

**CITY OF NORTHVILLE
CODE OF ORDINANCES
ORDINANCE NO. 09-05-24a**

**AN ORDINANCE TO AMEND CHAPTER 90 – VEGETATION, ARTICLE
II. TREE PRESERVATION OF THE CITY OF NORTHVILLE CODE OF
ORDINANCES**

THE CITY OF NORTHVILLE ORDAINS:

That the City of Northville Code of Ordinances, Chapter 90 – Vegetation, Article II. Tree Preservation is amended, to read as follows:

ARTICLE II. TREE PRESERVATION

Sec. 90-31. – General Purpose.

The City finds that regulation of the removal or alteration of trees and forest resources will protect important physical, aesthetic, recreational, and economic assets for both present and future generations of the City of Northville. Specifically, the City finds that:

- (1) Trees provide environmental benefits such as:
 - a. Casting shade and acting as windbreaks, moderating local climates, and reducing the amount of volatile organic compounds (VOC's) emitted from asphalt and concrete exposed to summer sun and heat.
 - b. Reducing noise levels.
 - c. Removing atmospheric pollutants, producing oxygen and absorbing carbon dioxide.
 - d. Slowing and reducing the amount of stormwater runoff that reaches storm drains, rivers and lakes, and assisting in filtering that runoff of pollutants through their root zones.
 - e. Stabilizing soils and providing habitat to wildlife.
- (2) Trees provide economic benefits such as:
 - a. Increasing residential property values and commercial property rental rates.
 - b. Moderating temperatures in summer and winter, saving on heating and cooling expenses.

- c. Improving the aesthetics of business districts, resulting in a positive influence on consumers' perceptions of, quality of products available, and consumer's willingness to pay more for those products.

(3) Trees provide social benefits such as:

- a. Creating safer streets by lowering traffic speeds.
- b. Reduction in crime compared to those areas without greenery.
- c. Improved health and reduced rates of asthma, and improved recovery rates of patients with a view of trees compared to no trees.

Therefore, for these reasons, the purpose of this article is to promote an increased quality of life through the regulation, maintenance, and protection of trees, forests and other natural resources.

Sec. 90-32. – Definitions.

Words or terms defined in this article shall have the meanings as defined in this article. Any words or terms not defined in this article shall have the meanings normally ascribed to them, or as they are defined in other city ordinances.

Agriculture/farming/nursery shall mean any land in which the principal use is to derive income from the growing of plants and tree, including but not limited to land used principally for fruit, tree farms, or nursery operations.

Arboriculture shall mean the art, science, technology, and business of commercial, public, and utility tree care.

American National Standards Institute (ANSI) shall mean the most current version of A300, the industry consensus of performance standards for care, pruning, planting and protection of trees.

Arborist shall mean an individual engaged in the profession of arboriculture, who through experience, education, and related ANSI 300 training; possesses the competence to provide for or supervise the management of trees and other woody plants.

Arborist, Certified shall mean an Arborist who is certified by the International Society of Arboriculture and is in good standing having met all testing and requirements.

Caliper as defined by the American National Standards for nursery stock ANSI Z60 is the diameter of deciduous (leafy) nursery trees measured at six inches above ground for trees four inches in diameter or less and 12 inches above ground for trees over four inches in

diameter. Evergreen nursery stock is measured in height from where the trunk meets the root ball to the midpoint between the uppermost whorl to the tip of the leader. Nursery stock is classified in size ranges (i.e. 2-2.5inches caliper; 6-7 feet in height) with the lower number the guaranteed size.

Clear cutting shall mean the complete clearing, cutting or removal of trees and vegetation.

Commercial nursery/tree farm shall mean any commercial establishment where the planting, growing, and sale of live trees, shrubs, plants, and plant materials for gardening and landscaping purposes occurs.

Damaged tree shall mean a tree that is injured so that it is not viable and could be at risk of causing harm as confirmed by an Arborist.

Dead tree shall mean a tree which is biologically dead as confirmed by an Arborist.

Developed property shall mean any land which is either currently used for residential, commercial, industrial, or agriculture purposes or is under construction of a new building, reconstruction of an existing building or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Diameter at breast height (DBH) shall mean the diameter in inches of the tree measured at 4.5 feet above the existing grade.

Diseased tree shall mean a tree that has been determined to have a terminal disease such as, but not limited to Dutch Elm, Emerald Ash Bore or Oak Wilt. Said disease shall be confirmed by an Arborist.

Emergency situations shall mean situations where there is an imminent threat to public safety, health, or welfare due to storm, wind, snow, ice, accidents or other natural causes.

Environmental resources trust fund shall mean a fund to be exclusively used for activities associated with the acquisition of woodland systems, land acquisition for reforestation, or planting of woodland systems and natural corridors.

Forest shall mean any treed area of one-half acre or more, containing at least 28 trees with a DBH of eight inches or more.

Grade shall mean the existing or proposed ground elevation.

Grubbing shall mean the effective removal of under canopy vegetation from a site or disturbance of the soil and removal of tree root material. This does not include the removal of any trees.

ISA shall mean the International Society of Arboriculture.

Major applications shall mean any property to be developed, that would require a site plan, a subdivision plan, a condominium plan, or a lot split (that is recorded after January 1, 1996).

Minor applications shall mean applications to remove trees on properties that do not require site plan approval by the Planning Commission in association with their activities or status.

Tree, Champion shall mean any tree that has been nominated and met the approval of City Council as an exceptional specimen because of its unique and intrinsic value to the general public due to its size, age, historic association, or ecological value.

Tree, Invasive shall mean a tree species that is native or non-native and likely to cause harm to local ecosystems by such means as crowding out other species and reducing the overall diversity of more natural ecosystems.

Tree, landmark shall mean any tree which stands apart from neighboring trees by size form or species as specified in the landmark tree list.

Tree, native shall mean a tree species that has naturally evolved in the local climate zone over a significant duration. Where native tree or plant is used in the text, this means a straight species or cultivar of a species native to Michigan and not a cross between a native species and non-native species.

Tree, non-native shall mean a tree species that has evolved in a country or region other than Michigan and has been introduced by human activity.

Tree, protected shall mean any tree, or single stem of a multi-stemmed tree, that is eight (8) inches DBH or larger.

Tree Protection Zone (TPZ) shall mean a defined area intended to protect the tree, roots and soil.

Tree Protection Zone Calculated shall mean an area determined by (1) measuring the diameter of the trunk at 4.5 feet above the surrounding grade; and (2) calculating the TPZ radius around the tree trunk or group of trees equal to the one foot or radius around the tree trunk for each one inch of trunk diameter. Example: A tree with a 10-inch diameter trunk will have a 10-foot TPZ radius. The TPZ shall be formed at the outer edge of the TPZ using a TPZ barrier as specified in Section 90-37.

Sec. 90-33. – Exemptions.

(a) Permit exemptions. The following are exempt from the provisions of this article:

- (1) Agricultural / farming operations and commercial nursery / tree farm operations.
- (2) Trees within the City right-of-way or within public utility easements.
- (3) The maintenance of rights-of-way, easements, lines or facilities by a public utility, drainage district, County Drain Commissioner, County Road Commission, State of Michigan, or City of Northville. Maintenance work performed by Northville Parks and Recreation.
- (4) Public utility or City Department of Public Works operations for tree removal during an emergency or within 48 hours after emergency situations, when it is necessary to expedite the removal of damaged, destroyed, or hazardous trees in the interest of public safety, health, and general welfare.
- (5) The removal of dead, diseased, or damaged trees which are hazardous or in danger of falling on persons or property and are deemed to be a public safety hazard as determined by the Community Development Department.

Sec. 90-34. – Tree Removal Permit Requirements, Procedures, and Standards.

- (a) The following activities are regulated by this ordinance and are individually or collectively considered ‘tree removal’ under this ordinance and are prohibited without obtaining a permit:
- (1) The removal or relocation of any tree with a DBH of eight inches or greater on any property without first obtaining a tree removal permit when required by this ordinance.
 - (2) The removal, damage, or destruction of any landmark tree without first obtaining a tree removal permit when required by this ordinance.
 - (3) The removal, damage, or destruction of any champion tree without first obtaining a tree removal permit when required by this ordinance.
 - (4) The clear cutting or grubbing within the dripline of a forest without first obtaining a tree removal permit when required by this ordinance.

Sec. 90-35. – Minor Applications.

- (a) Single Family Residential (R-1A, R-1B) Without Construction.
- (1) Trees of a size less than eight inches DBH shall not require City notification or permit application before removal.

- (2) The removal or relocation of any tree with a DBH of eight inches or greater shall require formal notification to the City by the property owner before any removal activity shall take place. The owner shall fill out the City's Permit Application Form in its entirety with all supporting documents and information as requested and present same to the Community Development Department for review. Residential lots R-1A, R-1B without construction activity may remove up to two trees per calendar year of eight inches DBH or greater including landmark trees with the proper City permit, unless the specimen is designated by the City Council as a Champion Tree.
- (3) The City shall review the permit application and if found to be complete shall issue a tree removal permit to be placed in public view by the Applicant before removal activities commence.

(b) Single Family Residential (R-1A, R-1B) With Construction.

- (1) If a property owner is conducting construction activities such as redevelopment of the lot, or constructing a building addition or accessory structure on the lot, and such construction activities include the removal of an existing tree of eight inches DBH or greater, the owner shall complete the City's tree removal permit application in its entirety with any supporting documents and information as requested and submit same to the Community Development Department for review.
- (2) The Community Development Director shall provide the application and supporting materials to the City's Arborist, who shall visit the site and meet with the owner or their agent to review the tree(s) requested to be removed and provide suggestions on proper tree protection and possible mitigation measures. In review of the application, the Community Development Director may at his discretion require revision to or reject the Applicant's plan for removal if there is clear evidence a reasonable alternative is available that would avoid removal of an otherwise protected tree.

(c) Other Minor Applications.

Non single family applications for tree removal that do not require site plan review, a subdivision plan, a condominium plan, or a lot split shall be subject to the review and approval procedure in Section 90-35(b).

(d) Tree Removal Permit Application Requirements:

- (1) The name, address, telephone number, and email address of the owner and occupant if different, of the property on which a tree is located.
- (2) The address of the property on which the tree is located.
- (3) Description of the tree removal activity using the following techniques:

- a. Written description of removal activity.
 - b. Sketch plan showing tree(s) to be removed.
- (4) Identification of landmark and champion trees, if any, on the property.
 - (5) Photograph of tree(s) to be removed.
 - (6) Acknowledgement and acceptance of the required protection standards of the remaining trees per Section 90-37.
 - (7) Signature of the owner.

Sec. 90-36. – Major Applications.

If activities defined as major applications include the removal of trees of eight-inch DBH or greater, then a tree location survey as requested by the City shall be presented to the Planning Commission after being submitted to and reviewed by the City. This shall occur whether approved concurrently with, or independently from, the land development procedures listed before tree removal may proceed. Section 19.05 of the Zoning Ordinance requires compliance with Chapter 90 Article II, Tree Preservation in conjunction with site plan review procedures.

- (1) Tree Removal Permit Application Requirements: Tree removal submissions associated with site plans, subdivisions, condominiums, and lot splits recorded after January 1, 1996 shall be reviewed by the City. The application shall contain the following information:
 - a. The name, address, telephone number, and email address of the owner or agent for the property on which the tree is located.
 - b. A legal description, lot number, and/or address of the property on which the tree(s) is located.
 - c. A tree location survey shall bear the following information and details:
 - i. The scale shall be the same as the site plans, subdivision plans, condominium plans, or lot split plans if concurrently submitted for development review.
 - ii. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.
 - iii. Locations and dimensions of all setbacks and existing or proposed easements.

- iv. All trees shall be tagged in the field with identifying numbers, using noncorrosive metal tags.
- v. Existing and proposed spot elevations at base of all regulated trees.
- vi. Locations of all existing trees eight-inch DBH or more, including offsite trees within 25 feet of the property lines, and all trees to be affected by the development such as trees located within areas of right-of-way improvements or offsite utility work. All such trees proposed to remain, to be relocated or to be removed shall be so designated.
- vii. Clearing limits shall be clearly shown on the submitted plan.
- viii. The survey shall be accompanied by a separate key listing identifying the numbered trees by size, botanical name, common name, and health/condition.
- ix. A tree location survey shall be performed by a registered land surveyor and verified on site by a Certified Arborist. Both professionals must verify the contents by seal or signature, whichever applies.
- x. If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction, and how they are to be maintained after construction in accordance with the standards of Section 90-38.
- xi. Illustrations and statements showing and describing how trees to remain are to be protected during land clearance, construction and on a permanent basis. Techniques shall include, but not be limited to, the TPZ accurately drawn to scale around each tree to remain, installation of tree protective fencing at the edge of the TPZ, proposed locations for directional boring or hand excavating, and proposed use of permanent tree protective measures such as tree wells, protective barriers, tunneling or retaining walls, and other techniques. Proposed development plans shall include the statement: *"No disturbance to existing vegetation or soils shall occur within the tree protection fencing around plant material intended to be saved. In addition, parking or the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree or protected vegetation shall be prohibited within the tree protection fencing surrounding any plant material intended to be saved."*
- xii. Proposed development plans shall include notes describing the number of trees to be removed which are eight-inch DBH or more.

- xiii. A description and onsite location of soil types, soil characteristics, modifications, and management.
 - xiv. Tree replacement or relocation provisions in accordance with Section 90-38 if applicable.
- d. The requirements for a tree location survey may be waived by the Planning Commission for areas 25 feet or more outside the construction zone. If waived, a statement indicating predominate species and estimated number and size of existing trees in this area will be required.

(2) Review Procedures.

- a. The Community Development Department or Planning Commission, as applicable, shall review the application for tree removal permit and may impose such conditions on the manner and extent of the proposed activity as necessary to ensure that the activity or use will be conducted in such a manner as will cause the least possible damage, encroachment or interference with natural resources and natural processes within the affected area.
- b. Failure to preserve and protect trees not scheduled for removal during the construction process shall result in penalties being levied by the City as described in Section 90-42.
- c. The Planning Commission shall approve, approve with conditions, postpone and refer back to Applicant, or deny the tree removal permit application.

(3) Review Standards:

The following standards shall be used to review the tree removal permit application:

- a. The tree(s) and surrounding area shall be evaluated by the City's Arborist by considering the following:
 - i. Soil quality as it relates to potential tree disruption.
 - ii. Habitat quality.
 - iii. Tree species (including diversity of tree species).
 - iv. Tree size and density.
 - v. Health and vigor of tree stand.

- vi. Understory or juvenile tree species and quality.
- vii. General character of surrounding vegetation.
- viii. Aesthetic qualities.
- ix. Buffering characteristics from noise, lights, etc.
- x. Other factors such as value of the trees as an environmental asset (i.e. cooling effect, reduction of erosion etc.).

(4) The petition for removal or relocation of trees within the affected areas shall be limited to instances:

- a. Where necessary for the location of a structure or site improvement and when no reasonable or prudent alternative location for such structure or improvement can be had without causing undue hardship to the petitioner.
- b. Where the tree is dead, diseased, injured and in danger of falling too close to proposed or existing structures, or interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.
- c. Where removal or relocation of the tree is consistent with good arboricultural practices or if it will enhance the health of remaining trees.

(5) The burden of demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the Applicant. If it is determined that no feasible or prudent alternative is available, an Applicant shall be responsible for tree replacement or a contribution to the City's Environmental resources trust fund, as required.

(6) The Planning Commission shall base their decisions upon weighing the following considerations:

- a. The proposed tree removal or land clearance would not substantially affect or reduce:
 - i. Privacy between adjacent uses and activities.
 - ii. Screening/buffering between adjacent uses and activities.
 - iii. Wildlife habitat and movement.
 - iv. Soil and slope stability.
 - v. Regulated wetlands.

- vi. Risk to existing or proposed structures on the subject property, or structures on adjacent properties.
 - vii. Existing protected trees on the premises and their suitability for preservation.
 - b. The proposed tree removal or land clearance as necessary for the reasonable economic use of the property.
- (7) If the Planning Commission approves or approves with conditions the landscaping plan that has been reviewed by the City's Arborist who has visited the site and evaluated the trees(s) proposed for removal, then the owner shall submit a formal request for permit from the building department. The permit request shall include the owner's proposed mitigation and protection strategies along with any additional fees or bonds required as spelled out in the City's fee schedule.
- (8) The Community Development Department shall provide a permit that will be publicly displayed throughout the tree removal process. The Community Development Department may visit the site on a regular basis to ensure that the removal and protection process is adhered to.
- (9) If a permit has been issued that requires planting of replacement trees, the Applicant will inform the Community Development Department once installation of the replacement trees has begun. The City's Arborist will visit the site and confirm the scope including the means and methods of installed plants meet the approved planting plan. Upon satisfactory completion and final review, information will be conveyed to the Community Development Department, and the City will then refund any applicable bond or securities held by the City to the Applicant.
- (10) Requesting Changes or Modifications to Previously Approved Site Plan.

Trees planted according to a site plan, subdivision plan, condominium plan, or lot splits with trees that were formally approved by the City and / or the Planning Commission as part of the development plan and are planned to be removed by the owner without replacement shall require a new tree removal permit from the City.

- (11) Appeal.

Appeal of denial of a tree removal permit may be brought before the Board of Zoning Appeals (BZA) which shall have authority to affirm, reverse, or modify such determination based upon the facts set forth in this article. An appeal shall be made within 21 days of the denial of a tree removal permit by the Community Development Department or Planning Commission.

- (12) Permit Display.

City of Northville tree removal permit(s) shall be displayed on properties and be visible to the public prior to the removal of trees.

Sec. 90-37. - Tree Protection Requirements.

(a) Tree Identification.

Prior to any land clearing activates as part of site plan application and review, the petitioner shall have field identified trees intended to be removed as well as those intended to remain. Markings for trees planned to be removed will be clearly identified with flagging tape or chalk spray.

(b) Tree Protection Before Construction.

It is the intent of this ordinance that all the following protective tree measures be completed, in place, and inspected by the City before any project activities take place including site clearing, site modifications, material storage, or construction mobilization. The City shall not issue construction permits until the following conditions are met.

(c) Tree Protection Fencing.

Tree protective fencing shall be consistent with the City of Northville construction site operation standards. Fencing shall be a minimum of four feet high, constructed of sound materials, and reinforced at intervals that provide structural integrity. Fences shall be sturdy and highly visible to discourage entry into the area. Supports shall be solidly anchored into the ground. Chain link is the preferred fencing material. Plastic construction / snow fencing is easily moved or destroyed by construction activities and is therefore not allowed unless it is hung from a heavy wire attached to sturdy posts. An opening may be left in the barrier to allow access to the tree for inspection and maintenance activities.

(d) Tree Protection Signage.

Developers or their agents shall install signage within protected area(s) stating: Tree Protection Area – *‘Compromises to the integrity of the barrier or space during construction are prohibited.’* The City of Northville.

(e) Tree Protection During Construction.

- (1) It is imperative that during the course of construction the owner, developer, or their designated agent do not allow or permit any encroachment into the designated TPZ that would potentially damage the tree or its root system. TPZs shall be free from temporary grading contour changes, spoils, construction materials, or any other items that might cause harm to the life of the tree or protected vegetation within the TPZ. Care shall be taken to avoid material handling equipment from entering the protection zone as this will cause long-term harm to the tree root system. If it is

unavoidable that material handling equipment enters the designated TPZ, measures shall be taken to limit the compression impact on the tree root system. It will be the responsibility of the developer or their agents to inform the Community Development Department of such measures prior to implementation. Maintaining the integrity of the fence boundary during construction is an ongoing process and must be part of the development plan. If the integrity of the barriers is compromised, they shall be repaired immediately. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Violations shall be addressed by the City in accordance with Section 90-41.

(2) Certain attachments restricted.

No damaging attachment, wires (other than cable wires used to stabilize tree branches), signs or permits may be fastened to any tree protected by this section.

(3) Periodic inspections.

The Community Development Department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.

(4) Bonding, financial security requirements.

Applicants may be subject to bonding or financial security requirements in accordance with Section 19.06 of the City's Zoning Ordinance and Section 90-46.

(5) Damage to plantings.

This section applies to trees identified to remain on the subject site, and existing trees outside of the subject site and on adjacent sites (both public and private) that are either damaged or illegally removed by the permit holder or his agent. The permit holder shall be held liable for any damage or illegal removal of any tree perpetrated by their agent, including tree care services, landscape contractors, or others acting as an agent of the permit holder. Damaged trees or illegally removed trees shall be repaired or replaced as directed by the Community Development Department.

a. Repair work to damaged trees, where feasible, shall be executed as soon as possible by a Certified Arborist approved by the Community Development Department and in a manner approved by the Community Development Department at the expense of the Applicant or permit holder.

i. The Community Development Department shall evaluate such damage and shall apply proportional penalty fees up to 100 percent

of calculated value, regardless of the disposition of the particular specimen. Penalties and civil fines shall be subject to a schedule as established by the City Council for violations of the ordinances specified in this section. Payment of the specified fine for any violation included in the schedule of fines shall be paid to the Community Development Department within 30 days of the Community Development Department's determination of penalty fees and shall constitute settlement of the violation notice by the party receiving the notice.

- ii. Where partial damage occurs, the permit holder, or property owner if tree is owned by someone other than the permit holder, may choose to make repairs and retain the specimen. The Community Development Department will evaluate such damage, and will set proportional penalty fees, up to 100 percent of the calculated replacement value regardless of the disposition of the specimen. A schedule of replacement values shall also be established by City Council.
- iii. In addition to any penalty fees determined by the Community Development Department, if a damaged tree cannot be repaired to a healthy state, the permit holder shall remove and replace the tree per the replacement schedule in Subsection 90-38(a). If the subject tree is owned by someone other than the permit holder, removal and replacement of the subject tree shall be completed to the reasonable satisfaction of the tree owner as determined by the Community Development Department, in compliance with all other applicable ordinance provisions.

- b. Replacement trees shall be installed as soon as possible by a competent landscape contractor approved by the Community Development Department and in a manner approved by the Community Development Department at the expense of the Applicant or permit holder.

Sec. 90-38. - Replacement of trees and exemptions thereto, and relocation of existing trees.

- (a) As a condition of granting a tree permit for sites other than R-1A and R-1B residential, the Applicant will be required to replace trees being removed having eight-inch DBH or more on site or provide replacement fees into the City's Environmental resources trust fund. Replacement trees shall have similar shade potential and other characteristics as the trees to be removed. Replacement species shall be reviewed by the Community Development Department or Planning Commission, as applicable, to ensure compatibility and similar or improved replacement characteristics of the plant material being removed.

- (1) Replacement quantities and sizes shall be addressed as follows:
 - a. Replacement DBH for all trees of eight-inch or greater shall be 100% of the removed individual or aggregate DBH. *Example (1): 24 DBH inches of trees removed would require 24 DBH inches of tree replacement with similar characteristics.*
 - b. All replacement trees shall measure a minimum of 2.5 inches to 4 inches caliper. Evergreen trees shall be a minimum height of eight (8) feet.
- (b) Ornamental trees and shrubs do not provide the environmental, economic, or social benefits of a removed shade tree and therefore are not considered adequate replacements. The City, however, does not discourage their use within a proper submitted landscape plan.
- (c) Replacement trees shall be planted on the same site as the removed trees. Where it is not feasible and /or desirable to replace or relocate trees on site, according to Section 90-38(a), the Applicant shall suggest alternative mitigation methods to the City and Planning Commission, as applicable, for their review.
- (d) Tree replacement locations shall be exclusive of required greenbelts or other landscaping in accordance with the City's Zoning Ordinance regulations pertaining to Section 18.08 landscape buffer regulations and Section 19.05 parking lot landscaping regulations.
- (e) Replacement trees shall not be species considered invasive in Michigan and as identified by the Invasive Tree List in Section 90-39(b).
- (f) The planting of Maple trees in the City is discouraged as they are identified as a species that have been regularly planted and have diminished the diversity goals of the City as documented in the 2021 Dave Tree Management Plan.
- (g) Exceptions:
 - (1) Site trees that are proven to be compromised by a disease or pest, or are determined to be in poor health as identified by the Applicant, and reviewed by the City Arborist shall be exempt from replacement requirements.
 - (2) Site trees that are confirmed by the City Arborist to be causing damage to a structure are exempt from mitigation requirements. This exception applies if further damage to the structure cannot be improved by tree trimming or building modifications. This exception does not apply if the damage is to underground utilities, driveways, sidewalks, or other landscape elements.
- (h) All replacement trees shall:

- (1) Comply with the American Horticulture ANSI Z.60 standards and the requirements of the Michigan Department of Agriculture and Rural Development.
- (2) Be grown in a state licensed nursery.
- (3) Be planted with the proper intent to provide an adequate environment for plant maintenance and growth according to the current ANSI Standards.
- (4) Be live, thriving, vigorous, properly cared for, and guaranteed for two years from final certificate of occupancy approval and including labor and material to remove and replace if the tree should be compromised and die within that period.

Sec. 90-39. - Landmark and Invasive Tree Lists.

(a) Landmark Tree List.

The following is a list of landmark trees according to common name, species and DBH which are protected under this section:

Common Name	Scientific Name	DBH
Arborvitae	<i>Thuja occidentalis</i>	18"
Basswood (American Linden)	<i>Tilia americana</i>	24"
Beech, American	<i>Fagus grandifolia</i>	18"
Birch	<i>Betula spp.</i>	18"
Black tupelo	<i>Nyssa sylvatica</i>	12"
Buckeye (Horse chestnut)	<i>Aesculus spp.</i>	18"
Catalpa	<i>Catalpa speciosa</i>	12"
Chestnut, American	<i>Castanea dentata</i>	8"
Cedar, red	<i>Juniperus spp.</i>	12"
Concolor fir	<i>Abies concolor</i>	16"
Crabapple (cultivar)	<i>Malus spp.</i>	12"
Douglas fir	<i>Pseudotsuga menziesii</i>	18"
Eastern hemlock	<i>Tsuga canadensis</i>	12"
Eastern Larch/tamarack	<i>Larix laricina</i>	12"
Flowering dogwood	<i>Cornus florida</i>	8"
Ginkgo	<i>Ginkgo biloba</i>	18"
Hickory	<i>Carya spp.</i>	18"
Honeylocust	<i>Gleditsia triacanthos f. inermis</i>	24"
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple	<i>Acer spp. (except ginnala, negundo, and platanoides)</i>	18"
Oak	<i>Quercus spp.</i>	20"

Pine	<i>Pinus spp.</i>	18"
Sassafras	<i>Sassafras albidum</i>	15"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American or London Planetree	<i>Platanus spp.</i>	18"
Tuliptree	<i>Liriodendron tulipifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	20"
Walnut, White/Butternut	<i>Juglans cinerea</i>	20"
Wild cherry	<i>Prunus spp.</i>	18"

(b) Invasive Tree List.

Common Name	Scientific Name
Autumn Olive	<i>Elaeagnus umbellate</i>
Black Locust	<i>Robinia pseudoacacia</i>
Bradford Pear	<i>Pyrus calleryana</i>
Boxelder	<i>Acer negundo</i>
Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus Frangula</i>
Mulberry	<i>Morus alba</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Tree of Heaven	<i>Ailanthus altissima</i>
White Poplar	<i>Populus Alba (check this)</i>
Eastern Cottonwood	<i>Populus deltoides</i>

Sec. 90.40. - Champion Trees.

(a) Any tree that is an exceptional specimen because of its unique and intrinsic value to the public due to its size, age, historic association, or ecological value may be subject to consideration by City Council as a Champion Tree under any of the following circumstances:

- (1) Upon request of the property owner on which the tree is located.
- (2) Upon recommendation of a neighborhood association. Written notification to the property owner shall be provided prior to consideration.
- (3) Upon recommendation of the Planning Commission if, during site plan review, the Planning Commission determines that the property has a tree that may meet the conditions under this section to be a Champion Tree. Written notification to the property owner shall be provided prior to consideration.

(b) City Council, by majority vote, may determine that the tree warrants the status of a Champion Tree by meeting one or more of the standards set forth. City Council shall consider all of the following standards in determining whether the tree warrants the status of a Champion Tree:

- (1) The species of the tree and whether it is an important locally native species or whether it is associated with the character of this community.
- (2) The approximate age of the tree through documentation of its size, historical accounts, photographs, or associations with historical structures. A tree shall be determined to be at least 50 years old to qualify under this standard.
- (3) Any historic significance of the tree if it is associated with a notable local or regional historical event, person, structure, or landscape.
- (4) Any especially high ecological value because of its location, size, species, and/or condition.
 - a. Whether it is an important roost, nesting site, or food source for desired wildlife species.
 - b. Whether it is situated in a site where it plays a critical role in stabilizing soil or providing shade needed by other plant or animal species.
 - c. Whether it is an important genetic resource for a local tree population or the species as a whole.

(c) Champion Tree Status.

- (1) Trees so designated by City Council shall be provided with the following status:
 - a. The City shall place the tree on a register of Champion Trees, which register shall contain the species, approximate size and location of the Champion Tree. The Community Development Department shall send written declaration and tree identification tag to the property owner.
 - b. No person shall cut down, remove, poison, or otherwise intentionally damage a champion tree and no owner of the property on which a Champion Tree is located shall authorize anyone to cut down, remove, poison, or otherwise intentionally damage a protected tree.
- (2) A Champion Tree can be removed by City Council from its status as a Champion Tree upon request of a City official or the property owner for any of the following reasons:

- a. The status of the tree has changed so it now meets one of the exemptions in Section 90.33.
- b. Property owner believes removal is necessary to use the property for a permitted purpose and failure to remove the tree from its protected status would constitute a governmental taking or otherwise deprive the property owner of the beneficial use of the property. In order to be eligible for consideration under this provision, the property owner shall provide to City Council all of the following:
 - i. The nature of any investment backed expectations of the property owner.
 - ii. A detailed description of how the status of the tree as a Champion Tree prohibits any reasonable use of the property.
 - iii. A detailed description of all alternate uses considered by the owner that would allow the owner the beneficial use of the property and still protect the tree.

Sec. 90-41. - Enforcement and violations.

In the event of a violation of this article or a violation of Section 14-402 (construction site operation standards), the Community Development Department will notify the owner of record and the occupant of said property of said violation. Such notice shall specify the violation, and the time within which corrective action must be completed. This notice may be served personally or by mail. In the event the property is not in compliance with this article at the end of the period specified in the notice of violation, an appearance ticket may be issued.

Sec. 90-42. - Penalties and civil fines.

- (a) Any person, corporation, partnership or any other legal entity that fails to comply with any of the provisions of this article or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction thereof, may be fined not more than \$500.00 per tree or per ordinance violation or imprisoned not more than 90 days or both, upon the discretion of the court. Every act or violation and every day upon which a violation occurs shall be considered a separate offense. The Community Development Department shall be responsible for the enforcement of this article and the determination of violations.
- (b) In addition to the penalties provided for in subsection (a), any person who violates any provision of this article shall forfeit and pay to the City a civil penalty equal to fee schedule established in accordance with this article and in accordance with the City's fees, fines, and penalties schedule as adopted by the City Council. Such sum shall accrue to the City and may be recovered in a civil action brought by the City. Such sum so collected shall be placed

in the City Tree Fund and used to replace trees and compensate for damages. Replacement of illegally removed trees may be required as restoration in lieu of money. This replacement will be computed by a formula which is two times the total amount of DBH if, because of destruction of the removed trees, exact inch-for-inch measurements cannot be obtained, the City may use other means to estimate the tree loss. A combination of money and tree replacement may be required.

Sec. 90-43. - Action for violations: time limit.

An action for a violation of this article shall be commenced within 12 months after the commission of the violation.

Sec. 90-44. - Construction non applicability, appeals.

The provisions of this article shall be construed, if possible, in such a manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the City and all amendments thereto. If there is believed to be a conflict between the stated intent and any specific provision of this article, the Board of Zoning Appeals may, in accordance with established procedures, permit modification of said specific provisions while retaining the intent in such appealed instance.

Sec. 90-45. - Fees.

Administrative costs associated with processing of a tree removal permit application shall be charged to the person per a fee schedule determined by the City of Northville City Council.

Sec. 90-46. - Performance guarantee.

- (a) To ensure compliance with this article and any condition imposed thereunder, a cash deposit or certified check equal to a percentage as determined by the Community Development Director based on review of cost estimates submitted by the Applicant for costs related to requirements of this article. These fees may be required to insure faithful completion of the improvements.
- (b) If required, the performance guarantee shall be received by the Community Development Director at the time of the issuance of the permit authorizing the project. The City shall rebate to the Applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Community Development Director or issuance of a final certificate of occupancy as issued by the Building Official.

Secs. 90-47—90-60. - Reserved.

The foregoing ordinance amendment is a true and correct copy of the ordinance adopted at the regular meeting of the City Council of the City of Northville held on September 5, 2024, at 7:00 p.m. in the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan 48167, Counties of Oakland and Wayne.

Brian P. Turnbull, Mayor
City of Northville

Michael Smith, CMC, City Clerk
City of Northville

The undersigned certifies the forgoing ordinance was:

Introduced: 08-19-24

Adopted: 09-05-24 By a vote of 5:0

Published: 09-19-24

Effective: 09-20-24

Michael Smith, CMC, City Clerk
City of Northville