

Local Law Tree

1. Legislative Intent

The Board of Trustees of the Village of Dansville has determined that it is in the interest of the citizens of the Village of Dansville to promote their health, safety and welfare to adopt a tree local law. The Board of Trustees recognizes the role trees play in the village ecosystem and that trees contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes, conserve energy and aid in traffic control, 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 maintenance, husbandry, removal and planting of trees in the Village, the Board of Trustees finds it necessary to establish a Local Law to provide an orderly framework to maximize the benefits afforded by trees within the Village.

2. Definitions

Public tree - Any tree, shrub, bush and all woody vegetation on land lying within a public street or right-of-way, park, or any other property owned or leased by the Village of Dansville.

Public place - All lands within a public street, public right-of-way, park, or other property owned or leased by the Village of Dansville.

Village of Dansville - Board of Trustees, Board, Village is the same as the Village of Dansville.

Emergency - An unforeseen dangerous or serious situation that happens suddenly that threatens persons, property or the freedom of pedestrian and/or vehicular traffic that calls for immediate action.

3. Care of Public Tree(s)

The Board of Trustees shall be authorized to plant, prune, maintain and remove trees lying within the public places as stated in Section 2. Definitions.

The Board may remove any tree or portion thereof that threatens the safety or welfare of any person or due to its location or nature threatens any electric, telephone, gas, water or sewer infrastructure or any other public improvement.

The Board accepts that trees have a limited life expectancy due to age, weather, injury due to machinery, injurious fungus, insects or disease requiring a tree(s) to be removed.

The Board, in appropriate cases, and upon consultation and with the property owner, may remove or prune a tree which stands upon private property by which threatens the safety or welfare of persons or public property.

4. Approval by Board of Trustees.

The Board recognizes that a removed tree is public property and as such holds financial value for the benefit of the residents of the Village. Trees that are in need of removal will therefor be considered surplus property and will require the Board of Trustees to approve removal and determine disbursement of part or all of the removed material. Disbursement will include

storage and/or use of the material by the Village or storage and/or sale by the Village.

Sale will be completed by being part of the removal bid by a contractor(s) or a bid after removal in the current manner the Village uses for disbursing surplus property.

Emergency removal of a tree(s) can be completed by department of public works or fire department when a tree interferes with safe use of streets, parking lot, parks, sidewalks, other public property or utilities due to unanticipated damage as a result of the above stated limitations of life expectancy without approval of the Board of Trustees.

Each tree removal will require a tree replacement as near as practicable to the tree removed. Replacement will be completed upon approval of the Board after consideration is given to public structures, private structures and appropriate species of tree for that particular location is determined.

Adjoining property owner will be consulted and be provided the details of removal and if replacment at or near the removal location is practicable.

The Board may seek consultation with a licensed arborist.

5. Violations

Any violation of this local law will be a violation as defined by New York State Penal Law and punishable by a fine of no more than \$250.00 dollars and/or 15 days in jail. This local law may be enforced by any police officer having jurisdiction.

6. 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.