

Chapter 114 – Trees

Key Provisions of the Ordinance passed at the January 9, 2026 meeting of the Board of Commissioners

PERMIT REQUIRED:

- Subject to the provisions below, Tree Removal permit required for:
 - o Removal of any Protected Public Tree (trees on Town or U.S. Army Corps property)
 - o Removal of any Protected Canopy Tree on Private Property (any canopy tree located anywhere on private property with a trunk diameter of six inches or greater)

For **NEW CONSTRUCTION OR RENOVATIONS** that increase the footprint of a structure more than 400 ft²:

- **Stricter minimum density requirement:** After construction is completed, the lot must meet a minimum tree density of 1 Canopy Tree per 2,000 ft² of lot area.
- **Prevents clear-cutting of lots:** At least 50% of minimum tree density must come from existing Mature Canopy Trees unless infeasible.
- **More detailed tree plan requirement:** Applicants shall submit a Tree Plan based on a current formal site survey prepared by a licensed surveyor. The Tree Plan shall identify all existing Canopy Trees, those being retained, those proposed for removal, and those proposed for planting.
- **Adds new surety bond requirement:** Contractor must obtain a surety bond for every retained canopy tree to ensure its protection during construction.
- **Permit fee:** Included in building permit fee.
- **Inspection:** Canopy Trees retained or planted as part of an approved tree plan will be subject to inspection by the Town before a Certificate of Occupancy is issued and again six months after issuance. If found to be dead or otherwise noncompliant, replacement will be required.

For **TREE REMOVALS NOT ASSOCIATED WITH CONSTRUCTION (including on lots following completion of approved construction)**:

- **Permit required to remove any canopy tree:** Permit application must include tree location, species, approximate diameter and height, condition, and reason for removal.
- **Minimum tree density applied:** When the removal of a canopy tree brings the lot below the minimum density requirement, the application will be approved or denied based on certain criteria. When the removal of a canopy tree does **not** bring the lot below the minimum density requirement, the permit shall be approved automatically upon receipt of a completed application.
- **No replacement planting required:** While property owners are encouraged to plant a replacement Canopy Tree, they are not required to do so.
- **Permit fee:** Permit application must be accompanied by a fee established by the Commissioners.

MAINTENANCE:

- Property owners must maintain Canopy Trees in healthy condition.
- Dead or diseased trees must be removed (permit required if Canopy Tree).

PENALTIES:

- \$750 per violation plus \$2,000 per illegally removed Canopy Tree or ISA-calculated value of removed Canopy Tree, whichever is greater. Illegally removed Canopy Trees must be replaced.
- Additional penalties for Protected Public Trees based on ISA value.