

**SUBSTITUTE FOR
SENATE BILL NO. 1188**

A bill to prohibit local units of government from adopting or enforcing certain ordinances or charter provisions, including those prohibiting or restricting removal of trees or other vegetation; and to provide the powers and duties of certain local officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "vegetation removal preemption act".

3 Sec. 3. As used in this act:

4 (a) "Enforce an ordinance, charter provision, or regulation"
5 means to prosecute, sue, ticket, or fine a person for a violation
6 of, or otherwise subject a person to, an ordinance, charter
7 provision, or regulation.

8 (b) "Heritage tree" means a tree that meets the following

1 requirements:

2 (i) Is not diseased, dying, or otherwise a threat to
3 structures or human safety.

4 (ii) Is one of the following trees of at least the following
5 diameter in inches, measured at 4.5 feet above the highest ground
6 at the base of the tree:

7 (A) Basswood (*Tilia* L.), 36.

8 (B) Beech (*Fagus* L.), 30.

9 (C) Birch (*Betula* L.), 30.

10 (D) Cherry species, 30.

11 (E) Chestnut (*Castanea* Mill.), 16.

12 (F) Eastern hemlock (*Tsuga canadensis* (L.) Carrière), 20.

13 (G) Eastern red cedar (*Juniperus virginiane* L.), 20.

14 (H) Kentucky coffeetree (*Gymnocladus dioicus* (L.) K. Koch),
15 30.

16 (I) Hickory (*Carya* Nutt.), 30.

17 (J) Locust (*Robinia* L.), 36.

18 (K) Maple (*Acer* L.), except boxelder (*Acer negundo* L.) and
19 silver maple (*Acer saccharinum* L.), 30.

20 (L) Oak (*Quercus* L.), 36.

21 (M) Sassafras (*Sassafras albidum* (Nutt.) Nees), 20.

22 (N) Sycamore (*Platanus* L.), 30.

23 (O) Tamarack (*Larix laricina* (Du Roi) K. Koch), 20.

24 (P) Walnut (*Juglans* L.), 30.

25 (Q) White pine (*Pinus strobus* L.), 24.

26 (c) "Local unit of government" means a city, village,
27 township, or charter township.

Senate Bill No. 1188 as amended November 29, 2018

1 Sec. 5. (1) A local unit of government shall not adopt,
2 maintain, or, for violations occurring on or after << the
3 effective date of this act,>>
4 enforce an ordinance, charter provision, or regulation that does
5 any of the following, and an ordinance, charter provision, or
6 regulation that does any of the following is void:

7 (a) Prohibits, requires approval for, or otherwise restricts
8 the trimming, felling, or removal of any vegetation, other than a
9 heritage tree, located on private property with an agricultural,
10 business, commercial, or industrial zoning classification.

11 (b) Requires mitigation, including, but not limited to, the
12 planting of trees or other vegetation or the payment of a fee or
13 fine, for the trimming, felling, or removal of any vegetation,
14 other than a heritage tree, from private property with an
15 agricultural, business, commercial, or industrial zoning
16 classification.

17 (2) Subsection (1) does not require a local unit of government
18 to refund any fee, fine, or costs received by the local unit of
19 government before the enactment date of this act as a result of the
20 enforcement of an ordinance or charter provision described in
21 subsection (1).

22 Sec. 7. This act shall not be construed to do any of the
23 following:

24 (a) Prohibit a local unit of government from adopting,
25 maintaining, or enforcing an ordinance, charter provision, or
26 regulation that does any of the following:

27 (i) Requires private property to be maintained in a healthy,
neat, and orderly appearance free from noxious weeds, invasive

1 vegetation, excessive lawn grass, refuse, and debris.

2 (ii) Provides property owners the voluntary option to preserve
3 or maintain trees or vegetation as part of a site plan, planned
4 unit development agreement, cluster development plan, or other
5 provision of a zoning ordinance adopted under the Michigan zoning
6 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, related to the
7 development or redevelopment of a site in exchange for reduction of
8 other restrictions in the zoning ordinance.

9 (iii) Restricts or allows trimming or removal of trees or
10 vegetation on public property or within a public right-of-way.

11 (iv) Allows trimming or removal of trees or other vegetation
12 within easements or locations that would enhance clear vision or
13 other traffic safety considerations.

14 (b) Prohibit a local unit of government from entering into a
15 voluntary planned unit development agreement with a private
16 landowner consistent with section 503 of the Michigan zoning
17 enabling act, 2006 PA 110, MCL 125.3503.

18 (c) Conflict with any of the following:

19 (i) State or federal stormwater management, floodplain, or
20 soil erosion and sedimentation control requirements including those
21 contained within part 31 of the natural resources and environmental
22 protection act, 1994 PA 451, MCL 324.3101 to 324.3134, or part 91
23 of the natural resources and environmental protection act, 1994 PA
24 451, MCL 324.9101 to 324.9123a.

25 (ii) The drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630.

26 (iii) The insect pest and plant disease act, 1931 PA 189, MCL
27 286.201 to 286.228.

1 (d) Exempt property owners from continued compliance with tree
2 or vegetation requirements contained in site plans, including site
3 plans adopted as part of a planned unit development agreement or
4 cluster development plan, adopted on or before the enactment date
5 of this act.

6 (e) Prohibit a local unit of government from requiring tree or
7 vegetation greenbelts within property boundary setbacks or in
8 parking lots pursuant to a zoning ordinance adopted under the
9 Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to
10 125.3702.

11 Enacting section 1. This act takes effect 90 days after the
12 date it is enacted into law.