

CHAPTER 95: TREES

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GENERAL PROVISIONS

§ 95.01 PURPOSE.

The purpose of this chapter is to regulate the planting, maintenance and removal of trees on municipally owned public property and rights of way within the town and on municipally owned property wherever located. In order to protect and conserve trees on public property and rights of way,

this chapter provides for the pruning, treatment and removal of trees and shrubs as is deemed necessary by the Town Board of Aldermen or a person or board acting under the authority of the Board of Aldermen. This chapter is also intended to provide for the trimming or removal of trees on public land when they obscure street lights, interfere with utility lines or constitute a hazard to pedestrian or vehicular traffic or otherwise endanger the public health, safety or welfare. It is also the purpose of this chapter to encourage the protection of trees and express the Town Board's intent to use trees to create a more natural and amenable human environment. This chapter is not intended to be punitive nor to cause hardship to any person who uses the upmost care and diligence to protect trees within the town or on town property.

(Ord. passed 6-12-00)

§ 95.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying within rights of way on either side of all streets, avenues, ways or sidewalks within the town.

(Ord. passed 6-12-00)

TREE CARE; PROHIBITIONS; LICENSING

§ 95.15 STREET TREE SPECIES.

The Planning Board shall be responsible for an official street tree species list comprised of three groups of trees: small trees, medium trees and large trees. No trees other than those included in the list may be planted as street trees without written permission of the Planning Board.

(Ord. passed 6-12-00)

§ 95.16 SPACING.

The Planning Board will be responsible for establishing guidelines for the spacing of town trees in accordance with the three species size classes listed in § 95.15 of this chapter. The guidelines will cover spacing between trees, the distance trees may be planted from curbs or curb lines and sidewalks, the distance street trees may be planted from any street corner, the location of trees relative to overhead and underground water lines, sewer lines, distribution lines, transmission lines or other utilities and any other areas involving the spacing of street trees, park trees or town owned trees.

(Ord. passed 6-12-00)

§ 95.17 PUBLIC TREE CARE.

(A) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs 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 Planning Board may remove or cause or order to be removed any Publicly 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 or is it infected with any injurious fungus, insect or pest.

(C) This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of said trees is in accordance with the guidelines established by the Planning Board and the Planning Board may reserve the right to approve or disapprove any plantings to be placed in the rights of way of any streets, roads, alleys, avenues, ways or sidewalks.

(Ord. passed 6-12-00)

§ 95.18 TREE TOPPING.

It shall be unlawful as normal practice except as described below for any person, firm or town 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 as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees that interfere with or are an eminent threat to utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision of this section at the determination of the Planning Board.

(Ord. passed 6-12-00) Penalty, see§ 95.99

§ 95.19 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. passed 6-12-00) Penalty, see § 95.99

§ 95.20 INTERFERENCE WITH PLANNING BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the Planning Board in its administration and enforcement of this Chapter or of any of its agents while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on public grounds as authorized in this chapter.

(Ord. passed 6-12-00) Penalty, see§ 95.99

§ 95.21 LICENSE AND BOND.

No person or firm shall engage in the business or occupation of pruning, treating or removing street or park trees within the town without first securing the appropriate business license and obtaining liability insurance in the minimum amounts of \$300,000 for bodily injury and \$300,000 property damage; provided, however, that no such license shall be required of any public service company or town employee doing such work in pursuit of his or her public service endeavors and that no such insurance shall be required of any town employee doing such work.

(Ord. passed 6-12-00)

ADMINISTRATION AND ENFORCEMENT**§ 95.35 ADMINISTRATION BY PLANNING BOARD.**

(A) The Planning Board for the town is hereby invested with full power and authority to administer and enforce the provisions of this tree chapter.

(B) It shall be the responsibility of the Planning Board to study, investigate, counsel and develop and/or update bi-annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

Such plan will be presented bi-annually to the Board of Aldermen and upon its acceptance and approval shall constitute the official comprehensive town tree plan. The Planning Board, when requested by the Board of Aldermen, shall consider, investigate, make findings, report and recommend any special matter or question coming within the scope of its work.

(C) The Planning Board shall keep a journal of its proceedings as it relates to the administration and enforcement of the tree chapter.
(Ord. passed 6-12-00)

§ 95.36 REVIEW BY TOWN BOARD.

The Board of Aldermen shall have the right to review the conduct, acts and decisions of the Planning Board in administering and enforcing this chapter. Any person may appeal from any ruling or order of the Planning Board in administering and enforcing this chapter to the Town Board of Aldermen which Board may hear the appeal and make a final decision.
(Ord. passed 6-12-00)

§ 95.99 PENALTY.

Any person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$100.
(Ord. passed 6-12-00)

