

VILLAGE of TRUMANSBURG – LOCAL LAW # #####

Be it ordained by the BOARD OF TRUSTEES of the VILLAGE OF TRUMANSBURG in the state of NEW YORK:

Section 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land within the Rights-of-Way of all streets, avenues, or ways within the Village.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the Village, or to which the public has free access.

STAC: "Street Tree Advisory Committee" is an advisory committee formed by the Village of Trumansburg Board of Trustees.

Section 2. Purpose

It is the stated objective of this local law to:

- A. Preserve trees as an important public resource enhancing quality of life and the general welfare of the Village while maintaining its unique character and historical aesthetic;
- B. Encourage the protection of healthy trees and provide guidance for responsible planting;
- C. Protect and enhance the positive impact of trees on the environment;
- D. Prevent the existence of trees which pose a threat, danger or nuisance to the public or to property in the Village.

Section 3. Applicability/Severability/Liability

The provisions of this local law shall be cumulative with consistent provisions of other laws of the Village of Trumansburg and of the Statutes of the State of New York, and to the extent consistent shall be applied and enforced simultaneously. Whenever inconsistent, the provision resulting in the maximum protection, preservation or planting of trees or the highest quality of trees shall govern, except where limited by law.

In the event that any of the provisions of this law are deemed void or unenforceable it shall not effect in any way or prevent the enforcement of the remainder.

This law is intended to improve the overall quality and quantity of trees and green areas in the Village but shall not be construed in a manner that would imply any additional responsibility or liability on the part of the Village to actively maintain, monitor, or otherwise ensure the safety of any trees governed here in or otherwise present in the Village, nor should it be construed in a way that would imply any decrease in the liability of private property owners or any transfer of liability to the Village.

Section 4. Street Tree Species to be Planted

The following is a list of street trees and their size classifications. Planting of species on this list does not require prior approval from the STAC, however, this list is not exhaustive; there are many other species that may be planted with approval of the STAC. Residents are encouraged to work with the STAC to plan tree plantings that are best suited for a specific site.

Small	Medium	Large
Japanese Maple – <i>Acer palmatum</i>	European Hornbeam – <i>Carpinus betulus</i>	Sugar Maple – <i>Acer saccharum</i>
Serviceberry – <i>Amelanchier spp.</i>	American Hornbeam – <i>Carpinus caroliniana</i>	Red Oak – <i>Quercus rubra</i>
Cornelian Cherry – <i>Cornus mas</i>	Hophornbeam – <i>Ostrya virginia</i>	White Oak – <i>Quercus alba</i>
Winter King Hawthorn – <i>Crataegus viridis</i>	Honey Locust – <i>Gleditsia triacanthos</i>	Sycamore – <i>Platanus occidentalis</i>
Crab Apple – <i>Malus spp.</i>	Katsura Tree – <i>Cercidiphyllum japonicum</i>	London Plane Tree – <i>Platanus x acerifolia</i>
Redbud – <i>Cercis canadensis</i>	River Birch – <i>Betula nigra</i>	Tulip Poplar – <i>Liriodendron tulipifera</i>
Japanese Tree Lilac – <i>Syringa reticulata</i>		Ohio Buckeye – <i>Aesculus glabra</i>
		Yellow Buckeye – <i>Aesculus flava</i>

Section 5. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 4 of this law, and no trees may be planted closer together than the following: Small Trees, 20 feet; Medium Trees, 30 feet; and Large Trees, 40 feet; except with approval of the STAC.

Section 6. Distance from Curb, Pavement, and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 4 of this law, and no trees may be planted closer to any curb, street pavement edge, or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet; except where authorized by the STAC.

Section 7. Distance from Street Corners and Fireplugs

No Street Tree shall be planted such that it will impede the sight lines of pedestrians or vehicles approaching intersections when it reaches maturity. Street Trees shall never be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines; pavement edges or pavement lines. No Street Tree shall be planted within 10 feet of any fireplug.

Section 8. Utilities

No Street Trees shall be planted in such a way as to impinge on or interfere with electrical transmission lines or other utilities.

Section 9. Public Tree Care

The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way 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. The Village Board may, upon the recommendation of the STAC, remove or cause or order to be removed, any 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, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 4 through 8 of this law.

Section 10. Injury to Street Trees

It shall be unlawful to cause damage to any Street Tree, Park Tree, or other tree on public property. This prohibition includes, but is not limited to, accidental or purposeful damage caused by: affixing signs, steps, or other hardware to a tree; vehicular collisions; and damage caused by chemical application or spills.

Section 11. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or Village department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this law at the determination of the STAC.

Section 12. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of any sidewalk and thirteen feet (13') above any street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.

Section 13. Dead or Diseased Tree Removal on Private Property

The Village shall have the right to cause the removal of trees on private property within the Village when such trees constitute a hazard to life and property, or harbor insects or disease which constitute

a potential threat to other trees within the Village. The STAC will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

Section 14. Interference with STAC

It shall be unlawful for any person to prevent, delay or interfere with the STAC or any of its agents, while engaging in tasks authorized by this law or as directed by the STAC or Village Board.

Section 15. Review by Village Trustees

The Village Trustees shall have the right to review the conduct, acts and decisions of the STAC. Any person may appeal any decision of the STAC to the Village Board who may hear the matter and make final decisions.

Section 16. Penalty

Any person violating any provision of this law shall be subject to a fine of not more than \$250, plus the cost of replacing the affected tree(s) or rectifying damage caused. Replacement costs shall be determined on the basis of caliper inches to be replaced, rather than individual specimens.

Section 17. Publication of Local Law

This local law shall be published as part of the Village Website and be made available in print at the Village Offices in addition to the established distribution and publication protocols regularly used by the Village.