

**TREE ORDINANCE FOR REFLECTIONS COMMUNITY**  
(adopted unanimously by the ROA Board on October 16, 2003)

**SECTION 1: TREE BOARD**

**a. Authorization**

The ROA Declaration of Covenants, Conditions and Restrictions reads:  
**Cutting of Trees Prohibited. No trees may be removed without the written approval of the Board of Directors of the ASSOCIATION. (Article X, section 10.9)**

**b. Membership**

The ROA Board, as authorized by the Association's Declaration of Covenants, Conditions, and Restrictions, must approve tree removal for any reason. This Board was established in 1977.

The ROA Board consists of 9 members, each elected for a three-year term. Each year three Board members rotate off the Board and are replaced by three new members, thus providing for continuity. Members serve without compensation.

In certain situations, the Architectural Committee also reviews requests for tree planting and removal, but the final authority rests with the Board of Directors.

**SECTION 2. GUIDELINES**

**Tree removal will be approved only as a last resort when there is a serious problem and no other solution is possible.**

**a. Reasons for withholding approval**

The Board generally will **not** approve tree removal for purposes of...

- regrading,
- establishing a lawn,
- providing a view, or
- creating an open area;

**Nor** will it approve requests for removing a tree because of seasonal inconvenience such as leaves, bark, nuts or needles falling onto decks or patios.

**b. Reasons for awarding approval**

Valid reasons for tree removal include:

- Tree is dead, diseased or damaged\*
- Tree represents a potential danger to people or property\*
- Tree has detrimental effect on other plant material; e.g. crowding out more desirable trees
- Tree blocks vehicular sight lines
- Tree is too large for space and pruning will not be effective
- Tree has invasive roots

*\*In some cases, such as structural damage or disease, the claim must be substantiated by a qualified professional such as a foundation specialist or certified arborist.*

In evaluating a request, the Board will also consider the following factors:

(1) Is the tree a native tree, i.e. native to the original 185-acre woodland on which Reflections was developed? Every effort will be made to preserve native trees.

(2) Will the loss of this tree detract from the property value of the neighborhood and the community? For example, ornamental trees such as dogwood, holly, and crape myrtle as well as rare varieties of trees usually contribute positively to the property value of the community.

**Additional approval criteria**

The Board of Directors may require an appropriate replacement tree or shrub to be planted as a stipulation for approval. (Replacement trees/shrubs must be planted according to regulations set out in the *Architectural and Landscaping Guidelines for Reflections Homeowners.*)

All approved tree removal, whether it is the responsibility of the Association or of a homeowner, must be done by properly licensed and insured professionals.

Approvals will require proper attention to stumps and other debris associated with tree removal.

### **SECTION 3. PROCEDURES FOR TREE REMOVAL**

#### **a. Damaged, Dead and Diseased Trees**

Obviously dead spindly trees (less than six inches in diameter when measured at four and a half feet above the ground) may be removed by staff, as directed by the Manager, without requesting permission from the Board of Directors. Otherwise, both the staff and individual homeowners must request permission to remove a tree.

With respect to larger trees, the determination of whether a tree that appears to be dead is actually dead [add “, damaged or diseased”? add something about trees “in obvious decline”?] must be made by two members of the Board of Directors, one of whom shall be the liaison to the Buildings and Grounds Committee. At the discretion of the liaison to the Buildings and Grounds Committee, the opinion of a certified arborist may be required. Should the consensus be that the tree is dead, approval for removal is automatic. (Added by unanimous vote of Board on 1/15/2004.)

In the case of extraordinary circumstances, when time is of the essence and a decision must be made virtually on the spot (e.g. storm damage or other emergency), two members of the Board can approve tree removal. If possible, one of these should be the liaison to the Buildings and Grounds Committee. (Added by unanimous vote of Board 11/20/2003)

Requests for removal of dead, damaged or diseased trees will be automatically forwarded to the Board member serving as liaison to the Buildings and Grounds Committee. All other requests for tree removal will follow the procedure outlined below. (Added by unanimous vote of the Board on 3/18/2004.)

#### **b. Procedure for Other Tree Requests**

- 1) Requests for tree removal will be addressed to the Architectural Committee on the form provided for that purpose.
- 2) Neighbors immediately adjacent to the owner making the request for tree removal must sign the request form.
- 3) If the tree is on a property line, the two neighbors must file the request as co-applicants. It is the responsibility of the owners to provide a plat of the property to prove the property line.

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- 4) At the time of application, the homeowner must identify (e.g. tie a ribbon around) the tree(s) in question so that it (they) can be easily located and examined.
- 5) The Architectural Liaison of the Board of Directors will present the request to the full Board along with the recommendation of the Architectural Committee.
- 6) The Board will review requests for tree removal on a case-by-case basis, using the guidelines set forth in this Ordinance.
- 7) Before a decision is made regarding a request, two Board members will visit the site. If possible, these will be the liaison to the Architectural Committee and the liaison to the Buildings and Grounds Committee.
- 8) Authorization to remove a tree will require a  $\frac{3}{4}$  majority of the Board.
- 9) In the case of approval for tree removal, the permission letter will state the terms regarding that removal; e.g. who is responsible for removal, whether the tree must be replaced, etc.
- 10) In the case of disapproval, the reason for disapproval will be stated in the letter.