FILED
OCT 15 2024
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4748

CREATING SEC. 50-522 IN ARTICLE XXVI (VEGETATION) OF CHAPTER 50 (FEES AND FINES) & CREATING SEC. 102-54 IN ARTICLE II (TREES, SHRUBS, AND OTHER PLANTS) OF CHAPTER 102 (VEGETATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A TREE REMOVAL PERMIT AND FEE

WHEREAS, the City Forester recommends the establishment of a tree removal permit in the City; and

WHEREAS, the City Forester believes that a tree removal permit is necessary and reasonable and a copy of the City Forester's letter to the Common Council supporting his reasoning is attached hereto and incorporated herein as "**Exhibit A**;" and

WHEREAS, the Common Council having considered such recommendations, believes that said recommendations are in the best interest of the City and residents herein and desires to implement the same.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA as follows:

1. Sec. 50-522 is hereby created in Article XXVI (Vegetation) of Chapter 50 (Fees and Fines) in the Michigan City Municipal Code and shall read as follows:

Sec. 50-522. Permit Fee for Tree Removal.

The fee required by section 102-54 shall be $50.00.

2. Sec. 102-54 is hereby created in Article II (Trees, Shrubs, and Other Plants) of Chapter 102 (Vegetation) in the Michigan City Municipal Code and shall read as follows:

Sec. 102-54. Permit Required to Cut, Prune, or Remove Tree; Duties of Contractor.

(a) Permit Required: It shall be unlawful for any person, firm, or entity to cut, prune, or remove a tree on private property for hire without first obtaining a permit from the City Forester and payment of the permit fee as established by Sec. 50-522. Failure to comply with this Section may subject the violator to the general penalties provisions as set forth in Sec. 1-7.

(b) Not Applicable to Homeowner Removing Tree: This Section shall not apply to a property owner removing a tree by himself/herself on their own property. All persons hired to assist a property owner must have a valid and current arborist license on file with the Forester.

(c) Contents of Permit: The permit application shall include, but not be limited to, the following information:

(1). Current photo of tree designated for removal; and
(2). Tree debris disposition plan.

(d) Field Inspections: No work may begin prior to issuance of permit. City Forester, or his/her designee, shall perform any and all necessary field inspections prior to the issuance of the permit and subsequent to the issuance of the permit.

(e) Storm/Emergency: In the event of a storm and/or emergency, which prevents a hired contractor from first obtaining a permit, the contractor must apply for a permit within forty-eight (48) hours of commencement of the work.

(f) Responsibility for Administration: The City Forester, or other City Department as designated by the Mayor, shall be responsible for the administration, field inspections, and oversight of this Section.

This Ordinance shall be effective upon passage by the Common Council, approval by the Mayor, and any necessary publication.

INTRODUCED BY: _____
Dr. Vidya Kora, Member
Michigan City Common Council

_____
Greg Coulter, Member
Michigan City Common Council

_____
Daisy Lee, Member
Michigan City Common Council

_____
Nancy Moldenhauer, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 6th day of November, 2024 by vote of 8 to 0.

_____
Don Przybylinski, President
Michigan City Common Council

Approved/Vetoed (circle choice) by me, this 18 day of November, 2024.

_____
Angie Nelson Deuitch, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

FILED
SEP 25 2024
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

City of Michigan City Forestry

Michael Wolff, City Forester ISA# IN-3410AU
City of Michigan City
100 E. Michigan Boulevard
Michigan City, IN 46360
www.emichigancity.com

September 17, 2024

SEC. 50-522 IN ARTICLE XXVI (VEGETATION) OF CHAPTER 50 (FEES AND FINES) & CREATING SEC. 102-54 IN ARTICLE II (TREES, SHRUBS, AND OTHER PLANTS) OF CHAPTER 102 (VEGETATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISHE A TREE REMOVAL PERMIT AND FEE

As City Forester I would like to recommend the establishment of a tree removal permit in the City for the following reasons:

A. Work to control contractors illegally performing tree work within the city.
B. To verify contractors are properly insured and will work to properly prune or remove trees per city ordinances and standards.
C. Assist property owners who are replacing tree to avoid invasive species.
D. Eliminate unsightly trees and practices that reduce the life of vegetation.
E. Work to eliminate improper planting or improper tree selection that could cause expense to the city in the future date, such as root damage to sidewalks, curbs or streets (Right Tree Right Place).
F. The submittal of a site plan will work to ensure removed and replaced trees are properly identified and verification they will be planted on property owned by the resident.
G. Avoid illegal dumping of limbs and debris along roadsides, alleys and city properties.
H. Avoid additional cost to the city for labor to do clean up and disposal
I. In the event of a storm information received will assist the city with maintaining proper tree inventory and GIS system.
J. Incorporating a voluntary requirement and assistance by a certified arborist for tree selection and planting, though not mandated by ordinance would be a great benefit to the community and a add value for the city.

Michael Wolff, City Forester

"Exhibit A"