

Ordinance 6

Tree Removal

1) Overview

To balance the needs of the environment, safety, and other considerations, the Village of Ardencroft (Village) oversees the removal of trees on public and leaseholder lands. The 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 Village. 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, the Village 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. DeIDOT is the authority to contact for tree removal on state roads, but the Village can assist leaseholders in seeking DeIDOT 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, the Village 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 Village will oversee, and approve or deny, requests for tree removal through its empowered committee(s). 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 Village website, or by contacting any member of an empowered committee. Permits require the signatures of 2 members of an empowered committee.
- b) For trees on non-leasehold Village land, defined above, contact the empowered committee concerning problems with trees that are not on your leasehold. The Village 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 Village 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.

Empowered Committees/Officials

Separately from any ordinance, village policy empowers committees or relevant officials to perform functions associated with an ordinance. This meets the needs of ordinances, while avoiding the procedural hurdle of amending the ordinance for simple text changes if there is ever need for reassignment of responsibilities to a new party, or if a committee or title is formally changed.

For the ordinance above, the empowered committees/officials are:

Function	Empowered Party
Approves or denies requests for tree removal on leaseholder land	Environment Committee
Fining for violations on leaseholds	Environment Committee

Oversees removal on public land	Public Works Committee
Fining for violations on public land	Public Works Committee