

Tree Ordinance Sample 2

Shade Tree Ordinance of the Village of Pleasantville

1. Legislative Intent

The Board of Trustees of the Village of Pleasantville has determined that it is in the interest of the citizens of the Village of Pleasantville to promote and protect their health, safety and welfare to adopt a shade tree ordinance. The Board of trustees recognizes the role that trees play in the village ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes and conserve energy, and the Board further recognizes the role trees play in enhancing property values and the general quality of life in the Village. In order to establish a responsible program for planting, maintenance, husbandry, or removal of trees or shrubs in the Village, the Board of Trustees finds it necessary to establish a Shade Tree Commission and to adopt this Local Law to provide an orderly framework to maximize the benefits afforded by trees within the Village.

2. Definitions

- a) Public trees - Any trees, shrubs, bushes and all woody vegetation on land lying within a public street or right-of-way within the Village.
- b) Park Trees - Any trees, shrubs, bushes and all woody vegetation on land lying within public parks having names and in all areas owned by the Village and to which the public has access.

3. Establishment of a Shade Tree Commission

The Village Shade Tree Commission shall consist of five commissioners who shall be appointed by the Village Board and who shall serve without compensation.

The Shade Tree Commission shall inventory all public trees within the Village and shall study, investigate, and from time to time update the condition of all such public trees. The Shade Tree Commission shall periodically counsel the village Board of Trustees on how best to manage the public trees and shall prepare and update a written plan for the public safety, care, preservation, pruning, planting, replanting, removal or disposition of trees within the Village of Pleasantville easements, streets, and Village parks. This plan shall also include a provision for public education.

4. Care of Public Trees

- a) The Board of Trustees of the Village of Pleasantville shall have the right to plant, prune, maintain and remove trees and woody plants within the limits of all Village streets, rights-

of-way, or parks. The Board, in appropriate cases, and upon consultation and with the property owner, may remove or prune a tree which stands upon private property but which threatens the safety or welfare of those who may use a Village street or park.

b) The Shade Tree Commission may recommend the removal of any tree or part thereof within the limits of any street or public park which threatens the safety or welfare of any person or by which by reason of its location or nature threatens any electric line, telephone line, gas line or any municipal water or sewer line or any public improvement, or which is affected by any injurious fungus, insect or other pest or disease.

5. Approval for Action Within the Village

No person shall remove, destroy, or cause the removal or destruction of a tree on any Village street or in any Village park, or undertake construction or any activity which may significantly and prematurely detract from the health or growth of a tree without first having obtained written permission for such removal or construction at the office of the Village Clerk. All applications must be approved by the Village Board of Shade Tree Commissioners and all approvals shall be in conformance with the Shade Tree Master Plan.

6. Violations

Any violation of this Local Law shall constitute a violation within the meaning of the Penal Law of the State of New York, and an appearance ticket alleging such violation may be issued by any police officer having jurisdiction.

7. Review by the Village Board

a) The Village Board of Trustees shall have the right to review the conduct, acts, and decisions of the Shade Tree Commission and of its individual commissioners. The Board of Trustees shall have the power to remove individual commissioners and to appoint new commissioners as may be necessary.

b) Any person who is aggrieved by any decision of the Shade Tree Commission may appeal the decision within ten (10) days of the filing of the decision with the office of the Village Clerk. The appeal shall be heard by the Board of Trustees within thirty (30) days of the filing of the appeal in the office of the Village Clerk. The Board of Trustees shall make and file its decisions with the Village Clerk within five (5) days of its hearing.

8. Severability and Effective Date

Should any section of this Local Law be found to be unconstitutional, that finding shall in no way effect the other sections of this Local Law which shall remain in effect.

This Local Law shall become effective upon its adoption by the Village Board of Trustees and its filing in the office of the NYS Secretary of State.