

.ARTICLE NO.23
Trimming & Removal of Dangerous Trees & Limbs,
Planting of Elms, Soft Maples, Willows and Poplars Prohibited

All owners of property in the Village of Adams, New York must trim and remove all limbs, branches and trees in front of said property or adjoining or over-hanging public streets or sidewalks, when such limbs, branches and trees shall become decayed, defective or dangerous to users of public walks and public streets. In default of such trimming and removal, the Village of Adams may trim and remove the same and assess the expense thereof on adjoining land.

Planting of Elms, soft Maples, Willows and Poplars adjoining streets or public walks in the Village of Adams is hereby prohibited. Such trees hereafter planted may be removed by the Village of Adams and the cost of removal may be charged to the owner of the adjoining property.

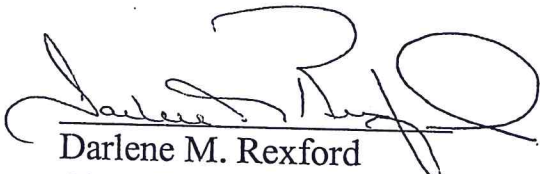
ARTICLE #99

Local Law NO. 1
Year 2012
Village of Adams, New York

A LOCAL LAW RELATING TO, Regulation of Planting, maintenance, protection, and removal of Trees within the Village of Adams

BE IT ENACTED, by the Board of Trustees of the Village of Adams, New York as follows:

Passed and adopted by the Board of Trustees of the Village of Adams on the 17th day of January 2012.


Darlene M. Rexford
Clerk/Treasurer

Filed with the State – January 24, 2012

LOCAL LAW NO. 1
YEAR 2012

Village of Adams Street Tree Local Law

STREET TREES

1. Purpose

A. This chapter regulates the planting, maintenance, protection and removal of trees located on public streets, parks and other Village owned property and designates a Tree Committee. This chapter also provides for the issuing of permits for the planting, maintenance, removal and protection of trees on Village owned property.

2. Title

A. This chapter shall be known and may be cited as "Trees."

3. Definitions

A. For the purposes of this chapter, the following terms shall be defined as follows:

1. Street Trees: "Street trees" are herein defined as trees and all other woody vegetation on land within the Village right-of-way on either side of all streets, avenues, or ways within the Village.

2. Park Trees: "Park Trees" are herein defined as trees and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

3. DBH (Diameter at Breast Height): "DBH" is herein defined as the diameter of tree trunks at a height of four (4) feet six (6) inches from the finished grade at the base of the tree.

4. Village Agency: "Village Agency" is herein defined as any department, board, commission or other entity within the government of the Village of Adams.

5. Person: "Person" is herein defined as any corporation, firm, partnership, association, trust, estate, one (1) or more individuals and any unit of government or agency or subdivision thereof, except for a Village agency.

4. Designation of a Tree Committee

A. A Tree Committee shall be designated by resolution of the Village Board, in consultation with Village Staff, consisting of members of the community interested in promoting the benefit, growth and health of the urban forest. Board members should include persons with expertise in the field of urban forestry and Village Staff from the Village Planning Office, Department of Public Works or the Department of Parks and Recreation or other appropriate Village personnel.

B. It shall be the responsibility of the Tree Committee to study, investigate, counsel and assist Village Staff with the development of a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas. The Tree Committee

shall also assist the Village in the preparation of its street tree planting program including recommendations on tree species, tree planting locations and other related matters.

C. The Tree Committee, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

D. The Tree Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings.

E. All members of the Tree Committee shall serve without pay.

5. Planting, Maintenance and Removal

A. The Department of Public Works Employees shall have the right to plant, prune, maintain and remove trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The Superintendent of the Department of Public Works or his urban forestry designee may remove or cause or order to be removed, any Village owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, blocks visibility, or is affected with any serious injurious fungus, insect or other pest.

C. No unauthorized person or Village agency shall plant, prune, remove, maintain, cut, break, or otherwise injure any portion of any tree planted or growing in any street or public place without first submitting a written request and obtaining written permission from the Superintendent of the Department of Public Works or his urban forestry designee.

D. Whenever a person or Village agency obtains written permission pursuant to paragraph C of this section to remove a tree from any Village-owned land for the purpose of non-residential construction or development, excluding hazardous or unsafe trees, or if any person or Village agency removes any Village owned tree without permission, such person or Village agency shall subsequently replace the tree(s), or have the Village Department of Public Works replace the tree(s) at the expense of the person or Village Agency who obtained such permission. Replanting shall occur within one (1) year of the removal of the tree. Such replacement shall meet the standards of size, species and placement as provided for in the tree removal permit as issued by the Superintendent of the Department of Public Works or his urban forestry designee and as recommended by the Tree Committee. Unless the Tree Committee or the Superintendent of the Department of Public Works or his urban forestry designee, for good cause, determines otherwise, trees shall be replaced by the caliper inch, such that for every inch of diameter (DBH) removed, an equal number of caliper inches shall be replaced (e.g., the removal of one (1) twelve inch DBH tree shall necessitate the planting of six (6) two inch caliper trees or four (4) three inch caliper trees, etc.).

E. In furtherance of the purposes of this chapter, the Tree Committee, in consultation with the Village Planning Office and the Department of Public Works, shall have the authority to adopt and modify rules and regulations regarding arboricultural specifications and standards of practice, to be known as the Arboricultural Specifications Manual. This manual shall govern the planting, maintenance, removal, pruning, fertilization and protection of trees on public streets, parks or other

Village property. The Arboricultural Specifications Manual shall be kept on file and shall be available in the Village Planning Office, the Department of Public Works and the Village Clerk's Office.

F. The Department of Public Works employees shall be responsible for the care of the public trees in a manner as set forth in the Arboricultural Specifications Manual.

G. This Chapter does not prohibit the planting of Street Trees on Village property by adjacent property owners provided that written permission is obtained from Superintendent of Public Works or his urban forestry designee and the selection and location of said trees is in accordance with the Village's Arboricultural Specifications Manual. The Village does, however, have the authority to relocate or remove any tree that is improperly planted according to the specifications mentioned above.

6. Dead or Diseased Tree Removal on Private Property

A. The Village shall have the right to cause the removal of any dead or diseased trees or tree limbs on private property within the Village, when such trees or limbs constitute a known hazard to the public right of way or other public property, or harbor insects or disease which constitute a potential threat to other trees within the Village. The Village will notify in writing the owners of such trees. Removal, including the stump, shall be done by said owners, at their own expense, within sixty (60) days after the date of service of notice.

B. In the event of an emergency situation, or in other situations where a tree is found to be in a state which could potentially cause immediate harm to life or property, the Village has the right to order the immediate removal of the tree. In such cases, the property owner shall immediately remove the tree.

C. In the event that a tree requiring removal is found on a property line shared with the Village, a determination shall be made by the Village as to the percent of ownership for both the Village and the private party involved. The Village will then remove the tree at its expense and charge a portion to the shared owner based on the percentage as determined above.

D. The procedure for determining tree removals shall be set forth within the Arboricultural Specifications Manual referenced in Section 5, Paragraph E of this local law.

7. Interference with the Village

A. It shall be unlawful for any person to prevent, delay or interfere with the Village, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees or Park Trees, as authorized by this local law.

8. International Society of Arboriculture (ISA) Certification & Bond

A. It shall be unlawful for any person, other than the Village Department of Public Works, to engage in the business or occupation of pruning, treating, or removing street trees, park trees or other Village owned trees who does not have at least one employee, foreman or supervisor who is a Certified Arborist licensed through the International Society of Arboriculture (ISA). Certification shall not be required of any public service company or member of the Tree Committee doing such work in the pursuit of their public service endeavors.

B. It is, however, recommended that public service company employees and members of the Tree Committee involved in tree care attain such certification. Additionally, the Village of Adams Department of Public Works is encouraged to have at least one employee who engages in public tree care to be certified by the ISA or in the process of receiving certification at all times.

C. Any person or firm engaging in the business or occupation of pruning, treating, or removing street or park trees within the Village must first file evidence of possession of liability insurance in a standard amount required by the Village for bodily injury and property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Workers Compensation insurance shall also be required in an amount set forth by law.

9. Village Recovery of Costs

A. The abutting property owner of trees denominated as street trees shall be responsible for any violation of Section 5, Paragraphs C, D and G; and of Section 6, Paragraph C of this chapter.

B. In the event of a violation of Section 5, Paragraphs C, D and G or in the event of the failure of property owners to take such action as may be required in accordance with the provisions of Section 6, Paragraphs A, B and C, the Superintendent of Public Works may cause the work to be done which is necessary to remedy said violation and, in that event, shall bill the owner therefore and shall thereupon file a certificate of the actual cost thereof, not exceeding the expense of labor, equipment and material with the Village Comptroller, who shall certify the same to the Assessor, and the same shall thereupon be assessed by the Assessor upon the property of such owner and shall be levied and collected at the same time as and as a part of the Village tax.

10. Penalties for Offenses

A. In addition to any other remedies the Village may have, any person, firm or corporation violating Section 5C, 5D, 5G, 6A, 6B, 6C, 7, 8A of this chapter shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.) Each day of continued violation is a separate and distinct offense.