

Tree Ordinance Sample 3

Community Tree Law

Section 1. Title

This law shall be known as the Community Tree Law for the Village of Pleasantville in the Town of Pleasantville, Rensselaer County, State of New York.

Section 2. Purpose and Intent

It is the purpose and intent of this law to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the Village of Pleasantville which are on Village property or within the right-of-way of any public street. It is also the purpose of this law to establish and maintain a maximum diversity of tree species.

Section 3. Definitions

Alter - to change shape, growing conditions, health, size or density in any way and by any means of a tree or shrub.

Arborist - a New York State certified expert on tree care and maintenance.

Care - that which is required to maintain the maximum possible health and vigor of a tree or shrub.

Contractor - a person, company or organization employed to supply necessary skills and services in pruning, trimming or removing trees and shrubs.

Damage - physical or chemical injury or harm done to any tree or shrub.

Disposition - the power or authority to arrange, settle or manage.

Disturb - any act, treatment or process that will change the shape, growing conditions, health, size or density of a tree or shrub.

Fertilize - the application of substances to the plant or the surrounding soil which are required for the optimal growth and health of the tree or shrub.

Landmark Tree - any tree that is defined as rare, endangered or protected according to Village, County, State or Federal law, rule or regulation; one which has significant old age; one which is associated with historical event or person; one which is a tree species of record size; one which has a non-invasive or spreading abnormality; or one which has been determined by the Village of Pleasantville Tree Board to have scenic enhancement qualities.

Large Tree - a tree which attains a height of 45 feet or more at maturity.

Maintained - to keep a tree or shrub in maximum health and vigor.

Medium Tree - a tree that attains a maximum height of between 30 and 45 feet at maturity.

Park/Public Place - all property owned by the Village of Pleasantville or public street rights-of-way within the Village.

Planting - the placing of a tree or shrub into soil that will encourage growth and maximum health and vigor.

Preservation - the process and requirements to preserve a tree or shrub.

Preserve - to keep a tree or shrub from harm, damage or danger; to protect and save a tree or shrub.

Private Tree - a tree or shrub not on publicly owned land or within a public street right-of-way. A tree or shrub on privately-owned property.

Prune - to remove dead or living parts from a tree or shrub so as to increase health, vigor and form.

Public Tree - a tree or shrub on publicly owned land or within the right-of-way of a Village public street.

Removal - to take away and remove a tree or shrub including the stump to below ground level.

Replacement - the removal of a dead, dying or diseased tree or shrub followed by the planting of a tree or shrub of the same or different species in the same or adjacent location.

Right-of-Way - the land bordering a Village public street, road or highway and actually maintained by the Village to distance as prescribed in specific laws relating to such distances.

Shrub - woody plant with more than one main stem emerging from the ground.

Small Tree - any tree or shrub planted or growing within the right-of-way of a public street.

Spray - the application of any pesticide, fertilizer or other substance to a tree or shrub.

Street Tree - any tree or shrub planted or growing within the right-of-way of a public street.

Tree - a woody plant with a single central axis (trunk) emerging from ground and acquiring a minimum height of ten (10) feet at maturity.

Tree Lawn - that part of a street or highway not covered by sidewalk or other paving, lying between the private property line and that portion of the street or highway usually used for vehicular traffic.

Trim - to remove parts of a tree or shrub to maintain a desired shape or size.

Section 4. Tree Board

There is hereby created and established a Tree Board for the Village of Pleasantville.

The Tree Board shall consist of at least four (4) uncompensated members, including at least

one member of the Village Board of Trustees. Members of the Tree Board shall be appointed by the Village Mayor and confirmed by the Village Board of Trustees.

The Tree Board, in order to promote the goals of this Community Tree Law, shall develop a master plan for the Village of Pleasantville, New York, including planning, tree planting, and maintenance programs for all trees on Village property and within the rights-of-way of public streets within the Village.

Upon request made by a landowner, the Tree Board shall provide recommendations to Village residents regarding trees on private property.

The village Board of Trustees shall make annual appropriation to the Tree Board for purposes of carrying out its duties in accordance with the provisions of this Local Law.

Section 5. Arborist

The Board of Trustees of the Village of Pleasantville shall obtain the services of a New York State Certified Arborist who shall voluntarily serve as a consultant and advisor to the Tree Board.

Section 6. Authority

The Tree Board shall have the authority and jurisdiction of regulating the planting, maintenance, removal and replacement of trees and shrubs on publicly owned property and within the rights-of-way of public streets to insure safety and/or to preserve or enhance the aesthetics of such public sites.

The Tree Board shall have the authority to supervise or inspect all work done on publicly owned property or with the rights-of-way of public streets. The Tree Board shall have the authority to formulate and propose a master tree plan which, after public hearing, may be adopted by Resolution of the Village Board of Trustees.

Section 7. Policy Regarding Trees

The Village encourages the planting of the largest diversity of tree species on public and private property. When no or few trees are present on a private development site, the Tree board may, upon written request by the owner, developer or contractor, recommend landscaping with those tree species which are considered desirable by the Tree Board.

Section 8. Permits

With the exception of a utility company which may prune tree limbs interfering with utility cables, no person shall plant, spray, fertilize, prune, remove, cut above or below ground or otherwise disturb any tree within the right-of-way of any Village street or upon Village-

owned property without written approval from the Village Board of Trustees. The Village Board of Trustees shall first consult with and obtain the recommendations of the Tree Board.

Section 9. Maintenance

No trees shall be planted on Village property or upon public street rights-of-way that, at maturity, will interfere with overhead utility wires. All trees and shrubs on public property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side. All trees on public property or within public street rights-of-way designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

Section 10. Species, Cultivars and Varieties

The Tree Board shall develop and maintain a list of desirable trees for planting along streets and in rights-of-way in three size classes: small, medium and large.

A list of tree species neither suitable nor desirable for planting as street or right-of-way trees shall also be established by the Tree Board.

A list of tree species presently not found in the Village, but capable of growing and surviving in the Village, will also be developed and maintained by the Tree Board.

The Tree Board may establish and maintain a tree nursery for the purpose of growing and supplying trees for planting on public property.

Section 11. Obstruction

It shall be the duty of any person or persons owning real property bordering on any public street right-of-way to prune any trees thereon in such a manner that they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct the visibility of traffic signs, obstruct or hinder the flow of traffic or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. When a tree or shrub on private property is found to be in non-compliance with this law, the owner shall be notified thereof and asked to correct the problem in a timely manner.

Section 12. Nuisance and Condemnation

Any street tree or tree planted on property owned by the Village of Pleasantville which is not maintained in compliance with the provisions of Pleasantville which is not maintained in compliance with the provisions of Pleasantville which is not maintained in compliance with

the provisions of the Local Law or which is dead or dangerous is hereby declared to constitute a public nuisance. The Tree Board shall inform the Village Board of Trustees of such nuisance and request that the nuisance be abated in a timely manner.

The Tree Board shall inform the Village Board of Trustees of any private tree not maintained in compliance with the provisions of this Local Law or which is dead or dangerous and request that written notice thereof be served on the property owner. Such notice shall specify in detail the nature of the Tree Board's recommendations.

Section 13. Protection of Trees

Prior to development, redevelopment, razing or renovating of any land within the Village, the Tree Board may request to survey the property for the presence of "landmark trees" as well as any other rare, endangered or protected plants. The Tree Board will work with the developer or contractor to maintain trees identified as "landmark trees" and will offer to transplant, when practical, other rare, endangered or protected plants to other sites within the Village favorable for the growth and survival of such plants.

No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 20 feet from any "landmark tree" upon public property without written approval from the Village Board of Trustees. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any "landmark tree," or any tree upon public property or right-of-way nor allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them or set fire or permit fire to burn when such fire or heat therefrom will injure any portion of any such tree.

Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations on private property, the Tree Board shall notify the Village Board of Trustees and request that the owner of the property upon which such diseased or infested tree is situated be notified of the condition. The notice shall encourage such property owner to eradicate, remove or otherwise control such condition within reasonable time to be specified in such notice.

Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations on public property, the Tree Board shall notify the Village Board of Trustees thereof and request that it be corrected within a reasonable time.

Section 14. Removal and Replacement of Trees

Trees removed from public property or rights-of-way shall be replaced, at least one for one, with tree species as recommended by the Tree Board within a reasonable time period. Quality planting stock must be used when adding or replacing trees or shrubs.

Section 15. Appeals

Any person who receives a written notice from the Village Board at the request of the Tree Board and objects to all or a part thereof, may, within ten (10) days of receipt thereof, notify the Village Board, in writing, of the specific nature and reason(s) of the objection and request a hearing thereon. The hearing shall be held within ten (10) days of notice from the appellant. Within ten (10) days after such hearing, the Village Mayor, in consultation with the Village Board of Trustees and the Tree Board, shall render a decision and notify the appellant of the decision.

Section 16. Interference with Planting, Maintenance and Removal

No person, firm, organization or corporation shall prevent, delay, or interfere with the Tree Board, Village Board of Trustees or contractors in the execution of enforcement of this law including the planting, mulching, pruning or removal of any tree, shrub or plant in any right-of-way or public place within the Village of Pleasantville.

Section 17. Local Government Liability Disclaimer

Nothing contained in this law shall be deemed to impose liability upon the Village, the Village Board of Trustees, the Tree Board or individuals, companies or corporations hired by the Village, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant that he/she planted in the right-of-way of a public street or that is on his/her property from constituting a hazard or an impediment to travel or vision upon any street, sidewalk, park or other public place within the Village of Pleasantville.

Section 18. Effective Date

This law shall take effect upon filing with the Office of the NYS Secretary of State.