

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

**TREE ORDINANCE
11/17/05**

1.1 Purpose

To regulate the removal of trees from public and undeveloped private property in the City, and to preserve, protect, and enhance valuable resources entrusted to its citizens. To protect the health, safety, and welfare of its citizens, to establish standards limiting the removal of, and insuring the replacement of trees sufficient to safeguard the ecological and esthetic environment necessary to a community. To provide protective regulations against hazardous trees and diseased trees or shrubs; to control activities relative to trees and plantings within the public property of the City; to establish a permit procedure for the removal of trees on private property.

1.2 Definitions

Building Envelope. The ground area of a lot or parcel of land enclosed or to be enclosed by the exterior walls or perimeter (foot print) of principal and accessory buildings, and any associated improvements including, but not limited to; pools, decks, patios, walks, tennis courts, driveways, and utility services.

Diameter Breast Height (DBH). A tree's diameter in inches measured 4 ½ feet above the ground.

Drip Line. An imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

Destroy. To remove (cut down) a protected tree or to perpetrate any intentional or negligent act which will cause a protected tree to decline or die within a period of two (2) years. This shall include but not be limited to: damage inflicted upon the root system of a protected tree by the application of toxic substances, damage by the operation of equipment and vehicles, damage caused by excavation or fill within the drip line of a protected tree, or damage caused by alteration of natural physical conditions .

Protected Tree. A tree that is six (6) inches DBH or greater in size.

Tree. Any self supporting woody plant growing upon the earth which usually provides one (1) main trunk and produces a distinct head with many branches.

Tree Protection Zone (TPZ). The area between the line extending ten (10) feet beyond the building envelope and the property line.

1.3 Tree Board

Purpose. A Tree Board shall be established for the purpose of regulating the protection, preservation, removal, and planting of protected trees within the public right-of-way (Public Use Easements) and on public property (Parks and Public Spaces).

Membership. The City Manager, the Chair of the Planning Commission or designee, the Chair of the Historic District Commission or designee, the Superintendent of the Public Works Department, the City Mayor or designee, and one ex-officio member who is a licensed arborist.

Meetings. Meetings shall be held at least once quarterly at the discretion of the Committee Chair, with the first meeting held the first full week of January. Meetings shall be subject to the guidelines of the Open Meetings Act.

Duties. To review the policies and suggest changes to City Council or to Planning Commission, to develop a list of acceptable trees, and to develop rules and guidelines for administrative approvals.

1.4 Trees in the Public Right-of-Way and Public Property

Treatment of Protected Trees.

1. No tree upon any public right-of-way or public property shall be destroyed, pruned, girdled, broken, bent, wounded, or have notices or signs tacked upon without the consent of the City Manager under the direction of the Tree Board.
2. No person shall climb or walk upon the branches of a protected tree in any public right-of-way or public property while wearing spurs unless such person is in the permitted act of removing a tree.

Planting of Trees.

No trees or shrubs shall be planted upon any public right-of-way or public Property without the consent of the City Manager. No trees shall be planted at public expense upon private property unless a Public Use Easement has been granted.

1.5 Protection of Trees during construction and repair of buildings.

Purpose. The tree canopy contributes to the visual character of the City and trees are important natural resources and assets of the City. Therefore, every effort must be made to ensure that only the minimum numbers of protected trees are removed prior to construction of new structures, or alterations/additions to existing structures. It is the intent of this ordinance that a permit should not be granted for the removal of a protected tree where a reasonable alternative design solution exists that is consistent with the use of the property.

Permit Required. A Zoning Permit shall be required prior to the removal, relocation, or destruction of any trees on a vacant lot or parcel. A Tree Removal Permit shall be required prior to the removal, relocation, or destruction of any protected trees in an area of ten (10) feet outside the building envelope (Tree Protection Zone).

Application Procedure. For the above activity, a Tree Removal Permit Application shall be completed and submitted to the Zoning Administrator for review. In addition, a Site Plan shall be submitted with the following information:

1. The proposed building envelope designated plus an area ten (10) feet outside the building envelope (Tree Protection Zone).
2. The location and size of all protected trees in the Tree Protection Zone.
3. The trees proposed to be removed in the Tree Protection Zone.
4. The designation of any grade changes that have an adverse impact on any tree within the protected area.

Review Criteria. When reviewing an application for a Tree Removal Permit, the Zoning Administrator shall consider the following:

1. A satisfactory and viable plan designed and intended to avoid or minimize negative impacts to protected trees has been presented.
2. There are desirable, prudent, and reasonably feasible alternatives that would reduce or avoid negative impact to protected trees.
3. Trees proposed for removal are a safety hazard; cause unsafe vision clearance, or threaten to injure, damage, or disrupt persons, property, or a utility service; prevent or obstruct access to a lot or parcel; or to unreasonably prevent development, or use of a lot or parcel.
4. The proposed tree removal does not materially increase the risk of flooding or erosion on the subject or on adjacent property; or endanger a wetland or a watercourse.
5. An alternative location for the proposed structure or improvement that necessitates the removal of a protected tree can be achieved without causing unnecessary undue hardship to the applicant.

The Zoning Administrator may attach reasonable conditions to the approval considered necessary to ensure the intent of this chapter will be fulfilled and to minimize damage to, encroachment upon, or interfere with protected trees.

1.6 Tree Protection during Construction or Development

1. While removing trees for construction or development the owner shall take all necessary precautions to protect the remaining protected trees.
1. The owner shall not cause or allow any construction or development activity to occur within the drip line of a protected tree proposed to remain, nor shall any solvents, building materials, vehicles, construction equipment, soil deposits, fill, or other harmful materials be allowed to be placed, kept, parked, or stored within the drip line of such trees.

1.7 Tree Removal on a Vacant Lot or Parcel

On any lot or parcel where construction or development is NOT proposed, a Tree Removal Permit shall be required prior to the removal of any protected tree in accordance with section 1.5 of this chapter.

1.8 Tree Lighting Program

To insure the healthy growth of trees in the public right-of-way or public property, the City shall be divided into four (4) sections. Each year one section shall have all lights removed from all trees no later than March and re-installed no later than November to prevent damage to trees.

1.9 Tree Replacement Program.

Purpose. It is the intent of the City to maintain the numbers and the character of its trees; therefore, each tree lost in its public right-of-ways or public properties, shall be replaced by an appropriate tree.

1. Replacement trees shall measure no less than three (3) inches in diameter as measured from six (6) inches above the ground level.
2. Trees lost by age, disease, or by acts of nature shall be replaced as soon as possible under the direction of the Tree Board.
3. Where a tree is lost within the public right-of-way or public property by negligent or intentional vandalism, the person, vehicle owner, or agent responsible shall be charged for the value of an equally sized replacement. If such a replacement is not available locally, the value of the tree will be computed from the State Forestry and Shade Tree "evaluation formula" and the responsible person shall be invoiced that amount to compensate for costs of removal and planting of a replacement.