

# SENATE BILL No. 1188

November 8, 2018, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources.

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  
9 requirements:

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

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

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

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

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

9 (D) Cherry species, 30.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 5. (1) A local unit of government shall not adopt,

1 maintain, or, for violations occurring on or after July 1, 2017,  
2 enforce an ordinance, charter provision, or regulation that does  
3 any of the following, and an ordinance, charter provision, or  
4 regulation that does any of the following is void:

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

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

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

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