

**VILLAGE OF GRAND BEACH**  
**BERRIEN COUNTY, STATE OF MICHIGAN**  
**ORDINANCE NO. 2024-110**

**TREE ORDINANCE**

**AN ORDINANCE TO PROVIDE FOR THE PROTECTION, PRESERVATION AND GROWTH OF TREES IN THE VILLAGE OF GRAND BEACH, MICHIGAN.**

**THE VILLAGE OF GRAND BEACH ORDAINS:**

**Section 1: Purpose**

Trees are a critical part of the Village of Grand Beach's infrastructure and are closely connected with the public health, safety, and welfare of the community. The Village Council has enacted this regulatory ordinance to preserve, maintain, and increase the trees and forests that:

- Protect public investments such as stormwater systems, erosion control, public utilities, streets
- Create a healthy environment by reducing heat islands and lessening noise
- Enhance quality of life and the character of residential neighborhoods

**Section 2: Definitions** - (see also Standards & Specifications appendix for additional definitions and arboricultural terms)

*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, safe and welfare.

*Parks & Recreation Committee (PRC)* -- Grand Beach Parks & Recreation Committee

*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.

*Public Property* - all grounds, Parkways, and rights-of-way (ROWs) owned or maintained by Village of Grand Beach.

*Private Property* - all land not held by the municipal body, county, state, or federal government for public purposes and as shown on the New Buffalo Township assessor's records.

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

*Public utility* - any person, firm, corporation, or other entity owning or operating any pole, line, pipe, or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity gas, telephone service or any other means of electronic communication.

*Tree* - also means shrubs, bushes, and all other woody vegetation.

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

### **Section 3: Authority and Management Control**

(a) Subject to oversight and approval by the Village Council, the Parks & Recreation Committee ("PRC") shall have general management and power and authority over all trees, plants and shrubs located within the street right-of-way, public parks, and other public places of the Village; and the trees and shrubs located on Private Property that constitute a hazard or threat to the safety and well-being of residents and public in any place in the Village.

The PRC 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-way, city parks, and other Public Property. This shall include the removal of trees that may threaten utilities or infrastructure, or any tree that is affected by fungus, insect, or other pest disease or any disease that threatens the health of other public or private vegetation.

The PRC shall take measures as may be deemed necessary on Public Property or Private Property to control and exterminate insects, pests, plant diseases which may injure trees, plants, or shrubs in the Village.

(b) Interference: No person shall directly or indirectly hinder, prevent, delay, or interfere with the PRC or their 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 Operation" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

(b) Utilities: The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

- (c) Preferred species list: The PRC shall maintain an official list of desirable tree species for planting on Public Property.
- (d) Planting distances: The PRC shall develop and maintain an official set of spacing requirements for the planting of new trees on Public Property. No new tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) Planting or adding new 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 PRC.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, or signs 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 PRC.
- (d) Any person, firm, or corporation performing construction near any public tree(s) shall consult with the PRC and shall employ appropriate measures to protect the tree(s), according to procedure contained in the Best Management Practices (BMPs) for "Managing Trees during Construction" published by the International Society of Arboriculture.
- (e) Violations are punishable and subject to fines, penalties, and mitigation.

### **Section 6: Adjacent owner responsibility**

- (a) The owner of land adjacent to any Village Street or place, with the written permission of the PRC and when acting within the provisions of this Ordinance, may plant PRC-approved trees in the adjacent Parkway area and take the responsibility to maintain them.
- (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 PRC shall notify the Private 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 6a: Boundary Line Trees (trees that are on both Public Property and Private Property)**

Often these trees are large, mature, and valuable. Surveys are needed to determine the percentage of tree on which property. Arborists are often required to anticipate the outcome of solutions, required trimming, removal, or disease treatment.

## **Section 7: Nuisance trees; Notice Requirements**

(a) Any tree, or limb thereof, on Public Property or Private Property determined by the PRC to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.

(b) Private Property owners have the duty, at their own expense, to remove or treat dead and/or nuisance trees on their property. The Village may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the PRC within the written notification period.

(c) Any written notice to be sent by the PRC or the Village under this Ordinance shall be sent by first class mail to the current address to which the property tax bill is mailed. In emergency situations, the Village may also post a notice to the front door or in another conspicuous area of the subject 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. In addition to the fine, a person who violates this ordinance shall pay fair market value for replacement of any tree on Public Property or Parkway as determined by an appraisal of value by a certified arborist. In all instances, the City's costs of enforcement, abatement, and prosecution, including attorney fees, shall be itemized, and be added to any fine imposed by the court. In addition to the penalties provided by this section, the court shall have equitable jurisdiction to allow the Village to perform an emergency removal of any tree on private property that immediately endangers the life or safety of the public, and to enforce any judgment, writ, lien, or order necessary to enforce any provision of this chapter, including but not limited to, abatement of the violating condition or granting any injunctive relief requested by the City. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

## **Section 9: Appeals**

Appeals to decisions by the PRC or penalties imposed after violations of this ordinance, shall be heard by the Village Council. An aggrieved party shall submit a written appeal of a decision under this ordinance within ten (10) days of the decision to the Village Clerk.

**Section 10.** This Ordinance shall become effective 10 days after publication.

AYES: Harry Walder, James Bracewell, Blake O'Halloran, Peter Doerr

NAYS: None

**ORDINANCE DECLARED ADOPTED.**

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Kimberly Wolnik, Village Clerk

**CERTIFICATION**

I, Kimberly Wolnik, Clerk of the Village of Grand Beach, hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on January 17, 2024, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

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Kimberly Wolnik, Village Clerk