

ORDINANCE NUMBER XXXXIV (54) - TREE ORDINANCE

The Village of Suttons Bay Ordains that:

Section I. PURPOSE

It is the purpose of this ordinance to promote and protect the public health, safety and general welfare of its citizens by providing for the regulation of planting, maintenance and removal of trees, shrubs and other plants within the parks and other publicly owned rights of way in the Village of Suttons Bay.

Section II. AUTHORITY AND POWER

Responsibility for supervision of this ordinance shall be within the responsibility of the Suttons Bay Village Council's Buildings/Parks/Grounds and Trees Committee.

Section III. TERM OF OFFICE

The term of office of the Buildings/Parks/Ground and Trees Committee shall be the same as the elected term of office of the Council Member. Committee appointments are made at the discretion of the Village Council president.

Section IV. APPLICABILITY

This ordinance provides full power and authority over all trees, plants and shrubs located within parks, street rights of way and public places of the Village.

Section V. DEFINITIONS

1. **Street Trees:** are defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, alleys or rights of way within the Village.
2. **Park Trees:** are defined as trees, shrubs, bushes and all other woody vegetation in public parks, on public property and on all areas owned by the Village or to which the public has free access as a park.
3. **Large Trees:** are defined as those obtaining a height of over 40 feet.
4. **Medium Trees:** are defined as those obtaining a height of 30 to 40 feet.
5. **Small Trees:** are defined as those obtaining a height of 10 to 30 feet.

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**Section VI. TREE PLANTING, MAINTENANCE AND REMOVAL**

1. **Tree Species:** The Committee will develop and maintain a list of desirable trees for planting along streets in the three classes defined.
2. **Spacing:** The spacing of street trees will be in accordance with the three species size classes listed in this ordinance and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees 50 feet; except in special plantings designed or approved by the Committee.
3. **Utilities:** No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, telephone line, transmission line or gas line.
4. **Distance from Curb and Sidewalk:** the distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section V of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees 4 feet.
5. **Topping:** It shall be unlawful as a normal practice for any person to top any street or park tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Committee.

**Section VII: ADJACENT LANDOWNER RESPONSIBILITY**

No person shall plant, remove, cut above the ground or disturb any tree on any street, park or other public place within first obtaining approval from the Committee.

**Section VIII: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees or parts thereof constitute a hazard to life and property, or harbor insects or disease

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that constitute a potential threat to other trees within the Village. The Committee shall send notice by first class mail to the owner of record of the private tree and to the occupant if different. Removal shall be done by said owner or occupants at their own expense within 60 days after the date of the notice. In the event of failure of owners or occupants to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice. Whenever the Committee has determined that a street tree or a park tree has been severely damaged or destroyed, and the Committee has knowledge of person causing the damage, the Committee can assess against the responsible person the cost of the tree and the planting of it.

#### Section IX: REMOVAL OF STUMPS

All stumps of street trees and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### Section X: APPEAL TO THE VILLAGE COUNCIL

Any person may appeal from any ruling of the Committee to the Village Council, who shall hear the matter and affirm, reverse or amend the decision of the Committee.

#### Section XI: PENALTY

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction or a plea of guilty, shall be subject to a fine not to exceed \$500.00. Any such fine shall be separate from the recovery of value provided in this Section, the maximum amount of the fine herein provided shall in no way limit the amount of the value which may be recovered under the provisions of this Section.

#### Section XII: SEVERABILITY

If any Section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Charter of competent jurisdiction, such provision and such holdings shall not affect the validity of the remaining portions of this ordinance.

#### Section XIII: EFFECTIVE DATE

This ordinance shall be effective 30 days after adoption by the Village Council.

Adopted the 21st day of June, 1993.