

CITY OF LAKE ANGELUS, MICHIGAN

The City of Lake Angelus ordains:

I. Section 1258.11 of the Codified Ordinances of City of Lake Angelus shall be amended and restated in its entirety as follows:

1258.11 TREE PROTECTION AND PLANTING REQUIREMENTS.

(a) One-Sentence Summary. If removing any Protected Tree, call the City Planning Consultant prior to removal.

(b) Purpose and Intent. Established tree cover is a defining physical characteristic in Lake Angelus. In the interest of protecting the health, safety, and welfare of its citizens and in accordance with the Master Plan, it is Lake Angelus' intent to preserve Protected Trees and encourage planting of trees on all properties for the following purposes:

- (1) To preserve Lake Angelus' well-established tree canopy;
- (2) To preserve and grow property values;
- (3) To provide a buffer against light pollution;
- (4) To maintain the other environmental benefits of Protected Trees:
 - A. Soil erosion protection
 - B. Siltation protection
 - C. Enhanced air quality
 - D. Provision of shade
 - E. Improved water absorption;
- (5) To provide regulations in the interest of health, safety and general welfare of the residents of Lake Angelus, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of Public Act 451 of 1994, the Natural Resources and Environmental Protection Act.

(c) Definitions. The following definitions shall apply to this Section:

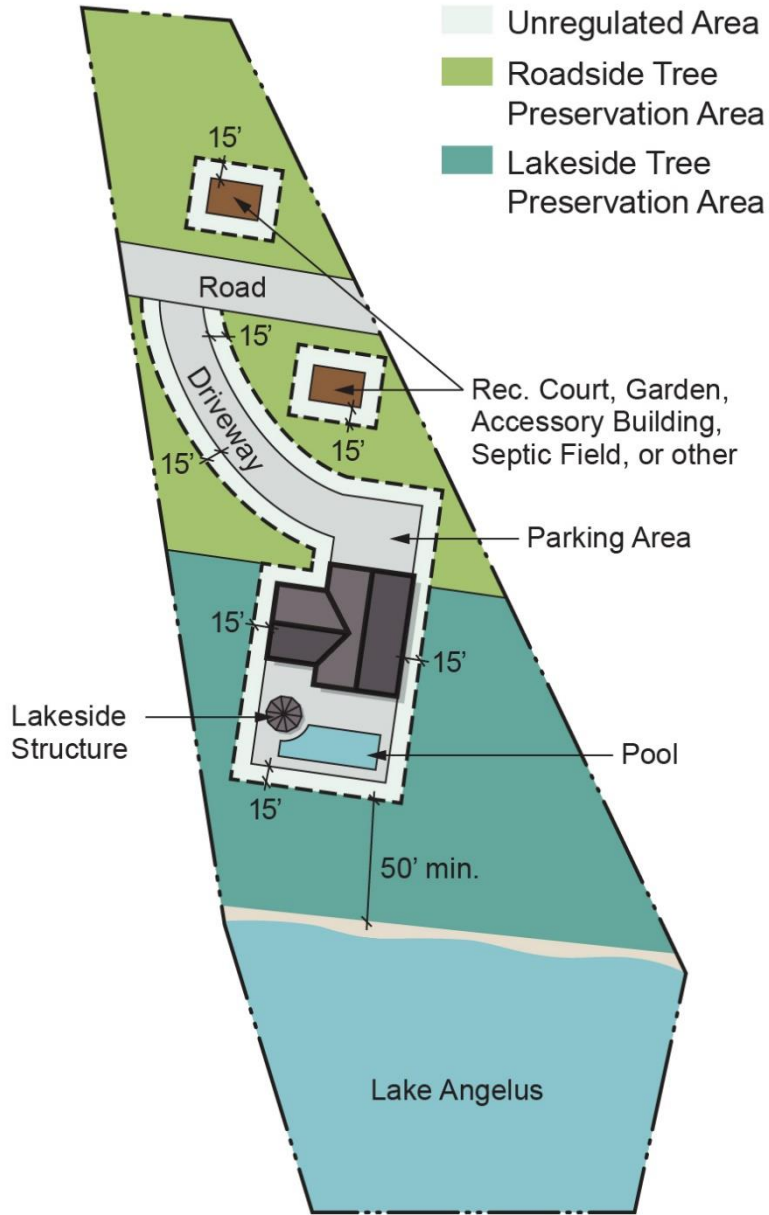
- (1) "Accessory Use." Any building, structure, driveway, parking area, pool, athletic court, garden, patio, walkway, or similar approved permanent site element allowed by this Ordinance.
- (2) "Caliper." The diameter of a tree measured six (6) inches above the soil. Caliper is used for the measurement of newly planted trees and trees intended to meet replacement requirements.
- (3) "Diameter Breast Height (D.B.H.)" A tree's Diameter in inches measured by diameter tape at four and one-half (4 ½) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured. D.B.H. is used for the measurement of existing trees.
- (4) "Drip Line." The points on the ground where water drips off the widest-reaching branches of a tree.

- (5) “Lakeside Tree Preservation Area.” An area between the Ordinary High Water Mark of Lake Angelus and a line even with the road side of the primary residential structure (not including decks, patios, or other accessory structures attached to the house). On undeveloped parcels, the whole parcel shall be considered Lakeside Tree Preservation Area.
- (6) “Protected Tree.” In the Lakeside Tree Preservation Area, any tree with a D.B.H. of four (4) inches or greater or two (2) inches or greater if slopes are steeper than a 1:5 ratio. In the Roadside Tree Preservation Area, any tree with a D.B.H. of eight (8) inches or greater. Any tree planted as a requirement of this ordinance, regardless of its size, is a Protected Tree.
- (7) “Removal.” The direct or indirect act of removing or causing the removal of a tree by digging up, cutting down, or other activities that damage and cause the eventual death of a tree.
- (8) “Roadside Tree Preservation Area.” Any portion of a lot that is not in a Lakeside Tree Preservation Area or Unregulated Area.
- (9) “Stump.” After a tree has been cut or felled, the stump is the remaining portion of the trunk with the roots still in the ground.
- (10) “Tree.” Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.
- (11) “Undeveloped.” A property which is unimproved by virtue of building(s), structure(s), or other improvement(s).
- (12) “Unregulated Area.” An area on which there are not restrictions on the removal of Protected Trees. Unregulated areas are those areas that include an approved home, driveway (up to 15 feet in width), parking areas, septic fields, and allowed accessory uses, and a buffer of up to 15 feet from said features.

(d) Regulated Tree Removal. Removal of any Protected Trees shall be confirmed in writing by the City Planning Consultant prior to removal.

- (1) Roadside Tree Preservation Areas. No Protected Trees may be removed without approval as provided for in the sections below.
- (2) Lakeside Tree Preservation Areas. No Protected Trees may be removed without approval as provided for in the sections below.
- (3) Unregulated Areas. Protected Trees may be removed in these areas.

- (4) On vacant or undeveloped land, no Protected Trees shall be removed unless there is a plan for removal approved by the Planning Commission.



Tree Preservation Regulated Areas

(e) Permitted Tree Removal. Removal of any Protected Trees shall be confirmed in writing by the City Planning Consultant prior to removal. The following activities may be approved when confirmed in writing by the City Planning Consultant prior to removal:

- (1) Tree removal as depicted on an approved site plan. Protected Trees shall be identified on a survey as part of the plan. The tree survey shall be verified on site by the City Planning Consultant and a member of the Planning Commission prior to site plan approval.
- (2) Removal of trees not defined as Protected.
- (3) Trees protected by the Right to Farm Act.
- (4) Removal of trees damaged by natural causes or disease.
- (5) Protected Tree removal performed by, or on behalf of, governmental entities or agencies or removal in rights-of-way.
- (6) Removal approved by the City Planner or their representative when a plan is submitted that meets the obligation of Section 6.

(f) Tree Plantings Required. Lake Angelus is losing its tree canopy through natural forces of disease, age, storm damage, and new development. Trees are a living part of Lake Angelus, growing, changing, and dying. This canopy needs to be replenished.

- (1) Planting Requirements. For any proposed structure requiring site plan approval, there shall be one (1) tree planted for every 500 square feet (or fraction thereof) of floor area (as defined in Section 1248.05.b) proposed, with a minimum of two (2) trees required.
- (2) Planting Locations. The desired location for required tree plantings is in the Lakeside Tree Preservation Area. Plantings shall be scattered throughout the lake side of the property and should not be grouped near the side lot lines. Planning Commission may consider alternate locations (on- or off-site) for tree plantings.
- (3) Minimum Size. Required trees shall be at least 2” caliper for deciduous species and four (4) feet in height for coniferous species. For the purpose of this ordinance, each 4 feet of coniferous tree equals 2” of tree caliper.
- (4) Tree Types. The following trees are desirable and recommended due to their hardiness and physical characteristics:

Evergreen Trees	Deciduous Trees (including columnar varieties)	
Fir	Maple (excluding Acer negundo)	Kentucky Coffee Tree
Eastern Hemlock	Horse Chestnut	Dawn Redwood (Metasequoia)
Spruce	Buckeye	Sweetgum
Pine	Birch	Tulip Tree
Douglas Fir	Hickory	American Hornbeam
Holly	Chestnut	London Planetree/Sycamore
Larch	Beech	Oak

	Honeylocust	American Basswood / Linden
	Hackberry	Ginkgo

(5) Landscape Plan Continuation. Plantings approved on a landscape plan shall be maintained through a minimum two-year establishment period and shall only be removed due to poor health or safety concerns, in which case they shall be maintained in accordance with this ordinance.

(g) Replacement Obligation. Removal of Protected trees in Lakeside Tree Preservation and Roadside Tree Preservation areas, except those approved by the City Planning Consultant per Section (e) above, shall be compensated by planting a sufficient number of trees so that the total caliper of the replacement trees shall equal or exceed the total D.B.H. of the Protected Trees removed. Trees shall be installed in a similar location as the removed Protected Trees unless alternate locations (on- or off-site) for tree plantings are approved by the Planning Commission. Trees shall be chosen from the table in Subsection (f)(4) of this ordinance.

(1) Protected Trees Removed Without Prior Approval. For Protected Trees removed without prior approval, the replacement requirement shall be based on the largest diameter measured by the City Planning Consultant for each stump. The determination for whether a tree was Protected or not shall be made by measuring the stump and using the stump measurement in place of D.B.H. For stumps ground before they can be measured, a minimum of 24 caliper inches of replacement trees shall be planted. Replacement trees shall be installed within one (1) month of the violation unless otherwise approved by the City Planning Consultant due to seasonal restrictions.

(h) Violations.

(1) Civil Infraction. Any person who violates the provisions of this Section or fails to install required replacements shall, in addition to other obligations imposed in this Section, be responsible for a municipal civil infraction, subject to the following penalties:

A. Replacement Obligation. Violations shall be subject to the replacement obligation in Subsection (6) of this ordinance.

B. Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:

(i) First offense. The civil fine for a first offense violation shall be in an amount of \$1,000.00, plus costs and other sanctions, for a tree removed in violation of this Section.

(ii) Repeat offense. The civil fine for each additional tree, or any offense which is a repeat offense, shall be in an amount of \$5,000.00, plus costs and other sanctions for each tree removed in violation of this Section.

C. Enforcement. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be

authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation, of this Section, including the replacement of any and all trees removed in violation of this Section.

- D. Remedies Not Exclusive. In addition to any remedies provided for by this Section, any equitable or other remedies available may be sought.
- E. The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.
- F. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

II. Section 1248.03(c)(6)(G) of the Codified Ordinances of Lake Angelus shall be amended and restated in its entirety as follows:

- G. The management of Protected Trees and other vegetation in the Lakeshore that is administratively approved under this subsection in order to achieve tree and vegetation health, remove problematic vegetation (e.g., poison ivy), or establish reasonable views from the home on the lot, all subject to the Tree Preservation and Planting Requirements of Section 1258.11 of this Ordinance.

III. Miscellaneous Provisions.

(a) Savings Clause. All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this ordinance, or initiated after the effective date of the ordinance for an offense committed before that effective date.

(b) Severability. If any word, clause, sentence, paragraph or part of this ordinance shall be found invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

(c) Effective Date; Publication. This ordinance shall take effect ten days after publication of this ordinance or a synopsis thereof, in a newspaper circulated in the City of Lake Angelus.

At a (regular/special) meeting of the Lake Angelus City Council held on _____, 2022, adoption of the foregoing ordinance was moved by _____ and supported by _____.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

Gary Parlove
Mayor

Sarah McNew Razzaque
Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. _____ which was enacted by the Lake Angelus City Council at a (regular/special) meeting held on _____, 2022.

Sarah McNew Razzaque
Clerk