

TOWNSHIP OF OAKLAND
ORDINANCE No. _____

AN ORDINANCE TO AMEND THE TOWNSHIP OF OAKLAND ARTICLE II TREE REMOVAL PERMIT, CHAPTER 389 TREE PROTECTION, PRESERVATION AND REMOVAL, SECTION 11 AND SECTION 13 TO INCLUDE NON-NATIVE AND INVASIVE SPECIES AND SECTION 17 TO INCLUDE ASSESSEMENT FOR TREE FUND TO INCLUDE:

ARTICLE II, CHAPTER 389, SECTION 11
ARTICLE II, CHAPTER 389, SECTION 13
ARTICLE II, CHAPTER 389, SECTION 17

The Township of Oakland Ordains:

Amend Article II, Chapter 389, Section 11- to add subsection (I) to include non-native and invasive species permitted for removal.

Amend Article II, Chapter 389, Section 13(J)- to add subsection (3) to include non-native and invasive species exemption from regulation or replacement.

Amend Article II, Chapter 389, Section 17(B)(2)- to include assessment for tree fund allocation.

Chapter 389
TREE PROTECTION, PRESERVATION AND REMOVAL

ARTICLE II
Tree Removal Permit

§ 389-11. Exceptions.

Notwithstanding the requirement of §§ 389-6 through 389-10, the following activities are permitted unless otherwise prohibited by statute or other Township ordinances.

- A. Agriculture exception. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm, provided this exception shall only be applicable if the commercial nursery or tree farm has been licensed with the state and in operation on the property for three years or more, or the property owner records an affidavit that the commercial nursery or tree farm shall continue in active operation for a period of no less than five years.
- B. Conservation of natural resources. Conservation of soil, vegetation, water, fish, wildlife, and other natural resources.
- C. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infections or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order.
- D. Public utilities. Repair or maintenance work performed by public utilities necessitating the

trimming or cutting of trees.

- E. Dead or damaged trees. Removal or trimming of dead, diseased or damaged trees, where the damage resulted from an accident or nonhuman cause, and provided that the removal or trimming is accomplished through the use of standard forestry practices and techniques.
- F. Residential parcels containing less than 25 acres. Tree removal or transplanting occurring during the use of the parcel in support of one residential dwelling and permitted residential accessory uses. All contiguous land owned in common shall be included in the acreage calculations. This provision shall not exempt such parcels from regulation under the terms of this chapter at the time of application for approval of site plans, plats, site condominiums, and land divisions as outlined in § 389-4A.
- G. Outdoor recreation. Outdoor recreation such as the utilization of field trails or woodlands on publicly owned property for nature study, hiking, horseback riding, trapping and hunting as otherwise legally permitted and regulated.
- H. Tree management. Where a tree management plan, prepared by a state registered forester, or registered landscape architect, is submitted to and approved by the Township Supervisor, after consultation with the Township expert, tree cutting may occur without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees. The management plan shall include the means by which cut trees shall be removed from the property without damaging remaining trees. The person seeking approval and exemption under this provision shall establish an escrow with the Township Clerk for the purpose of covering the cost of the Township's expert.
- I. [Non-native and invasive species. Removal of non-native and invasive species is permitted provided that the removal is accomplished through the use of standard forestry practices and techniques. A list of non-native and invasive species shall be approved and maintained by the Township Planning Department.](#)

§ 389-13. Application review standards.

The following standards shall govern the granting or denial of an application for a tree removal permit.

- A. Preservation and conservation. No application shall be denied solely because some trees grow on the site. Nevertheless, tree preservation and conservation shall be of paramount concern and importance.
- B. Developmental alternatives. Prevention and conservation of wooded areas, trees, similar woody vegetation, wildlife and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed building, structures or other site improvements.
- C. Diversity of species. Diversity of tree species shall be maintained where essential to preserving a wooded area.

- D. Woodland integrity. The integrity of a stand of trees shall be maintained irrespective of whether such stand crosses property lines.
- E. Quality of woodland. The reviewing authority shall evaluate the quality of the involved tree area, including in its evaluation consideration of:
 - (1) Soil quality;
 - (2) Habitat quality;
 - (3) Tree species (including diversity of tree species);
 - (4) Tree size and density;
 - (5) Health and vigor of tree stand;
 - (6) Wildlife within the woodland area;
 - (7) Understory species and quality;
 - (8) Impact on the human environment, such as wind block, noise buffer, and cooling effect; and
 - (9) Historic or specimen trees within the woodland area.
- F. Land clearing. Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way, drainage and utility areas and areas necessary for the construction of buildings, structures or other site improvements.
- G. Grubbing. Where grubbing is permitted, it shall not include the removal of any trees with a diameter breast height of greater than three inches.
- H. Residential development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
- I. Compliance with statutes and ordinances. The proposed activity shall comply with all applicable statutes and ordinances.
- J. Relocation or replacement; limitation. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with § 389-17, and tree protection, in accordance with Article III of this chapter. Tree removal or transplanting shall be limited to instances where:
 - (1) Necessary for construction. Removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit application has shown there is no feasible and prudent location alternative on site for a proposed building, structure or other site improvement; or
 - (2) Disease, damage, etc. The tree is diseased, damaged or in danger of falling, is located too close to existing or proposed buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to other

Township ordinances or regulations.

(3) Non-native and invasive species. Non-native and invasive species are exempt from regulation or replacement. A list of non-native and invasive species shall be approved and maintained by the Township Planning Department.

- K. Consideration of total acreage. The reviewing authority shall consider the total acreage of woodlands existing within the Township.
- L. Burden of demonstrating hardship. The burden of demonstrating that no feasible and prudent alternative location for structures or improvements without undue hardship shall be upon the applicant.

§ 389-17. Tree relocation or replacement.

A tree removal permit grantee shall replace or relocate each removed tree having six inches or greater diameter breast height.

- A. Basis for determining relocation or replacement. The permit grantee shall relocate or replace removed trees on a diameter breast height or height basis, as follows: For deciduous trees, replacement shall be on a total caliper basis, that is, for example, for each tree with a twelve-inch-diameter breast height, there shall be replacement trees with an aggregate of calipers totaling 12 inches, provided no replacement trees shall have a diameter breast height less than 2 1/2 inches; for conifers, replacement shall be based upon total height, with no replacement tree having a height less than six feet. If it is determined, based upon the opinion of a registered forester or registered landscape architect that replacement to the extent required under this provision will result in plantings which do not have sufficient area for growth in the future, a reduction in the requirement specified in this subsection may be permitted to the extent necessary to ensure adequate room for growth, with the provisions of § 389-17B(2), to apply with regard to those trees which have not been planted under this provision.
- B. Replacement tree location.
 - (1) Approval required. The Township shall approve tree location or replacement locations in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed.
 - (2) Tree Fund. Where it is not feasible and desirable to relocate or replace trees on site or at another approved location in the Township, the tree removal permit grantee shall pay into the Township Tree Fund, which fund is hereby created, an amount of money ~~approximately the current market value of the replacement trees that would otherwise be required~~ established by a site-specific assessment of the property to determine the specific impact and effect on the environment caused by the tree removal. The Township shall use the Tree Fund for the purpose of maintaining and preserving wooded areas and for planting and maintaining trees within the Township.

Oakland Township Invasive Species List (July 20, 2023):

Definition: An invasive species is one that is **non-native** and whose introduction **causes harm, or is likely to cause harm** to Michigan's economy, environment, or human health.

The following species are all adventive (non-native) to our area.

Common Name	Scientific Name
Alder, European black	<i>Alnus glutinosa</i>
Buckthorn (common European)	<i>Rhamnus cathartica</i>
Buckthorn, glossy	<i>Frangula alnus</i>
Elm, Siberian	<i>Ulmus pumila</i>
Honeysuckle	<i>Lonicera spp.</i>
Locust, black	<i>Robinia pseudoacacia</i>
Maple, Amur	<i>Acer ginnala</i>
Maple, Norway	<i>Acer platanoides</i>
Olive, Autumn	<i>Elaeagnus umbellata</i>
Olive, Russian	<i>Elaeagnus angustifolia</i>
Pear, Callery/Bradford	<i>Pyrus calleryana</i>
Spindle tree	<i>Euonymus europaeus</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Wahoo, winged	<i>Euonymus alatus</i>

Note: The above list denotes tree and shrub species that, if 6-inches or more in diameter, are not regulated by the Charter Township of Oakland and do not require replacement.

They are also species that the Township does not allow included in planting plans.