

Chapter 195

TREES

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 2-3-2015 by L.L. No. 2-2015.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 67.

§ 195-1. Title.

This chapter shall be entitled "Tree Law for the Village of Caledonia, New York."

§ 195-2. Legislative purpose.

This chapter is enacted to protect and promote the health, safety and welfare of the inhabitants of the Village of Caledonia by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants on Village-owned land within the Village of Caledonia.

§ 195-3. Definitions.

As used in this chapter, the following definitions shall apply:

ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE — Detailed specifications and standards of practice regarding such arboricultural activities as planting site and tree selection, site preparation and tree planting, maintenance, removal, replanting and replacement.

DPW SUPERINTENDENT — The Department of Public Works Superintendent of the Village of Caledonia.

1. Editor's Note: This chapter was originally enacted as Ch. 216 and was renumbered to fit the alphabetic sequence of the Code.

MASTER TREE LIST — A listing of suitable and desirable types and species of trees able to thrive on Village streets and public places in the Village.

PERSON — Any person, firm, partnership, association, corporation, company, or an organization of any kind, including public or private.

PUBLIC PLACE — All grounds owned by the Village of Caledonia, or under its control or supervision, whether or not leased or under contract to the Village.

PUBLIC TREE — Any tree now or hereafter growing within the boundaries of a Village right-of-way or public place.

STREET — The entire width of every public street or right-of-way when any part thereof is open to the use of the public for purposes of vehicular or pedestrian traffic.

TREE BOARD — The Tree Board for the Village of Caledonia created by this chapter.

TREE LAWN — That part of a street not covered by the sidewalk or other pavement lying between a property boundary line and that portion of the street usually used for vehicular traffic.

TREE MANAGEMENT PLAN — An annual written review and description of Village tree goals, objectives and such related activities as updating the arboricultural specification and standards of practice, conducting street tree inventories, planting trees and sponsoring educational programs for the public.

VILLAGE — The Village of Caledonia, New York.

VILLAGE BOARD — The Board of Trustees for the Village of Caledonia.

YOUTH — A person under the age of 18 years.

YOUTH ADVISORY COUNCIL — The Youth Advisory Council for the Village of Caledonia, appointed by the Mayor of the Village of Caledonia.

§ 195-4. Tree Board.

- A. There is hereby created a Tree Board which shall consist of five members who shall be appointed by the Mayor, subject to approval of the Village Board. All members shall be residents of the Village. Members of the Board shall serve without compensation. To the extent possible, at least one member of the Board shall be one who is professionally trained in a field such as forestry, botany, horticulture or landscape architecture. The term of each member shall be five years; provided, however, that the terms of members first appointed shall be so fixed that the term of one member shall expire at the end of the Village official year in which such member was initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term of five years. If a vacancy shall occur during the term of a member, his or her successor shall be appointed to complete the unexpired portion of the term in which the vacancy occurred. The Mayor shall have the power to remove, after public hearing, any member of the Board for cause.

- B. The Village Board is authorized and empowered to make such appropriation as it may deem fit for Tree Board expenses.
- C. The members of the Tree Board shall annually elect a Chairperson of the Board and a Secretary for the Board, each to serve for one year.
- D. The Tree Board shall be authorized to:
 - (1) Coordinate, recommend and implement the care, maintenance and planting of all public trees;
 - (2) Develop a comprehensive tree plan for the Village, including, but not limited to, developing and recommending an annual written Village tree plan; and
 - (3) Provide advice and consultation regarding trees to the Village Board, Village employees and private citizens residing in the Village of Caledonia.
- E. The Tree Board shall adopt rules and regulations concerning its governance and operation. A majority of the members of the Board shall constitute a quorum thereof for conducting business.

§ 195-5. Regulation of vegetation.

No tree, shrub or other vegetation, other than grass, shall be planted or removed from any tree lawn or public place within the Village, except in an emergency in which personal injury or property damage is imminent, without the approval of the Tree Board and the DPW Superintendent as provided in this chapter.

§ 195-6. Village tree plan.

The Board shall develop and submit an annual tree plan to the Village Board. The plan, after adoption by the Village Board, shall constitute the tree plan for the Village and shall be administered by the Board. The Village tree plan shall define the annual goals and objectives of the Village tree program and shall include:

- A. A current statement of arboricultural specifications and standards of practice;
- B. A current master tree list; and
- C. A current street tree inventory.

§ 195-7. Planting by property owners.

An owner of private property adjoining a Village street may locate and plant a tree, trees or other plantings in the tree lawn, at his or her own expense, with the written approval of the Tree Board and the DPW Superintendent. Approval shall be granted if the proposed planting is in accordance with the arboricultural specifications and standards included in the Village tree plan and if the tree, trees or other plantings to be planted is/are selected from the master tree list. The DPW Superintendent shall authorize the approved planting in writing and shall

approve a map or diagram showing the location of the tree planting. Any tree, trees or other plantings so planted shall become a Village tree or planting and shall be added to the Village street tree inventory.

§ 195-8. Planting at request of property owners.

An owner of private property adjoining a Village street may request location and planting of a tree, trees or other plantings in the tree lawn adjacent to his or her property by submitting such request in writing to the DPW Superintendent. The DPW Superintendent shall refer the request to the Tree Board for its consideration and recommendation. The Board shall give written notice of its action to the DPW Superintendent and the applicant. If the Board shall approve the application, any tree, trees or other plantings to be planted as a result thereof shall be planted by the Village and at the Village's expense.

§ 195-9. Maintenance.

- A. All work on the Village public trees shall be performed in accordance with the arboricultural specifications and standards included in the Village tree plan.
- B. The DPW Superintendent shall assure that all public trees are properly cared for and maintained in accordance with the guidelines of the tree plan. No person other than the DPW Superintendent, or his duly authorized deputy, agent or employee, shall fertilize, spray, cable or brace, trim, prune, cut above ground or below ground or otherwise disturb any public tree.

§ 195-10. Removal.

- A. The DPW Superintendent, with prior agreement of the Village Tree Board, shall treat or remove any public trees that are dead, diseased or constitute a hazard to life or property. No person, other than the DPW Superintendent, or his duly authorized deputy, agent or employee, shall prune, cut down, remove or destroy any tree standing or lying on land within the boundaries of any Village street or public place of the Village unless authorized by the DPW Superintendent. All removal work shall be performed in accordance with the arboricultural specifications and standards of practice contained in the Village tree plan.
- B. The Village shall replant or replace any public tree that it removes, wherever practical and within fiscal constraints.

§ 195-11. Replacement and replanting.

The DPW Superintendent shall provide and require that Village public trees which are removed shall be replanted or replaced in accordance with the arboricultural specifications and standards of practice contained in the Village tree plan and that all replacement trees are selected from the master tree list. If conditions prevent planting at the removal site, a tree removed from the tree lawn may be replanted or replaced at an alternative site in the same area.

§ 195-12. Penalties for offenses.

Any person violating this chapter shall, upon conviction thereof, be guilty of a violation and shall be fined not more than \$250 or imprisoned for not more than 15 days, or both such fine and imprisonment. Each tree or planting affected by noncompliance shall constitute a separate violation. In lieu of, or in addition to, any fine or imprisonment, or both, imposed for a conviction of a violation of this chapter, each violation may be subject to a civil penalty not exceeding \$500. Each day a violation continues shall be subject to a separate civil penalty. In addition to such civil penalty, payment to the Village of the value of any tree or planting damaged, destroyed or removed in violation of this chapter shall be awarded in the amount equal to the value of said tree or trees.

§ 195-13. Applicability and supersession of other laws.

This chapter shall supplant and supersede any provision of law in the Caledonia Village Code which is conflict with or is inconsistent with this chapter, unless expressly otherwise provided in such other law.