PRESQUE ISLE TOWNSHIP
(PRESQUE ISLE COUNTY, MICHIGAN)
ORDINANCE NO. 3 - 2026

TREE ORDINANCE

AN ORDINANCE TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROVIDING FOR THE REGULATION OF PLANTING, MAINTENANCE, PROTECTION, AND REMOVAL OF TREES ON PUBLIC PROPERTY WITHIN THE TOWNSHIP OF PRESQUE ISLE, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE; TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE; TO PROVIDE FOR SEVERABILITY OF THE ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE FOR THE ORDINANCE.

THE TOWNSHIP OF PRESQUE ISLE, PRESQUE ISLE COUNTY, MICHIGAN ORDAINS:

SECTION 1. PURPOSE

Presque Isle Township values its tree canopy as a defining feature of the community and an important public resource. Trees help protect the water quality of the Township's lakes, stabilize soils, provide wildlife habitat, and contribute to the natural beauty, rural character, environmental health, and quality of life that residents cherish. The purpose of this Ordinance is to establish standards for the planting, maintenance, removal and protection of public trees in order to promote public health, safety, and welfare; preserve and enhance the Township's natural resources; protect public spaces; and maintain the scenic character and appearance of Presque Isle Township for the benefit of present and future generations.

SECTION 2. DEFINITIONS

PUBLIC PROPERTY/SPACE. Any real property owned by Presque Isle Township, including the New and Old Lighthouse Parks, Range Light Park, Presque Isle Township Hall, Presque Isle Township Park, Yakitan Road Park, Quarry Overlook, Anishinaabe Trail and Presque Isle Cemetery.

PUBLIC TREE. A tree located on public property including portions of limbs and branches that extend over private property.

TREE. Any tree, shrub, bush, or other woody vegetation unless the context clearly indicates otherwise.

TREE STEWARDSHIP GUIDE. A document adopted by the Presque Isle Township Board of Trustees that establishes standards, procedures, and best management practices for the planning, planting, protection, maintenance, and removal of public trees. The Tree Stewardship

Guide also recognizes and provides for the annual observance of Arbor Day, promotes educational outreach and community awareness regarding the importance, care, and preservation of trees, and includes a list of preferred and discouraged tree species. The Tree Stewardship Guide may be amended as needed upon approval by the Township Board of Trustees.

SECTION 3. APPLICABILITY

This Article applies only to public trees under the jurisdiction of Presque Isle Township. Unless expressly provided otherwise in this Ordinance, the provisions of this Article do not apply to the planting, maintenance, pruning, or removal of trees located entirely on private property.

SECTION 4. TREE ADVISORY COMMITTEE

A. There is hereby established a Tree Advisory Committee (TAC) for Presque Isle Township, which shall consist of not fewer than three (3) members appointed by the Township Supervisor.

B. TAC shall serve in an advisory capacity regarding all matters relating to public trees, and the implementation of the Tree Stewardship Guide.

C. Members of TAC shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties, subject to Township policies and available appropriations.

D. TAC is advisory in nature only and shall not be considered a public body for purposes of the Michigan Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.

E. TAC shall recommend to the Township Parks and Recreation Committee areas for beautification and improvement of the Township's landscape.

F. TAC shall promote public awareness and education regarding the planting, care, preservation, maintenance, and removal of public and private trees through educational materials, workshops, community events, and other appropriate outreach activities.

G. TAC shall prepare the Tree Stewardship Guide, update it as needed, and submit it to the Township Parks and Recreation Committee for review and recommendation to the Township Board for approval.

H. TAC shall prepare and annually update a Tree Stewardship Plan, consistent with the Tree Stewardship Guide, establishing goals, objectives, and priorities for the planting, care, preservation, pruning, replacement, and removal of public trees. The Plan may also include educational initiatives, volunteer activities, and grant opportunities. The Plan

shall be submitted annually to the Township Parks and Recreation Committee for review and shall include recommended work priorities and anticipated budget needs for the upcoming year.

I. TAC may identify and pursue potential grant opportunities, funding sources, and partnerships that support the goals and objectives of the Tree Stewardship Plan. TAC may assist with the preparation of grant applications and related materials for consideration by the Township Parks and Recreation Committee. No grant application shall be submitted, nor shall the Township be obligated by any grant agreement, without prior approval and authorization by the Township Board.

J. In carrying out its responsibilities, TAC shall follow the principles and practices outlined in the Tree Stewardship Guide adopted by the Board of Trustees.

SECTION 5. AUTHORITY

The Township Facilities and Projects Manager, acting under the administrative authority of the Township Supervisor, in consultation with TAC, and in accordance with the Tree Stewardship Guide, shall have jurisdiction, authority, and control over all trees, plants, and shrubs planted or growing on public property, including the planting, removal, care, maintenance, and protection thereof.

SECTION 6. PLANTING, MAINTENANCE, AND REMOVAL OF PUBLIC TREES

A. Public trees shall be planted, maintained, and removed in accordance with the Tree Stewardship Guide.

B. The Township may remove or authorize the removal of any public tree that meets any of the following criteria.

    1. Is dead, dying, diseased, or deemed structurally unsafe.
    2. Constitutes a hazard or imminent threat to public health, safety, or property.
    3. Interferes with public improvements or utilities.
    4. Must be removed to accommodate the construction of public improvements.

SECTION 7. PROTECTION OF PUBLIC TREES

The following conduct is a violation of this ordinance. No person shall, without authorization of the Township:

A. Remove, break, injure, mutilate, kill, cut, peel, excessively prune or destroy any public tree.
B. Attach signs, wires, ropes, or other materials to, around, or through, a public tree.
C. Permit any fire to burn where such fire will injure any portion of any public tree.

D. Permit any harmful chemical to seep, drain, or be emptied on or about any public tree.
E. Deposit, store, place or maintain on any public space any brick, sand, stone, concrete or other material which may interfere with the movement of water, air, or nutrients to the roots of any public tree growing therein.
F. Allow excavations and driveways to be placed within the absolute critical root zone radius of a public tree, defined as five times the DBH (diameter at breast height), measured 4.5 feet above the ground.
G. Plant any prohibited species of tree in a public space as set forth in the Tree Stewardship Guide.

SECTION 8. PENALTIES

A. A violation of this ordinance shall constitute a nuisance per se, and, in addition to any remedies available at law or under this ordinance, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

B. For a violation of this ordinance, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").

C. The Presque Isle Township Zoning Administrator, the Presque Isle Township Supervisor, and other Township officials and employees as may be authorized by the Presque Isle Township Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

D. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.

E. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a $500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

F. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed $500.00, plus costs not to exceed $500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

G. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

H. If a defendant fails to comply with an order or judgment issued pursuant to Section #727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

I. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

SECTION 9. EFFECTIVE DATE

This ordinance shall take effect 30 days after its publication as required by law.

SECTION 10. PUBLICATION; RECORDATION; AUTHENTICATION

This ordinance shall be published once, in summary, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing her official signature upon the ordinance.

SECTION 11. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Presque Isle Township Board of Trustees at a regular meeting held on the _____ day of _____, 2026.

I further certify that the following Board members were present at the meeting:

_____

and that the following Board members were absent:

_____

I further certify that the Board member _____ moved for adoption of

the ordinance, and the motion was supported by Board member _____

I further certify that the following Board members voted upon roll call vote for the adoption of the
ordinance: _____ and the following Board members voted against the adoption of the ordinance:
_____.

Adopted and approved this ____ day of _____, 2026, by the Presque Isle Township Board of Trustees.

_____
Kate Szydlowski
Presque Isle Township Clerk