

**AN ORDINANCE TO AMEND SECTION 3.40 OF CHAPTER 32
OF TITLE III OF THE CODE OF THE CITY OF EAST GRAND
RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

1. Section 3.40 of Chapter 32 of Title III of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

3.40. Private trees and shrubs-Obstructing public ways or clear vision areas.

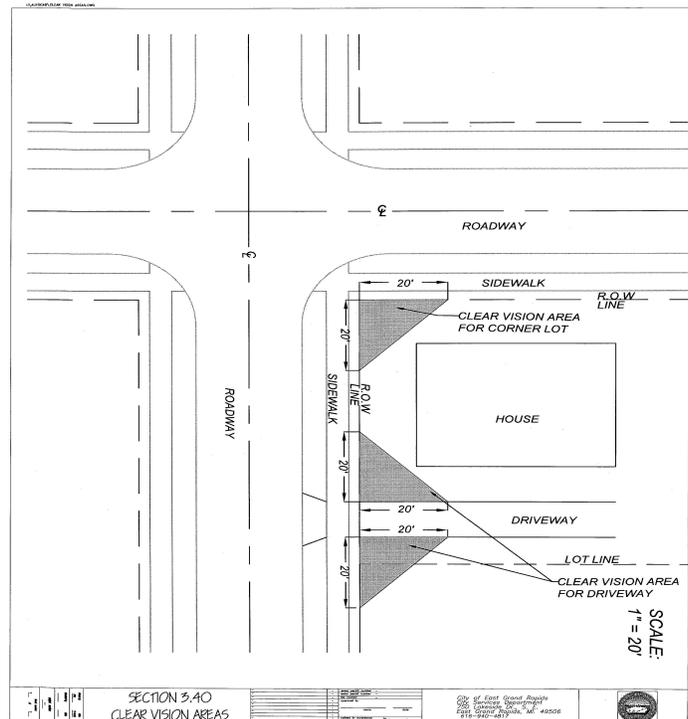
A. The owner of any tree on private property overhanging any street or right-of-way shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the top of the curb at the street level. The city shall have the right to trim any tree or shrub on private property when it interferes with pedestrian or vehicular traffic, or with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign, such trimming to be confined to the area immediately above the right-of-way.

B. For purposes of this section trees shall mean trees, and shrubs shall include bushes, woody vegetation and plantings. Shrubs on private property located within a clear vision area, as described below, shall not be permitted to extend or grow to a height of more than thirty (30) inches above the top of the curb at the street level in order that the view of a pedestrian or driver of a vehicle approaching a driveway or street intersection shall not be obstructed. Trees may be planted and maintained on private property in a clear vision area so long as all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the street level. A clear vision area shall be measured as follows:

ILLUSTRATION A-1

1. A clear vision area for a driveway means a triangular area formed by the intersection of a street right of way line and a driveway line and extending twenty (20) feet from the intersection of the lines, or in the case of a rounded line from the intersection of the line extended (see following illustration A-1).

2. A clear vision area for a corner lot means a triangular area formed by the intersection of two (2) street right of way lines and extending twenty (20) feet from the intersection of the lines, or in the case of a rounded line from the intersection of the line extended (see following illustration A-1).



C. Any property owner failing to trim or maintain any trees or shrubs in conformity with this chapter shall be notified by the director of city services or his/her designee, in the manner provided in section 1.10 of this code, to do so. Such notice shall require trimming or maintenance in conformity with this chapter within ten (10) days after service of such notice. Upon the expiration of such period, the director of city services may cause the trimming or maintenance to be done and the cost thereof may be collected from the owner of said property as a single lot assessment in accordance with section 1.306 of this code.

2. This Ordinance shall be effective on December 12, 2008.

3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

CITY OF EAST GRAND RAPIDS

By

Karen K. Brower, City Clerk

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