

Shade Tree Protection Ordinance FAQS



What is the purpose of this ordinance?

- **To protect and replenish Madison's tree canopy** by limiting or replacing trees that are cut down.
- **To stop clear-cutting**—there have been examples where lots have had all the trees removed prior to construction.
- **To protect trees during construction**—heavy equipment compacts roots and, as a result, kills trees. Years later, home owners end up paying the cost to remove trees due to contractor errors.

Why do shade trees matter?

The loss of Madison's tree canopy impacts neighborhoods, increases stormwater runoff and reduces water that is absorbed by the aquifer that provides our drinking water. The entire town benefits from both the beauty and the environmental services of our collective tree canopy.

When is a tree permit required?

Any tree with a diameter of 6 inches or greater must have a tree permit. Depending on the species and environment, a 6-inch tree represents 20 to 30 years of growth. In a 24-month period, a property owner may remove up to 2 trees with a diameter less than 16" without paying a permit fee.

What if I have a large tree that is damaged or diseased or invasive?

The arborist who manages the Shade Tree Ordinance will provide a free consultation. If the arborist decides the tree needs to come down, there is no fee and no need to plant replacement trees. Invasive trees may be removed at the discretion of the arborist. Though no replacement is required, planting a native Northeastern U.S. deciduous hardwood is strongly encouraged.

How much does a permit cost?

A \$25 permit fee is required per tree.

Do I need to plant a replacement tree?

Yes, however, if a property owner cannot accommodate a replacement tree on their site, they may pay \$400 per replacement tree into the Shade Tree Fund.

How many replacement trees are required?

If replacement trees are required, the number depends on the size of the tree removed. A tree with a diameter between 6" and 12" requires two replacement trees, those between 30" and 36" require ten trees. The complete chart can be found in Ordinance 19-2022 and Borough Code Chapter 178. Trees must be native Northeastern U.S. deciduous hardwoods selected from a list which can be found on the Shade Tree Management Board page of rosenet.org

What is the Shade Tree Fund?

The Fund is designed to cover the cost of purchasing and planting replacement trees on Borough property close to the location of the tree that has been cut down.

Is there a replacement incentive?

To help fund the cost of planting a qualifying replacement tree, residents can apply for reimbursement of \$200 per tree.

Why does this ordinance apply to homeowners?

By law, the ordinance must have the same rules for tree removal requests, whether they come from a homeowner, contractor or large landholders. Historically, some homeowners have clear-cut trees. Others have failed to replace canopy trees and instead re-landscaped with non-native ornamentals and small evergreens.

How is the municipal arborist paid?

The arborist is paid from construction escrow accounts and permit fees, including tree permits.