

ORDINANCE NO. 2025-1

AN ORDINANCE IN AMENDMENT TO
THE ORDINANCES OF THE TOWN OF MIDDLETOWN

TITLE IX GENERAL REGULATIONS
CHAPTER 96 TREE PRESERVATION AND PROTECTION

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XI General Regulations, Chapter 96 Tree Preservation and Protection, Section 96.03 Public Shade Trees, Section 96.05 General Provisions (F) Enforcement, Section 96.06 Public Shade Tree Priority is hereby amended to read as follows (language to be deleted is stricken in red ink and language to be added is underlined and presented in red ink):

§ 96.03 PUBLIC SHADE TREES.

For purposes of this chapter all trees within or on the boundaries of a public way *are or public property ** are public shade trees. When the ownership of a tree is in doubt, it is deemed to be a public shade tree until proven otherwise.

§ 96.05 GENERAL PROVISIONS.

(F) *Enforcement.* The Town-Planner Tree Warden is charged with enforcement of this chapter and state laws protecting public shade trees and will seek complaints in court for violations of this chapter and such laws.

§ 96.06 PUBLIC SHADE TREE PRIORITY.

After a public shade tree is removed from a location where a void will be created, a replacement tree shall be planted unless removed for safety reasons. To the extent that the town's budget permits, at least one public shade tree shall be planted for each public shade tree that is removed or dies. It is desirable to plant more public shade trees than are removed because of tree losses and the length of time to maturity. The Planning Board as part of their its review of plans for subdivision and development projects may submit to the Tree Commission site proposed landscape plans for advice and recommendations.

SECOND: Chapter 96 All other Sections and subsections remain unchanged.

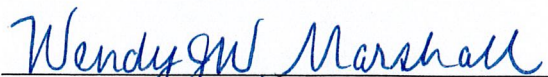
THIRD: This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.

*Amended by Council – January 6, 2025

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JANUARY 6, 2025

READ AND ADOPTED IN COUNCIL, AS AMENDED



Wendy J. W. Marshall, MMC
Town Clerk