

VILLAGE OF NORTHPORT
LEELANAU COUNTY, MICHIGAN
Ordinance 132
MANAGING PUBLIC TREES

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Village of Northport Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the Village of Northport.

Public tree – any tree or woody vegetation on village-owned or village-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Authority and power.

- (a) **Delegation of authority and responsibility.** The Superintendent of the Department of Public Works and/or their designee, hereinafter referred to as the "Superintendent", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of- ways, Village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

- (b) **Interference.** No person shall hinder, prevent, delay, or interfere with the Superintendent or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 4. Tree planting and care standards.

- (a) **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Superintendent shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Superintendent.
- (d) **Planting distances.** The Superintendent shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 5. Prohibition against harming public trees.

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Superintendent.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Superintendent.
- (d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Superintendent and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.
- (e) Each violation of this section as determined and notified by the Superintendent shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

Section 6. Adjacent owner responsibility.

- (a) The owner of land adjacent to any village street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.

(b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Superintendent shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

Section 7. Duties of Private Property.

(a) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property.

Section 8. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a municipal civil infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 9. Appeals.

Appeals to decisions by the Superintendent, or to penalties imposed after violations of this ordinance, shall be heard by Village Council.

Section 10. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 11. Severability.

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

YEAS: 7

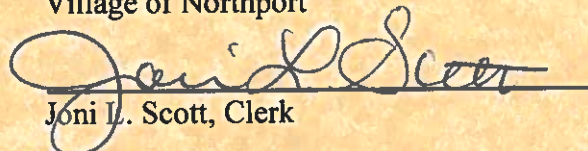
NAYS: 0

ABSENT: 0

The ordinance is adopted.

The undersigned, Clerk for the Village of Northport, hereby certifies that the foregoing Ordinance was adopted by the Village of Northport Council on the 8 day of Sept. 2022. It was published in the *Leelanau Enterprise* on the 29 day of September 2022.

Village of Northport


Joni L. Scott, Clerk