

The Charlevoix City Council met on Monday, November 18, 2019 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX
ORDINANCE NO. 809 of 2019**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 152 TREES, SECTIONS 152.02 AND 152.03 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 152, Section 152.02 is hereby amended and replaced in its entirety as follows:

- (A) Except where contemplated herein, no person shall trim, prune, cut, spray or otherwise modify the trees of the City of Charlevoix.
- (B) The Department may undertake such actions to maintain the trees of the City including pruning or cutting when a public way is obstructed or when a tree may cause damage to an adjacent structure, lawfully erected.
- (C) The Department may undertake actions to maintain the public spaces, parks, and recreation areas of the City consistent with the direction of the City Council and the Shade Tree Commission to maintain public access and enjoyment balanced with ecological conditions for the maintenance and preservation of the same.
- (D) Property owners adjacent to a street, public space or park may request to the Shade Tree Commission in writing for the maintenance of trees not discussed above. If the request is granted, the City shall be compensated for all costs associated with the request and receive payment, as the Shade Tree Commission may determine, for the appropriate planting of additional trees at rate of at least two new trees for every one tree removed. New trees shall be planted on City property or a street and shall be at the discretion of the City. The Shade Tree Commission shall render a decision on such requests within 45 days of receipt.
- (E) Property owners who make a request under subsection (D) whose request is denied or partially denied by the Shade Tree Commission or if the Shade Tree Commission does not render its decision within the required 45 days, may appeal the decision to the Charlevoix City Council.

SECTION 2. Title XV, Chapter 152, Section 152.03 is hereby amended and replaced in its entirety as follows:

The Shade Tree Commission and the Department, separately or in conjunction, shall, from time-to-time recommend the planting of trees to the City Council to ensure the city maintains a strong tree canopy. The Council may also consider the planting of trees as a special assessment for the benefit of abutting property owners, either upon its own initiative or upon a petition as contemplated in Article IX of the Charter of the City of Charlevoix.

SECTION 3. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 4. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 809 of 2019 was adopted on the 18th day of November, 2019 A.D., by the Charlevoix City Council as follows:

Motion by: Cole
Seconded by: Kalbfell
Yeas: Kalbfell, Bryan, Hagen, Perron, Oleksy, Cole
Nays: None
Absent: None

State of Michigan } §
City of Charlevoix }

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 809 of 2019 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on November 18, 2019 and published in the *Charlevoix Courier* on November 22, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: November 19, 2019

Joyce M. Golding, City Clerk