

Tree Ordinance Summary

21-80 – Findings, intent, and purpose

- Updated the findings section of the ordinance to reference the effects of climate change, the benefit of mature trees, and protecting public health.

21-81 – Definitions

- Removed the definitions of “Exempt Lot” (*but see* section 21-82, which articulates exemptions).
- Removed the definition of “Tree Manual” (but updated references throughout the ordinance)
- Changed minimum DBH (Diameter at Breast Height) of a Protected Tree from 8” to 6”.
- Replaced reference to Tree Manual in Pruning Standards with the “most current ANSI A300 Pruning Standards”
- Added the following definitions:
 - Hedge
 - Landmark Tree (trees larger than 40” DBH to 55” DBH)
 - Legacy Tree (trees larger than 55” DBH)
 - Lot
 - Risk Tree Evaluation
 - Significant Tree (trees larger than 25” DBH to 40” DBH)
 - Tree Plan
 - Tree Protection Plan
 - Tree Save Area

21-82 – Applicability, permit or certificate of exemption required

- Current tree ordinance exempts property owners, who continuously own and occupy the property for 18 months after tree removal, from tree replacement requirements. The tree warden may waive the requirement to continuously own and occupy the lot for 90 days prior to tree removal, as long as the owner intends to own the lot for 21 months after certificate of occupancy is issued after construction on the property.

- This ordinance eliminates the owner-occupied exemption and replaces it by exempting:
 - I. single and two family lots where no exterior construction is underway or planned for the next 24 months;
 - II. no trees to be removed meet the Landmark tree designation; and
 - III. the owner obtains an exemption permit.
- If construction does take place within 24 months following the removal of the trees the current property owner will be required to comply with replacement requirements.
- Publicly owned tree are exempt under the current ordinance, and continue to be exempt under the proposed ordinance.

21-83 – Permit Application

- The current ordinance requires an administrative fee for processing a tree permit of \$150.
 - The proposed ordinance increases the fee from \$150 to \$200, but creates an exemption permit for the removal of a dead or significantly compromised tree being, for which there is no charge. (Updated ordinance requires documentation of a dead, diseased, injured or dangerous tree to be provided to the Tree Warden by a certified arborist.)
- The current ordinance contains several requirements for tree permit applications. Updates to the requirements are shown in parentheses below.
 - A plan of the parcel being developed that shows the existing conditions and limit of proposed work; (Updated to include “plan”)
 - Tree plan that shows the location, type and size of each tree to be removed. (Plan must now include all trees 5” DBH or larger and all trees removed within the last 24 months);
 - (Updated to include requirement of documentation from a Certified Arborist if any trees are dead, diseased, injured, or a threat to public safety);
 - A statement from a Certified Arborist detailing how each tree will be protected and maintained if any grade changes will affect or

- endanger any protected tree (Updated to include the Tree Save Area of a protected tree on the applicant's lot or an abutting lot);
- The method of protecting the remaining protected trees on the lot (Updated to add protection of trees on abutting lots during construction or tree removal); and
- (Updated ordinance adds requirement for exterior work involving tree removal that a certified arborist must prepare a Tree Protection Plan, which will be filed with the tree permit application)
- (Updated to allow the Tree Warden to waive any of the permit application requirements if no exterior construction is planned, but an application with supporting documentation must still be filed)
- Abutters to a lot applying for a tree permit will be automatically notified.
- The current ordinance requires the tree warden to consider, when deciding to grant or deny an application, whether an existing tree interferes with existing structures, utilities, streets, sidewalks or other existing improvements. The updated ordinance requires documentation of the interference to be filed with the Tree Warden.
- The updated ordinance clarifies that the Tree Warden may prescribe additional parameters and requirements around the protection of trees remaining on the lot or within a reasonable distance from the lot.
- Under the proposed ordinance, a certified arborist must acknowledge that all protective measures are in place before exterior work, site disturbance, or tree removal may begin.
- A copy of the tree permit must be displayed in a visible location on the worksite.
- The current ordinance prohibits the Commissioner of Inspectional Services from withholding a certificate of occupancy due to the suspension or revocation of a tree permit.
 - The updated ordinance allows the Commissioner of Inspectional Services to consider the suspension or revocation of a tree permit for issuing a stop-work order or to withhold issuing a certificate of occupancy.
- Regarding an appeal of a decision by the Tree Warden to grant or deny a permit, the updated ordinance requires the Mayor to consult with all

Councilors from the ward where the trees are located. The updated ordinance also requires notice of the decision to be provided to the Clerk of the Council and each abutter.

21-84 – Activities not requiring a permit

- The current ordinance exempts tree pruning from requiring a tree permit. The updated ordinance updates a tree manual reference to ANSI A300 pruning standards.

21-85 – Tree Replacement

- Replacement trees must be of the same or similar species (as advisable by the Tree Warden). Change to the ordinance clarifies that, unless approved by the Tree Warden, hedges will not count as replacement trees.
- Replacement tree DBH currently has to match the DBH (cumulatively) of the removed trees, which have a DBH of 8” or greater.
 - Updated ordinance would amend that requirement according to the following:
 - Trees with a DBH of 6” to 25” must be replaced 1:1
 - Trees with a DBH of greater than 25” and up to 40” must be replaced 1.5:1
 - Trees with a DBH of greater than 40” and up to 55” must be replaced 2:1
 - Trees with a DBH of greater than 55” must be replaced 3:1
- Replacement trees were previously required to live for 18 months. Updated ordinance prohibits the removal of a replacement tree without a permit and requires all replacement trees to be treated as if they are between 6-25” unless they are larger. (See replacement requirements)
- Updated ordinance exempts, from the tree replacement requirements, a cemetery meeting the following conditions:
 - Cemetery is a Level II, Level III, or Level IV arboretum;
 - The cemetery submits an annual report on the trees on the property to the Tree Warden; and
 - The cemetery employs a Certified Arborist on its staff.

21-86 Tree Replacement Fund

- The tree ordinance establishes a tree replacement fund and allows those responsible for planting replacement trees to contribute to a fund in lieu of planting the replacement trees. The current ordinance requires the payment to equal the amount to replace the trees being removed. Updated ordinance would require the payment to include the cost to replace the trees (in accordance with the enhanced schedule), adds the cost to maintain the trees for the first five years, and adds the environmental impact of the removed trees. The updated ordinance would also require the tree warden to annual publish the cost chart.

21-88 Enforcement

- The tree warden is authorized to enforce the ordinance, including notifying violators of the violation.
 - If the tree ordinance is being violated, the tree warden may also issue a stop-work order on any protected tree, or lot on which a protected tree is located. The updated ordinance brings abutting lots under the purview of enforcement because the ordinance has been expanded to protect trees on abutting lots to work being done.