

City of Harbor Springs Policy

Vegetation Management on City Property

In circumstances where a property owner's view of Little Traverse Bay (the "Bay") may be obstructed or limited by vegetation growing on City owned (public) property, the City may permit limited trimming, removal or replacement of such vegetation at the property owner's expense, subject to the following requirements and conditions:

1. Property owners who desire tree trimming, tree removal or other vegetation management on City property shall first contact the City Manager, and complete the City's standard form to request vegetation management on City property. Property owners must identify the specific vegetation management they are requesting in order to improve the view from their property. All property owners are advised that any unauthorized vegetation management on City property is a criminal trespass, and violators will be prosecuted to the full extent of the law.

2. The City Manager will, within a reasonable time, and if the requested vegetation management appears reasonable to the City Manager, cause an inspection to be made, at the City's expense, of the owner's property and the City's property, by a certified independent arborist and/or hydro-geologist or other qualified expert selected by the City. The specialist so engaged will meet with the property owner to review the property owner's goals and to assess the options and professional vegetation management practices that may be responsible to the sustained growth and health of the vegetation on the City property, and preventing erosion, surface run off and sedimentation of the land where vegetation management is proposed, as is prudent for the specific situation.

3. The specialist so engaged will (at the City's expense) provide a preliminary Report to the City containing a written plan, specifying those vegetation management options that are reasonable and prudent to improve the property owner's view of the Bay, and specifically, will provide a written plan specifying in detail the tree trimming, tree removal, tree replacement and other plantings that may be recommended by the specialist to address the property owner's goals of improving the owner's view of the bay and at the same time, to preserve vegetation that serves a public benefit, including providing shade, or privacy, or sound screening to adjacent property or others, or which promotes enjoyment of a public area, and preserves the stability of the land where erosion, surface run off and sedimentation may be a public concern.

4. The City Manager shall review the preliminary Report and if satisfactory to the City Manager, the City Manager shall:

(a) Present the preliminary Report to the property owner and adjacent property owners for comment;

(b) After a reasonable period for receiving such comment, as determined by the City Manager, the City Manager shall make such changes to the plan

for vegetation management as may be determined appropriate in the City Manager's discretion, and the City Manager shall re-circulate such revised Report (the "final Report") to the property owner and adjacent property owners.

5. The property owner may, at his or her own expense, hire a professional arborist and/or landscape contractor the ("Contractor"), to execute the plan contained in the final Report (the "Work"), under the supervision at all times of the City Manager or his designee, which may be the specialist engaged by the City to prepare the preliminary Report. The following provisions shall apply to the Work:

(a) Before the Work is begun on any City property, the property owner must notify the City in writing as to the name, address and telephone number of the Contractor.

(b) Before the Work is begun on any City property, the City Manager must approve of the Contractor doing the Work proposed. The City Manager has the discretion to approve or disapprove the Contractor proposed for any reason.

(c) The Contractor must give at least seven (7) days written notice prior to entering upon City property, and the City Manager may extend or suspend the date of entry on the City property, at the City's discretion, due to anticipated public events or work that the Work may interfere.

(d) The Contractor shall undertake only the Work permitted and specified in the final Report.

(e) The property owner shall reimburse the City for the expenses of supervision or inspections that the City may require to ensure that the Work complies with the requirements of the final Report.

(f) The property owner shall be personally liable to the City for replacement at retail cost for any damage or injury to vegetation on City property that exceeds the Work specified in the final Report. The City Manager may require any of the following prior to permitting the Work:

(i) That the property owner post a surety bond or other financial guarantee with the City to indemnify the City against such losses, and to cover the anticipated inspection expenses described in subparagraph (e); and/or,

(ii) That the property owner grant a lien on the property owner's property to cover the anticipated cost of the Work, in a form to be provided by the City, that will include payment of attorney fees in the event the City is required to enforce the lien for nonpayment.