

§ 495-8. Restitution for removal or destruction of trees.

In addition to the penalties authorized by § 495-7 of this chapter, the Commission may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the appraisal of a trained forester or certified tree expert retained by the Commission for that purpose. In lieu of an appraisal, the Commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed \$27 per square inch. The square-inch cross section shall be calculated from the diameter at breast height, and if there is a multiple-stem tree, then each trunk shall be measured and an average shall be determined for the tree. For the purposes of this chapter, "diameter at breast height" shall mean the diameter of the tree taken at a point 4 1/2 feet above ground level. The Commission shall modify the value of the tree based upon its species variety, location and condition at the time of removal or destruction.