

**VILLAGE OF ATHENS
LOCAL LAW #4 OF 2018
STANDARDS FOR THE CARE OF VILLAGE TREES**

Be it enacted by the Village Board of the Village of Athens as follows:

§1. Purpose and Intent

The Village Board enacts this chapter to achieve the following purposes:

- A. Establish and maintain the maximum sustainable amount of tree cover on public and private lands which impact public streets and other public property in the Village;
- B. Maintain trees within the village in a healthy and nonhazardous condition through accepted arboricultural practices;
- C. Establish and maintain appropriate diversity in species and age classes within the Village;
- D. Protect and enhance the character of the Village by assuring that decisions regarding the care and maintenance of trees are consistent within the Village and consistent with the Village Comprehensive Plan
- E. Form cooperative agreement between Village and subdivision developers as outlined in Comprehensive Plan
- F. Prevent soil erosion and provide protection to wetlands, water bodies, watercourses, air quality, vegetation, wildlife and fragile natural resources; and
- G. Preserve the natural beauty and community character of the Village.

§2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ARBORCULTURE

The cultivation of trees and shrubs, including the study of how they grow and respond to cultural practices in the environment, as well as aspects of cultivation such as selection, planting, care and removal.

ARBORIST

Trained specialist certified by the International Society of Arboriculture or one of its chapters or other nationally recognized arboricultural organizations with expertise in tree management.

CALIPER

The diameter of a tree trunk, taken 6 inches above ground for up to and including 4-inch caliper size, and the diameter at breast height for larger trees.

CANOPY COVER

A measurement of projection of total crown size that a tree or trees in a specified area will attain at maturity.

CROWN

All portions of a tree, excluding trunk and roots, such as branches and foliage.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter or caliper of a tree trunk at the height of 4.5 feet above ground.

EMERGENCY CUTTING

The cutting or pruning of a tree when

- a. It is necessary to control fire or
- b. It is necessary to prevent imminent hazard to public safety.

HAZARDOUS TREE

Any tree which constitutes a public nuisance by virtue of having an infectious disease or insect problem, being dead or dying, having limbs that obstruct street lights, traffic lights, etc. or a tree that poses a threat to public safety.

PARK TREE

Any trees, shrubs, bushes and all woody vegetation on land lying within public parks and in all areas owned by the Village and to which the public has access.

PLANNING BOARD

The Village of Athens Planning Board.

SPECIMEN TREE

A healthy tree which has a minimum diameter of 36 inches at DBH or a minimum crown spread of 15 feet.

STREET TREE

A Village tree growing in the strip of land between the edge of the street and the sidewalk or within the Village easement.

TREE CUTTING

Any removal, breaking, pruning, destruction or injury of any tree covered by the provisions of this chapter.

TREE PRESERVATION PLAN

A plan submitted to the Village of Athens Board in conjunction with any subdivision or other development site plan or special permit application for the preservation, maintenance and protection of trees on the property to be developed.

TREE SURVEY

An inventory of existing public trees within the Village indicating species, location, size, and age. Inventories of Village trees should include street trees, park trees, on public lands.

VILLAGE BOARD

The Village Board and Mayor of the Village of Athens

§3. Tree Committee

- A. Authority and composition of the Committee: There is hereby created a Village Tree Committee for the Village of Athens. The Committee shall consist of 3 members and as well as an appointee from the Board membership. All members of the Committee shall be residents of the Village of Athens. Knowledge of arboriculture is desirable, but shall not be a requirement for membership on the Committee. The Committee shall be appointed by the Mayor and the Board of Trustees by resolution. The initial terms of office for the

members of the Committee shall be 3 years for 1 member, 2 years for 1 member, and 1 year for 1 member. Thereafter, on the expiration of a member's term, subsequent appointments shall be for a term of 3 years. All appointments to fill vacancies shall be for the expected term. Members of the Committee shall, on a yearly basis, appoint a member of the Committee to act as Chairperson of the Committee for 1 year.

- B. Funding and compensation: The members of the Tree Committee shall not be compensated for their services.
- C. Professional Assistance and Advisement: The Committee may, if necessary to fulfill its functions, utilize the services of certified professional to assist and advise the Committee. Requests for such professional services shall be made to the Village, and hiring of such professionals, with the recommendation of the Committee, shall be made by the Village Board.
- D. Tree survey and management plan: The Committee shall be responsible for creating and updating a tree survey within the Village parks and Village properties and along public streets. The survey shall consist of three categories: (1) the location of each tree (2) the species of said tree (3) the approximate age & size of tree. This survey shall be used by the Committee to create and implement a tree management plan which the Committee will update periodically, but no less than every three years, to reflect current conditions. The tree management plan will address the following:
 - a. Identification of planting sites with a goal of increasing the percentage of canopy cover within the Village;
 - b. Create a list of trees appropriate for planting along streets, in the Village parks and on Village property;
 - c. Annual goals for pruning and removal of dead, dangerous or hazardous trees and tree limbs in the Village as identified at the time of the survey. It is acknowledged that the goals set may not be all inclusive and additional pruning or cutting maybe required.
 - d. When a Village tree is removed, or dies naturally, the Tree Committee may, with Village Board approval replace the former tree with a new replacement tree in the Village. Replacement trees must be at least 1.75 inches in diameter. Trees planted by the Tree Committee, as well as the general public, should be carefully selected. For example: trees and shrubs placed near street corners or driveways must allow for safe driver visibility.
- E. Recommendations for tree maintenance, removal and care: The Committee shall make recommendations to the Village Board, its officials and employees for the planting, maintenance and care of trees along public streets or within the Village parks and Village property. The Board shall, except in cases of emergency cutting, consult with the Committee before removing or ordering the removal of a tree or limb of a tree. In providing such advice, the Committee may examine the subject tree (s) and may consult with an arborist or other professional consultant. The Committee may also make recommendations to the Village Board through the liaison member concerning those trees which present a hazard because of death, age, infectious disease, insect infestation or overgrowth which obstructs street lights and traffic and street signs, or any other condition which requires the treatment, cutting, or removal of trees.
- F. Cooperation with other municipalities: Cooperation may take the form of participation by the Tree Committee or its members in a joint Tree Committee established by other municipalities and the Village of Athens pursuant to an intermunicipal agreement.

- G. Dissemination of tree information: The Committee shall assist the officers and employees of the Village, as well as residents, in the dissemination of information regarding the importance of selection, planting and maintenance of trees within the Village, whether on public or private land.
- H. Other responsibilities: The Committee shall fulfill such other and further responsibilities imposed upon it by the Village Board, from time to time, as may reasonably be necessary to affect the purposes and intent of this chapter.

§3. Planting, Tree removal, alteration or pruning permit required

- A. Planting approval or removal, cutting, topping, pruning of a tree is obtained through written request to Village Board via current complaint process. All applications will be forwarded to the Tree Committee for review. In all cases, when a complaint is made effort shall be made to preserve the tree and the least severe approach shall be considered. Refer to Section 201-28.
- B. Application for tree planting shall be made in writing to the Village Board through the Village Clerk on a form provided by the Village. Upon receipt of application, the Village Clerk shall forward the application within 1 work week to the Tree Committee for recommendation.
- C. The Village Board shall give due consideration to the recommendations made by the Tree Committee in acting on the application and shall issue approval when the Board establishes to its satisfaction that there is a need for the proposed action based on the following:
 - a. The presence of the tree would cause undue hardship or would endanger the health safety or welfare of the general public, the applicant or the adjacent property owner;
 - b. The tree is diseased or threatens the health of other trees;
 - c. The tree (s) substantially interfere (s) with a permitted use of property;
 - d. The cutting of the tree (s) is required by application of the standards of accepted arboricultural practices and will not have an adverse effect on the ecological system or the environment;
 - e. The location of the tree (s) prevents compliance with state, county, or local standards for site lines, driveways and/ or intersections, or
 - f. The tree planting is in accordance with the tree survey and Village tree management plan.
- D. The Village Board may impose such conditions on the issuance of approval as may be necessary and reasonable to mitigate the adverse impacts to the tree.
- E. No approval shall be required to cut any tree (s) when:
 - a. It is deemed to be an emergency by the Village Board.
 - b. The tree cutting is in accordance with a tree preservation plan approved by the Village Board in conjunction with a subdivision, site plan and/ or special permit application.
- F. Approval may be revoked by the Village Board if it determines that the tree cutting performed by the property owner is not performed in accordance with the approved conditions.

§4. Protection of Trees in Development Projects

- A. Each application submitted to the Planning Board for site plan approval, special permit approval and/ or subdivision of property within the Village shall be accompanied

by a description of all tree removal which is contemplated in conjunction with the project prepared by the applicant. In particular, the description shall include:

- a. Identification of all trees on the property as may be have identified by the Committee in its inventory;
 - b. A description of all trees having a DBH of 24 inches or greater;
 - c. A description of all trees which are locally important in this area;
 - d. A description of all trees having a high ecological or aesthetic value;
- B. This description shall be referred by the Planning Board to the Tree Committee upon receipt of a complete application from the applicant and shall utilized for inventory and future planning purposes for the Village.

§5. Removal or pruning trees interfering with public streets, sidewalks and property

A. The Village, through the Department of Public Works, shall have the authority to prune the branches of any tree overhanging any street or right-of-way within the Village so that the 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 8 to 10 feet from the surface of the street or sidewalk or 15 feet from North and South Washington and Second street from Water St to Warren St. In all cases every effort shall be made to preserve the tree and the least severe approach utilized.

B. The Village shall have the authority to cause removal of any dead, diseased or other trees on private property within the Village when such tree constitutes a hazard to public streets, public ways or other public property within the village. The village, through the Department of Public Works or the Village Clerk, will notify, in writing, the owner of such tree (s). Removal shall be performed by said owners at their own expense within 60 days after the date of service notice, unless a shorter time period is specified in the notice. In the event of the failure of the owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of the removal as a municipal lien to be levied as a special assessment or tax against the owner of the property upon which the tree is situated. Notices pursuant to this section shall be deemed to be given when delivered personally to the property owner or when sent by certified mail, return receipt requested, to the address of the property owner as shown in the latest tax roll assessment.

C. Upon removal of a tree, a tree stump larger than 12 inches in diameter must be ground to several inches below the existing level of soil and the area must be covered with soil & re-seeded with grass. Tree stumps less than 12 inches in diameter must be cut flush to the ground. All wood left after the tree is cut down must be cleaned up and removed; wood may not be left at the curbside for more than 24 hours. Removed trees found to be infested with insects or disease are to be treated or burned in a secure location so as not to spread invasive insects and disease.

D. When a Village tree is removed, or dies naturally, the Tree Committee may with Village Board approval replace the former tree with a new replacement tree in the Village. Replacement trees must be at least 1.75 inches in diameter and be included in the maintenance plan to assure their survival.

§6. Conflict with other Village Laws

To the extent that any other local law, ordinance, rule or standard may conflict with the terms herein, the language and terms of this local law shall control.

§7. Severability

If any clause, sentence, paragraph, word, section or part of this law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

§8. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State's office.