

Chapter 22

DRAFT - TREE PROTECTION - DRAFT
Article . Tree Protection Ordinance

DIVISION I. GENERAL

Sec. 22.____. Title.

This Ordinance shall be known and cited as the "Tree Protection Ordinance of the Charter Township of Meridian."

Sec. 22.__. Definitions

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arborist means a person who is skilled and trained in the arts and sciences of arboriculture, and holds a college degree or its equivalent in arboriculture, horticulture, forestry, and is a registered forester with the State of Michigan or is either certified by the International Society of Arboriculture (ISA) or by the Society of American Foresters.

Aggrieved person means any person, firm, partnership, corporation or association with an interest in real property sharing a common property line with the subject site or any person, firm, partnership, corporation or association that will suffer special damages as a result of the decision in question. The term "special damages" shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

Canopy spread means the distance between the outermost tips of the farthest reaching limbs of the tree canopy. It is measured along the widest and the narrowest axes, and then the average of these two maximum and minimum dimensions is computed.

Clear or clearing means disturbance or removal of the existing vegetation on a parcel.

DBH, or diameter at breast height means the diameter of a tree in inches measured at four and a one-half (4.5) feet above the established grade. For multiple-trunk trees, the DBH for the tree shall be based on the trunk with the largest diameter.

Drip line means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Harvest or harvesting means the cutting, felling, and gathering of timber.

Hazardous tree means a tree that is likely to cause injury to person or property as determined by utilizing the tree hazard checklist developed by the International Society of Arboriculture or an equivalent organization.

Landmark tree means a tree of notable value because of its age, type, size, historic association, other prominent or distinctive characteristics, or has a high value as a representative tree of a particular species based on the standards contained within this ordinance.

Nuisance tree means a tree species which is prone to excessive droppings, wind damage, disease, and infestation, as determined by the township.

Person means a firm, association, organization, partnership, trust, estate, company, corporation, joint venture, political subdivision, or body of persons, as well as an individual.

Prune or pruning means the necessary cutting or removing of tree branches or limbs that are diseased or undesirable without the removal or destruction of the entire tree or its root system.

Regulated tree means any deciduous tree with a minimum DBH of 2.5 inches or a conifer tree which is a minimum of eight feet in height.

Replacement tree means a newly installed tree which is meant to replace those pre-existing landmark or significant trees which have been removed and which meets the specification provided in this ordinance.

Root zone means the area surrounding a tree equivalent to one and one-half times the tree's height.

Significant tree means a tree which is of notable value for its species based on its size.

Thin or thinning means the cutting and removal of certain trees in an immature, overstocked stand of trees used to increase the stand's value growth by concentrating on individuals with the best potential.

Top or topping, also known as stubbing, dehorning, or lopping means to cut back the leader stem so as to remove the normal canopy and disfigure the tree. In certain instances topping may be necessary for fruit bearing trees.

Undeveloped means land in its natural state or which contains no buildings or structures.

Woodland means a stand of trees occupying a minimum area of 10,000 square feet and containing a minimum of 100 trees greater than two inches in diameter.

Section 22. __ Authority

This chapter is enacted pursuant to the Charter Township Act, Act 359 of 1947, as amended and the Natural Resources and Environmental Protection Act of 1994, Act 451 of the Public Acts of Michigan 1994 (MCL 324.101 et seq.).

Sec. 22. __. Purpose.

The purpose of the tree protection ordinance is to provide for the township's natural resources, and to promote the health, safety, and general welfare of the residents of the township as follows:

(a) Aesthetic character and property values. To preserve the township's woodlands and trees and to maintain the current and future visual character that woodlands and trees provide in all zoning districts. Such preservation will provide the economic support of local property values that occurs when woodlands and trees are allowed to remain for their natural beauty, ecological, or historical significance.

(b) Conservation. To protect the reproductive and regenerative capabilities of desirable trees and woodlands to maintain plant and tree diversity; protect groundwater recharge areas; maintain visual screening, windbreak, dust collection, and noise barrier characteristics.

(c) Ecology. To provide for the protection, preservation, replacement, and proper maintenance and use of woodlands and trees in order to maintain ongoing natural processes such as water cycling, nutrient cycling, and photosynthesis/transpiration; to minimize disturbance and structural changes to vegetative cover; and to minimize damage from erosion, siltation, wind throw, and disease.

(d) Forestry. To prohibit the unregulated cutting of trees or harvesting of forest products, to establish a permit process that will regulate the cutting of trees and harvesting of forest products, and to establish a review process for the issuance of tree cutting and harvesting permits.

(e) Public health and air quality. To protect the public health through the absorption of air pollutants and contaminants, reduce excessive noise and carbon dioxide content in the air, and increase oxygen content.

(f) Wildlife habitat. To preserve existing trees and woodlands in the township in order to limit the loss of existing wildlife habitat, to maximize the quality and quantity of woodlands and other vegetative communities available across the township, and to encourage and stabilize habitats suitable for wildlife communities.

(g) Water quality. To protect water quality by preserving woodlands and trees in areas near water bodies and wetlands.

Sec. 22. ____. Applicability.

This ordinance applies to all properties in the Charter Township of Meridian.

DIVISION II. PERMITS.

Sec. 22. ____. Activities requiring a permit.

It shall be unlawful for any person to conduct any activity, listed below, without first obtaining a permit in accordance with the requirements of this ordinance. Activities governed by this ordinance include, but are not limited to, the following:

(a) The removal of trees defined as landmark or significant on any parcel; or the removal of five or more trees defined as regulated on any parcel greater than one acre in size.

(b) Harvesting or thinning of trees on an undeveloped parcel. All woodland management activities shall comply with the best management practices of the International Society of Arboriculture.

Sec. 22. ____. Activities not requiring a permit.

The following activities shall be allowed without a permit, subject to all other laws of the state and township:

(a) The removal of any tree not defined as landmark or significant on a parcel one acre or less in size.

(b) The removal of four or less regulated trees on a parcel greater than one acre in size.

(c) The removal of a nuisance tree unless it meets the definition of a landmark tree or has been identified as a landmark tree by the Township.

(d) The removal of dead trees where the damage resulted from an accident or non-human cause.

(e) Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the public interest, or to the health or safety of one or more persons, to defer cutting pending submission and processing of an application to cut or remove.

(f) Actions taken by public agencies and utility companies to remove or prune a tree in performing maintenance or repair of structures and facilities used in the service of the public to provide transportation, electric, gas, water and sewer, telephone, telecommunication.

(g) To remove a dead, diseased, or hazardous tree in order to prevent imminent injury or damage to persons or property pursuant to the best management practices of the International Society of Arboriculture.

(h) To prune trees as part of the routine care and maintenance of a parcel. All pruning shall be done in a manner consistent with the best management practices of the International Society of Arboriculture. Topping and the disfigurement of trees shall not be considered pruning and shall be prohibited unless conducted to enhance production of fruit bearing trees.

(i) Activities associated with a commercial or family agricultural operation, nursery, tree farm, orchard, or similar entity.

Sec. 22.____. Permits.

(a) Non-fee permit. A non-fee permit is required whenever less than five regulated trees are proposed for removal on a parcel greater than one acre in size.

(b) Minor permit. A minor permit is required whenever one landmark tree or less than five significant trees are proposed for removal on any parcel; or when five to ten regulated trees are proposed for removal from a parcel over one acre in size.

(c) Major permit. A major permit is required whenever more than one landmark tree or more than five significant trees are proposed for removal on any parcel; or whenever more than ten regulated trees are proposed for removal on a parcel over one acre in size.

Sec. 22.____. Landmark and significant trees.

(a) Landmark trees.

(1) Any tree listed in the chart below by common genus name and minimum DBH shall be considered a landmark tree, provided the tree also meets the criteria in subsection (2).

MINIMUM DBH (inches)	COMMON GENUS NAME(S)
Four (4) inches	Witch-hazel and Paw-Paw
Eight (8) inches	Dogwood; Hornbeam; Magnolia; Mountain Ash; Mulberry; Redbud; and Serviceberry
Ten (10) inches	Black Gum; Hawthorn; Kentucky Coffeetree; and unique tree species not commonly found in the area.
Fifteen (15) inches	Black Locust; Buckeye; Common Apple; Crabapple; Fir, Larch, Sassafras; and Tamarack
Eighteen (18) inches	Arborvitae; Aspen; Beech; Birch; Catalpa; Eastern Red Cedar; Hackberry; Hemlock; Pine; and Spruce
Twenty-four (24) inches	Ash, not including Mountain; Basswood; Black Cherry; Cottonwood; Elm; Ginkgo; Hickory; Honeylocust; Horsechestnut; Linden; Oak; Osage-Orange; Poplar; Sycamore; Tuliptree; Walnut; and Willow

(2) In order for a tree to be designated a landmark tree, in addition to the size requirement listed in subsection (1), the tree must also have a score of 16 or higher as determined by the township based on the following criteria:

FACTOR	RANKING		
	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth/Rate	More than 6" twig elongation	2" to 6" twig elongation	Less than 2" twig elongation
Structure	Sound	One major or several minor limbs dead	Two or more major limbs dead
Insects/Diseases	No pests present	One pest present	Two or more pests present
Crown	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy	Over 30 years	15-30 years	Less than 15 years

(3) Genus of trees not listed in subsection (1) may be determined to be landmark trees by the township based on the tree's age, type, historic association, high value as a representative tree of its species, or other prominent or distinctive characteristics, provided the tree also scores 16 or higher as required in subsection (2).

(b) Significant tree, large. Large significant trees include any tree within a genus listed below and having a minimum DBH of ten inches or more.

COMMON GENUS NAME	BOTANICAL GENUS NAME	COMMON GENUS NAME	BOTANICAL GENUS NAME
Ash	Fraxinus	Hemlock	Tsuga
Aspen	Populus	Hickory	Carya
Arborvitae	Thuja	Honeylocust	Gledistia
Basswood	Tilia	Horse Chestnut	Aesculus
Beech	Fagus	Larch	Larix
Birch	Betula	Linden	Tilia
Black Cherry	Prunus	Maple	Acer
Black Locust	Robinia	Oak	Quercus
Catalpa	Catalpa	Osage-Orange	Maclura
Common Apple	Malus	Pine	Pinus
Crabapple	Malus	Poplar	Populus
Eastern Red Cedar	Juniperus	Sassafras	Sassafras
Elm	Ulmus	Spruce	Picea
Fir	Abies	Sycamore	Platanus
Ginkgo	Ginkgo	Tamarac	Larix
Gum (Black)	Nyssa	Tuliptree	Liriodendron
Hackberry	Celtis	Walnut	Juglans
Hawthorn	Crataegus	Willow	Salix

(c) Significant tree, small. Small significant trees include any tree within the genus listed below having a minimum DBH of three inches or more.

COMMON GENUS NAME	BOTANICAL GENUS NAME
Buckeye	Aesculus
Dogwood	Cornus
Hornbeam	Ostrya
Magnolia	Magnolia
Mountain Ash	Sorbus
Mulberry	Morus
Paw-Paw	Asimina
Redbud	Cercis
Serviceberry	Amelanchier
Witch-hazel	Hamamelis

Sec. 22.____. Application.

A completed application and the applicable fee shall be submitted to the department of community planning & development. Each application shall include five copies of all plans, reports, and drawings and shall also include the following information:

- (a) The legal description and location of the property.
- (b) Proof of property ownership.
- (c) A written statement indicating the reason(s) for the permit.

- (d) A general description of the trees to be removed.
- (e) A general description of the areas to be impacted and proposed protection of other trees within 25 feet of the tree removal activities.
- (f) A tree inventory as described in section 22.____, if applicable.

Sec. 22.____. Tree inventory.

An inventory shall be submitted for all projects requiring a minor or major tree permit.

(a) Minor tree permit inventory: The inventory for a minor tree permit shall include the following data:

- (1) A scaled plot plan depicting all structures on the parcel, property lines, and dimensions. The plot plan shall show the location(s) of the tree(s) proposed for removal, preferably by the global positioning coordinates of its base.
- (2) A separate key shall be provided with the inventory identifying each tree, the DBH, approximate height, estimated canopy spread, common name, botanical name, and general condition.
- (3) A written description of how other trees on the site (within 25 feet of the tree removal activities) will be protected from damage during removal, if applicable.
- (4) All submitted minor tree inventories, shall be prepared and sealed or signed by either a certified arborist, forester licensed in the State of Michigan, by a landscape architect registered in the State of Michigan, or by a professional tree or landscape service.
- (5) The applicant for a minor or major tree permit shall tag or mark the tree(s) proposed to be removed not later than the date the application is filed. To prevent accidental removal of trees meant for preservation, those tree(s) proposed to be removed shall remain tagged until they have been removed or transplanted.

(b) Major tree permit inventory: The inventory for a major tree permit shall include information required for a minor tree permit inventory and the following additional data:

- (1) Trees depicted shall include those to be removed and those impacted on the subject site within 25 feet of the tree removal activities, as well as those impacted by accessing the trees to be removed or by the overall development, such as those trees located along road right-of-way improvements or new utility corridors.
- (2) All landmark and significant trees proposed to remain on-site or to be transplanted on or off-site shall be identified and the following information shall be provided:
 - Temporary storage locations, if applicable.
 - Transplant sites.
 - Methods of tree protection during clearing and construction.
 - Methods of care and maintenance.
- (3) The area where tree removal or transplanting is taking place shall be clearly mapped, and identified in the field.

(4) All inventories submitted for a major tree permit, shall be prepared and sealed or signed by either a certified arborist, forester licensed in the State of Michigan, or by a landscape architect registered in the State of Michigan.

Sec. 22. ____ . Review procedure.

(a) Upon receipt of an application, the department of community planning and development shall review it for completeness. Should any required data specified in this chapter be omitted, the applicant shall be notified of the additional data required and that the processing of the application will be delayed until the required data is received. The date of filing shall be considered the date on which the application containing all the required data is received by the Township.

(b) Within 30 days of the date of filing a complete application, the director of community planning and development shall approve, approve with conditions or deny the permit, unless granted an extension in writing by the applicant.. The director of community planning and development shall notify the applicant in writing of the decision and if denied, the reasons for the denial.

(c) If deemed necessary by the director of community planning and development, a copy of the application materials will be provided to the township arborist for review.

(1) The township arborist shall, based upon their knowledge and experience, consider all relevant circumstances and the review criteria set forth in Section 22.____ to determine whether to recommend the permit be approved, approved with conditions, or denied.

(2) The township arborist may make reasonable entry upon the subject parcel for the purpose of making an investigation, survey, study, report, or recommendation contemplated by an application or the provisions of this ordinance.

(3) The township arborist shall, within seven days after completing an on-site inspection, prepare and submit a written report and recommendation to the director of community planning & development.

Sec. 22. ____ . Review criteria. The director of community planning and development shall consider the following review criteria in evaluation of a permit:

(a) The quality, health, diversity, vigor, and integrity of woodlands, and individual significant or landmark trees.

(b) Consideration of soils; slope; groundwater impacts; habitat and wildlife impacts; and the value of the tree(s) as a scenic asset, windblock, noise buffer, or environmental asset.

(c) The removal and relocation of trees to prepare for development may be permitted to the extent required for the location of structure(s) or site improvements, and where no feasible and prudent alternative location for the structure or improvements is available on the site. The burden of demonstrating that no feasible and prudent alternative location for structures or site improvements shall be upon the applicant.

(d) The recommendation of the township arborist, as applicable.

(e) The proposed activity is in compliance with all other applicable statutes and ordinances, such as but not limited to wetlands protection.

Sec. 22.__. Mitigation.

In keeping with the purpose(s) of the tree protection ordinance and to lessen the impact on properties in the township due to the removal of trees, mitigation shall be required in those instances where landmark and significant trees are to be removed. Mitigation shall be provided on the same parcel where trees have been removed unless an alternative mitigation plan is approved by the director of community planning and development. Trees planted as part of a mitigation plan shall meet the following requirements.

(a) Landmark trees:

(1) Deciduous trees shall be planted at a ratio of one inch of DBH for each inch of DBH of landmark deciduous tree removed. For example, the removal of a 24 inch landmark deciduous tree would require mitigation of eight deciduous trees a minimum of three inches in diameter or six deciduous trees a minimum of four inches in diameter.

(2) Conifer trees shall be planted at a ratio of one 10 foot tall conifer tree planted for each ten feet in height of landmark conifer tree removed. For example, the removal of a 70 foot tall landmark conifer tree would require mitigation with seven, a minimum of 10 feet tall conifer trees.

(b) Significant trees:

(1) One deciduous tree with a minimum DBH of three inches shall be planted for each significant deciduous tree removed.

(2) One conifer tree a minimum of eight feet in height shall be planted for each significant conifer tree removed.

(c) Standards for planting trees.

(1) Trees shall have characteristics comparable to the trees removed. Whenever possible, the same genus should be used unless site conditions limit the potential for survival of the replacement trees.

(2) Trees shall be department of agriculture, nursery grown, number one grade trees with straight, unscarred trunks and a well-developed uniform crown.

(3) At the time of planting, deciduous trees shall be a minimum of three inches DBH and conifer trees shall be a minimum of eight feet in height.

(4) No trees shall be planted until written approval is received from the director of community planning and development.

(5) Trees shall be staked, fertilized, mulched, and watered, and shall be guaranteed by the applicant by means of a performance guarantee for a period of two years from planting.

(6) Trees may be transplanted from another location on the site provided they are of appropriate size and quality shall be transplanted using best management practices established by the International Society of Arboriculture.

(d) Alternative mitigation locations.

(1) The director of community planning and development may approve the planting or transplanting of trees to alternative locations, subject to the written approval of the property owner, and provided the tree's survival is not jeopardized by improvements and construction activities taking place on the site.

(2) Trees planted in a township park shall be first approved by the director of parks and recreation. Relocation or replacement on a land preservation parcel shall be first reviewed and approved by the land preservation advisory board.

(e) Mitigation waivers. The director of community planning and development may waive portions of the mitigation requirements when site factors, tree conditions, or development requirements warrant special consideration or if the applicant has adjusted the site plan to save landmark or significant trees.

Sec. 22.____. Effective date of permit.

No permit issued pursuant to this ordinance shall be effective until the appeal period applicable to the tree removal permit has expired and no appeal has been filed.

Sec. 22.____. Appeal.

The following process shall apply to all appeals:

(a) Any aggrieved person may appeal a decision by the director of community planning and development to approve, approve with conditions, or deny a permit to the township board by filing a written statement containing the specific reasons for the appeal and setting forth the facts establishing their status as an aggrieved person. This written statement must be filed with the township clerk within ten days of the date of decision. The timely filing of a statement satisfying the requirements of this provision shall have the effect of staying the permit pending the township board's decision on the appeal.

(b) The township board shall determine whether an individual pursuing an appeal is an aggrieved person as defined by this chapter before addressing the merits of that appeal.

(c) The township board shall hold a hearing on the appeal which shall be open to public comment and shall include opportunity for the appealing party to present their appeal.

(d) Notice of the time and place for consideration of an appeal shall be placed in a newspaper of general circulation in the township not less than five days prior to the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of the property considered in the appeal, and all owners listed on the most recent tax roll of real property sharing a common property line with property on which a tree removal permit decision is located. Said notice to be sent not less than five days prior to the hearing.

(e) The township board's decision on the appeal shall affirm, affirm with conditions, or reverse, the decision of the director of community planning and development. The board's decision on an appeal shall be based on written findings.

DIVISION III. TREE PROTECTION DURING CONSTRUCTION.

(a) Before construction, grading, filling, or any site work commences, the owner, developer, or builder shall be required to erect protective measures for remaining trees. Such measures shall be as approved by the director of community planning and development. Such protection shall remain in its approved location and in good condition until such time as it is authorized to be removed by the director, or issuance of a final certificate of occupancy. During construction, no attachments or wires shall be affixed to any trees so protected.

(b) Tree protection measures shall at a minimum comply with the following provisions:

(1) The root zone of all significant and landmark trees shall be protected from compaction by fencing the drip line around the tree. If the area inside the drip line must be affected, the arborist shall be consulted to consider alternate construction methods, provide remedial treatment to the tree, and determine the minimum space allowable. The amount of soil area the tree requires to survive is determined by the age, health and species. At a minimum, protective fencing shall consist of either a metal chain link, wire farm fence, or wood 4 x 4 posts with 2 x 6 cross pieces constructed as noted in Figure 1.

(2) Substantial construction material as described in (1) above and depicted in Figure 1 shall be utilized in the construction of the barriers. Barriers will be required for all trees being protected. Those property areas which are separate from the construction or tree removal area and which no equipment will venture shall be cordoned off with silt fence or snow fencing.

FIGURE 1

(from existing Land Clearing Ordinance)

(3) When determined as necessary by the arborist, wood chips (mulch) with a minimum depth of four to six inches shall be placed under all significant trees before construction begins. Wood chips shall start a foot from the trunk and extend to the drip line to prevent compaction. Wood chips shall be left in place after construction.

(4) Trenching or digging in or through the root zone of a significant or landmark tree shall be avoided unless first approved by the director of community planning and development. Directional boring machines shall be used instead of trenching where prudent and feasible.

(5) Roads and driveways shall be located outside of the drip line of significant and landmark trees.

(6) The water and fertilization needs of the significant and landmark trees are to be monitored both during and after construction for a time period determined by the department of community planning and development based on the best management practices International Society of Arboriculture for the species and size of the tree(s).

DIVISION IV. ADMINISTRATION AND ENFORCEMENT.

Sec. 22. __. Compliance

No permit required by this chapter shall be issued until such permit has received approval by the Township. No building or occupancy permits for structures on lands subject to this chapter where the proprietor or applicant has not complied with the requirements set forth herein.

Section 22.____. Fees.

The applicant shall be responsible for payment of all required fees, in accordance with the fee schedule adopted and, from time-to-time, updated by the Township Board. The established fee shall be deposited with the Township and until the fee is paid, no permit shall be considered or reviewed.

Section 22.__ Performance Guarantee.

To guarantee compliance with this chapter and any conditions imposed by this chapter, the director of community planning and development may require a cash deposit, certified check, or irrevocable bank letter of credit in a form acceptable to the township covering the estimated cost of incomplete tree relocation or replacement and be deposited with the township treasurer to insure faithful completion of required mitigation. As mitigation is completed and approved by the township, portions of a cash deposit or certified check may be rebated. In case a letter of credit is on file with the township treasurer, a new letter of credit may replace the letter of credit on file.

Section 22.__ Enforcement.

The township supervisor, township manager, and director of community planning and development or their designees are hereby designated as authorized township officials to investigate alleged violations of this chapter and to take appropriate action. Such action may include an order to correct the violation, issuance of an appearance ticket, or other actions as provided for by state law and township ordinances.

Sec. 22.____. Stop work order.

The township may issue a stop work order or withhold issuance of a certificate of occupancy, permits, or other inspections, until the provisions of this ordinance have been fully met. Failure to comply with a stop work order shall constitute a violation of this ordinance.

Sec. 22.____. Penalties

(a) Any person who violates the provisions of this ordinance shall be guilty of a civil infraction and pay a civil fine of \$500.00 for each violation and an additional \$500 for each tree removed in violation of this ordinance. Such sum shall accrue to the township and may be recovered in a civil action brought by the township.

(b) Replacement of trees removed in violation of this ordinance may be required as restoration in lieu of or in combination with the monetary fine. Appropriate replacement shall be determined by the arborist, subject to the replacement requirements of Section 22-____.

(c) A violation of this ordinance shall result in the automatic suspension of any other permit or approval, relating to the site on which the violation occurred. The suspension shall continue until such time as the violation is corrected in accordance with the provisions of this ordinance.

(d) The requirements of this ordinance are in addition to the requirements of other township ordinances, including those pertaining to setbacks from water features and wetland protection.

Sec. 22.__. Other Remedies.

In addition to all other remedies, including the penalties provided in Section 6.6 of this chapter, the Charter Township of Meridian may commence and prosecute appropriate actions in the Circuit Court for the County

of Ingham or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter, or to correct, remedy or abate such noncompliance or violation.

Sec. 22.__. Pending Prosecutions.

Any prosecution arising from a violation of ordinances or regulations repealed herein, which prosecution may be pending at the time this chapter shall become effective, or any prosecution which may be commenced in the future for any offenses committed before the effective date of this chapter, may be instituted, tried and determined in accordance with the provisions of such ordinances or regulations in effect at the time of the commission of the offenses.

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