

VILLAGE OF THIRD LAKE

TREE PERMIT

Date \_\_\_\_\_

Address (Location of Tree) \_\_\_\_\_  
\_\_\_\_\_

Height/Species of Tree \_\_\_\_\_

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Owner's Daytime Telephone Number \_\_\_\_\_

Reason for request \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

re:3/96

I. **Tree Preservation**

PURPOSE:

It is the stated public policy of the Village of Third Lake to preserve and protect, to the greatest extent possible, existing trees within the Village as an important public resource. In addition to adding to the scenic beauty of the Village, the maintenance of trees and wooded areas tends to preserve the ecology of the Village through the filtering effect of trees on air pollutants. Trees also help to provide a noise barrier, help to prevent erosion of topsoil, provide nesting areas for birds and other wildlife, provide windbreaks and shaded areas, and increase property values by adding to the aesthetic quality of land. This section applies to all areas where protected trees, as defined below, exist.

1. DEFINITIONS FOR PURPOSES OF THIS SECTION

The following words and phrases shall for the purposes of this ordinance have the meanings respectively ascribed to them, except when the context otherwise indicates.

“Protected Tree” means any tree 8 inches or larger in diameter measured fifty-four (54) inches above the existing grade.

“Cutting” means felling or removal of a tree or any procedure where the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning, trimming or topping of trees.

“Remove or Removal” is the actual physical removal or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in the death of a tree.

“Tree Preservation Area” is that area immediately surrounding all protected trees that is not within a building activity area. No construction activity, movement and placement of equipment or material storage shall be permitted in a tree preservation area.

“Building Activity Area” is the area needed on a lot for buildings, driveways and parking areas. The building activity area shall be the smallest area practicable, including the buildings, driveways and parking areas and the adjoining area necessary for grading activities related to approved construction. All buildings and driveways shall be located to minimize tree damage and/or removal, and be in accordance with setback requirements prescribed in this ordinance. The developer shall temporarily fence the building activity area during all construction so that all trees in a tree preservation area shall be preserved.

“Public Hazard” is a tree, located on public or private property, which poses an immediate danger or hazard to persons or residences or permanent structures, or located on private property that poses an immediate danger or hazard to public properties or thoroughfares.

## 2. TREE REMOVAL REQUIREMENTS

No protected trees shall be removed without a permit. The President or Village Administrator may issue permits authorizing the removal of protected trees.

The property owner shall be permitted to cut and remove trees that are less than 8 inches in diameter (at 54 inches above ground elevation) so as to create a healthy and thriving environment for the larger, more significant trees.

Conditions under which a permit authorizing the removal of protected tree(s) may be issued include but will not be limited to the following:

- a. The tree is dead or dying;
- b. The tree is diseased;
- c. The tree is damaged or injured to the extent that it is likely to die or become diseased;
- d. The removal of the tree will enhance the Tree Preservation Area and the health of the remaining trees;
- e. The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature on the property or residence;
- f. The removal of the tree is consistent with good forestry practices;
- g. The tree is a public hazard.

In all cases of permit application, the President or Village Administrator shall use reasonable interpretations of the circumstances in determining whether or not the permit should be issued. In the event of emergency conditions requiring immediate cutting or removal of trees to avoid immediate danger, it shall be lawful to proceed with the cutting of protected tree(s) without a permit to the extent necessary to avoid the immediate danger. This action must then be reported, with reasonable evidence, to the President or Village Administrator within the Village's next two working days.

## 3. DANGEROUS TREES OR LANDSCAPING

Any tree or shrub planted on private property which overhangs any sidewalk, street, or other public place in the Village in such a way as to impede or interfere with traffic or travel on such place, or declared a public hazard, shall be trimmed or removed by the owner of the premises on which such tree or shrub grows so that the obstruction shall cease.

**4. TREE REPLACEMENT REQUIREMENTS**

If a protected tree is removed, other than from a Building Activity Area, the property owner or his designee shall replace each tree so removed within one year so as to minimize the visual impact from the loss of each tree as observed from adjacent properties or parkways. If the property owner can demonstrate hardship or special circumstances, the Board of Trustees, in its discretion, may waive the planting of a replacement tree, or trees, but only if waiver is consistent with the purposes of this ordinance.