

## Ordinance 6

# Tree Removal

### 1) Overview

To balance the needs of the environment, safety, and other considerations, the Ardencroft Public Works Committee (PWC) oversees the removal of trees on public and leaseholder lands. The Village of Ardencroft (Village) prohibits any person causing the destruction or death of any tree, meeting the criterion below, by any means, including, but not limited to cutting; bulldozing, timbering, landfilling or debarking, without having prior written permission from the PWC. The process for approving tree removal depends on where the subject tree is located, either on leaseholds or on non-leasehold Village land.

### 2) Definitions

- a) Trees subject to ordinance: any tree 4 inches or more in diameter, measured 4 feet above the ground. To get diameter, measure circumference at 4 feet up the trunk and divide by 3.14.
- b) Non-leasehold Village land: any land beyond leasehold boundaries, including parks and open space, paths, non-leasehold forested areas, and street frontage.
- c) Street frontage: land that is leasehold-adjacent, public, and street facing. To determine the extent of street frontage beyond leaseholds, PWC uses the following calculations:
  - i) Village lands containing streets are 50 feet across. From the outer edge of a street gutter to the opposite outer gutter edge, paved portions of streets are 22 feet wide. Generally, this leaves 14 feet fronting leaseholds where village land exists for purposes of streets and utilities. Some narrowing distances occur where leaseholds border cul de sacs. Village land widens to 100 feet across at cul de sacs but pavement and gutters may get nearer to leasehold boundaries in certain locations.
  - ii) State roads (Veale and Harvey) are 60 to 65 feet wide and tend to have between 10 and 20 feet of street frontage between leasehold and paved portions of their property. DelDOT is the authority to contact for tree removal on state roads, but PWC can assist leaseholders in seeking DelDOT aid, if alerted to an issue.
  - iii) When available, markers from leasehold surveys supersede the calculations above in determining where street frontage beyond leaseholds ends and leaseholds begin. Fourteen feet from the street gutter is the general starting place for assessing street frontage boundaries along village roads, but for all areas, including cul de sacs, PWC will use available information in lieu of survey markers to determine whether or not a subject tree is on a leasehold or within public street frontage.

### **3) Oversight, Process, and Enforcement**

The PWC is empowered to oversee, and approve or deny, requests for tree removal. Based on location, leaseholders should do the following to seek tree removal.

- a) For trees on Village leaseholds, leaseholders must seek tree removal authorization by completing an Ardencroft Tree Cutting Permit and submit it as instructed. Permits are accessible on the Ardencroft Association web page, or by contacting any PWC member. Permits require the signatures of 2 PWC members.
  
- b) For trees on non-leasehold Village land, defined above, contact the PWC member concerning problems with trees that are not on your leasehold. PWC will address trees that are dead, dying, impeding visibility, or relate to other safety concerns. Non-safety-related requests for tree removal within street frontage by an adjacent leaseholder will be dealt with in the same manner as trees on leaseholds: removal at leaseholder's expense, pending permit approval.

For trees on the boundary of leaseholds and public land, the PWC will work with leaseholders to share costs as appropriate.

Violations of this ordinance shall be punishable by a fine conforming to the Village's municipal fine structure. Fines may be administered every six months if violation is left unresolved.