

The problem with Ash trees in particular is that "death by infestation" has happened. The trees have been dead for a couple years now. It isn't a matter of "if they die". It isn't a matter of "if they fall" It is a matter of them being long dead and when they fall. I don't want to see anyone killed by a falling tree that someone knew was dead but chose not to take down. Trees lose limbs without notice, not all trees are healthy but they are alive and folks may not know they are a risk ahead of an incident but some trees are obviously dead and really need to be taken down.

If you all choose to help get and ordinance in place the sooner the better. The situation has, in my estimation, already reached critical status.

If there is something I can do to help here, let me know.

Laura Balyeat
965 Vanderpool