

AN ORDINANCE TO REGULATE THE REMOVAL OF TREES IN THE TOWN OF BIG FLATS, ADAMS COUNTY, WISCONSIN

The Town Board of the Town of Big Flats, Adams County, Wisconsin, does ordain as follows:

Section 1. Removal of Trees and Cover

- A. **Findings and Intent.** Protection of economically productive areas (including farmland and commercial forests) is important to the Town of Big Flats. To protect the quality of life and the natural features in the Town of Big Flats, and help sustain the property values of all Town homes, it is in the best interest of landowners to protect and nurture the trees, shrubs, and other vegetation that grow on their land. This Ordinance recognizes that woods, hedgerows and other natural areas that remain in the Town of Big Flats are an important community asset. It is the intent of this Ordinance to protect those limited natural resources that remain within the Town, from clear cutting acreage, in a manner such that the Town of Big Flats will continue to be an attractive community in which to live.
- B. **Applicability.** This ordinance applies to the removal of trees on parcels located within the Town of Big Flats. Before trees exceeding a defined threshold are removed from a parcel, a permit must first be applied for with the Town of Big Flats.
- C. **Definitions.**
 - 1. **Acreage:** for purposes of this Ordinance, Acreage shall mean land to be clear cut along with land to be used as a buffer.
 - 2. **Deforestation:** shall mean clear cutting of forest/woodland without the intent of replanting forest/woodland to harvest.
 - 3. **Existing Cleared Land:** for purposes of this Ordinance, Existing Cleared Land shall mean land which has been cleared in the Town of Big Flats prior to the Effective Date of this Ordinance.
- D. **Permitting Requirements.**
 - 1. **General.**
 - i. All tree cutting exceeding the limitations of **Section E** shall require a permit from the Town of Big Flats.

E. Limitations on Removal of Trees and Cover.

1. **Preservation of Trees and Vegetation.** Except as set forth in this section, trees shall be preserved as far as practicable, and if removed, shall be replaced with vegetation that is equally effective in meeting the objectives of this Ordinance.
2. **Prohibition of Clear Cutting.** Clear cutting of trees shall be prohibited other than for the following purposes:
 - i. Clear cutting of ten (10) or fewer acres per quarter-quarter (1/4 1/4) section by a property owner (including acreage previously cleared and excluding Existing Cleared Land as defined in this Ordinance) for any land use.
 - ii. Where governmental bodies perform cutting.
 - iii. Public or Private Utilities performing cutting (Public or Private Utilities are required to inform the Town of Big Flats prior to initiating any trimming or tree removal within the Town of Big Flats).
 - iv. The removal of dead, dying or diseased trees or shrubbery, when performed in a professionally accepted manner as a matter of forestry management.

F. Alternative Tree Removal and Cover Limitations.

1. **General.** A special cutting plan allowing cutting greater than that set forth in Section E may be permitted by the Town of Big Flats by issuance of a Special Permit.
2. **Application Requirements.** In applying for such a permit, the parcel owner shall provide the Town of Big Flats Clerk the following items:
 - i. 10 copies of a completed Clear Cutting Application.
 - ii. 10 copies of a completed Neighbor Notification Form (required if greater than ten (10) acres are proposed to be cut).
 - iii. 10 copies of a Plat Map, at least 8 1/2" by 11" in size, with the corresponding area proposed for clearing marked.

- iv. 10 copies of a Scaled Drawing, at least 8 1/2" by 11" in size, of area, including buffer plan and any irrigation to be placed.
3. **Alternative Limitations.** The Town may grant a permit with alternative limitations only if it finds that such special cutting plans:
- i. Will not cause undue erosion or destruction of scenic beauty.
 - ii. Will provide substantial screening of dwellings, accessory structures, and parking areas (when applicable).
 - iii. Do not allow any individual landowner to clear greater than eighty (80) acres of land for personal/agriculture or Commercial use per quarter (1/4) section, in the Town of Big Flats.
 - iv. Do not allow an individual landowner clearing a total of eighty (80) acres of land within any four (4) adjoining quarter-quarter (1/4 1/4) sections in the Town of Big Flats.
4. **Review.** In reviewing and approval of special cutting plans, the Town may require replacement plantings, and the submission of a bond that guarantees the establishment and maintenance of the planned tree or shrubbery planting by the parcel owner.

Section 2. Existing Cleared Land.

Limitations on removal of trees found in this Ordinance shall not apply to land which has been cleared in the Town of Big Flats prior to the Effective Date of this Ordinance.

- A. Existing Cleared Land shall not be counted toward total acreage limitations under Section E.
- B. Existing Cleared Land shall not be considered in special cutting plan limitations under Section F(3).

Section 3. Severability.

This Ordinance does not replace or restrict any part of the Adams County Zoning Ordinance that may apply. In the event that this Ordinance requires additional restrictions, the owner must comply with this Ordinance as well as the Adams County Zoning Ordinance. In the event that any provision hereof is found to be unenforceable, such provision only shall be unenforceable, with the balance of this Ordinance remaining in full force and effect.

Section 4. Violations and Penalties.

Any person who violates any provision of this Ordinance may be required, upon conviction thereof, to forfeit not more than One Thousand Dollars (\$1,000.00) and costs of prosecution for each violation. Each acre cleared on a parcel beyond ten (10) acres, without obtaining a permit, shall be considered a separate violation for which a separate penalty may be applied.

Section 5. Repealer

All ordinances of the Town of Big Flats which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect upon its passage and publication, as provided by law. Passed and adopted by the Town Board of the Town of Big Flats, Adams County Wisconsin, this

12th day of April, 2022.

Approved:

Mark Reed, Chairperson: _____

Dale Kipfer, Supervisor 1: _____

Mike Clark, Supervisor 2: _____

Mary O'Neil, Clerk _____