

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Sackets Harbor

FILED
STATE RECORDS
JAN 18 2023

DEPARTMENT OF STATE

Local Law No. 1 of the year 2023

A local law to Regulate Trees
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Sackets Harbor

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the ~~(County)(City)(Town)~~(Village) of Sackets Harbor Village Board was duly passed by the Village Board on December 13 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Margaret Kelly
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/28/2022

(Seal)



Public Trees

Amendment to the Village of Sackets Harbor Zoning Law

1. Purpose

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 the parameters for seeking and obtaining permission for the planting, maintenance, removal, and protection of trees on village-owned property.

This Chapter shall be known and may be cited as "Trees".

2. Definitions

For this Chapter, the following terms shall be defined as follows:

Village Agency	Any department, board, commission, or other entity within the government of the Village of Sackets Harbor.
Diameter at Breast Height (DBH)	The diameter of tree trunks at the height of 4 feet 6 inches from the finished grade at the base of the tree.
Park Trees	Trees and all other woody vegetation in public parks have individual names, and all areas owned by the Village, or to which the public has free access as a park.
Person	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.
Street Trees	Trees and all other woody vegetation on land within Village owned property on either side of all streets, avenues, or ways within the Village.

3. Designation of Tree Committee Duties and Compensation

- A. The Tree Committee shall be designated by resolution of the Village Board of Trustees, in consultation with Village staff, consisting of members of the community interested in promoting the benefit, growth, and health of the urban forest. The Committee shall include persons with expertise in the field of urban forestry and Village staff from the Department of Public Works.
- 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 findings, report, and recommend any special matter or question coming within the scope of its work.
- D. The Tree Committee members are appointed by the Village Board. The Tree Committee members shall choose their officers, maintain their own rules and regulations, and keep a journal of their proceedings.

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

4. Planting, Maintenance, and Removal

- A. The Department of Public Works 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The Superintendent of the Department of Public Works may remove, or cause or order to be removed, any Village-owned tree or part thereof which is in an unsafe condition or which because 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 pests.
- C. No unauthorized person or Village agency, except as otherwise outlined herein, shall plant, prune, remove, maintain, cut, break, or otherwise injure any portion of any Street Tree or Park Tree planted or growing in any street or public place without first submitting a request and obtaining permission from the Tree Committee.
- D. If any person or Village agency removes any Street Tree or Park Tree without written 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 did not obtain such permission. Replanting shall occur within 1 year of the removal of the tree(s). Such replacement shall meet the standards of size, species, and placement as recommended by the Tree Committee. Unless the Tree Committee or the Superintendent of the Department of Public Works 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 (i.e., the removal of one (1) 12-inch DBH tree shall necessitate the planting of six (6) 2-inch caliper trees or four (4) 3-inch caliper trees, etc.).
- E. Whenever a person or Village agency obtains written permission pursuant to 3., C. above to remove a tree from any Village-owned land for non-residential construction or development, excluding hazardous trees, the Tree Committee may include the same replacement provisions, or they may waive them, at their sole discretion.
- F. In furtherance of the purposes of this Chapter, the Tree Committee, in consultation with the Department of Public Works, shall have the authority to adopt and modify rules and regulations. The Village Board has absolute authority and the Tree Committee, ultimately, answers to the Board.
- G. The Department of Public Works tree crew shall be responsible for the care of the public trees.
- H. 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 and the selection and location of said trees is following the Tree Committee's guidelines. The Village does, however, have the authority to relocate or remove any tree that is improperly planted according to this ordinance.

5. Interference with 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, or removing of any street trees or park trees, as authorized by this Chapter.
- B. It shall be unlawful for any person, other than the Department of Public Works, to engage in pruning, treating, or removing street trees, park trees, or other Village-owned trees, who does not have at least one (1) 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.
- 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.

6. Village Recovery of Costs

In the event of a violation of Section 4 C. and D., or in the event of the failure of property owners to take such action as may be required in accordance with the provisions, 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 therefor and shall thereupon file a certificate of the actual cost thereof, not exceeding the expense of labor, equipment, and material, with the Village Treasurer, 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.

7. Penalties for Offenses

In addition to any other remedies the Village may have, any person, firm, or corporation violating Item 4., Subsections C., D., and G; Item 5., Subsections A. B., and C; Item 6., Subsection A. of this Chapter shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$250. Each day of continued violation is a separate and distinct offense.

8. Enforcement

9.

This ordinance shall be enforced by the State Police, Jefferson County Sheriff's Department or the Sackers Harbor Village Police Department, or the Zoning Enforcement Officer, each of which is hereby authorized and empowered to issue an appearance ticket for any violation of any provision of this Law.