

LOCAL LAW FILING

Village of Camillus, Onondaga County, New York

Local Law No. 4 of the year 2023

A local law to amend the Village Code by adding a new Chapter 36 entitled Tree Law of the Village of Camillus.

Be it enacted by the Board of Trustees as follows:

The Code of The Village of Camillus shall be amended by adding a new Chapter 36 as follows:

"Chapter 36 – Tree Law of the Village of Camillus

§36-1 Title.

This chapter shall be known and may be cited as the "Tree Law of the Village of Camillus".

§36-2 Purpose.

- A.** The purpose of this chapter shall be to provide for the health and maintenance of existing trees and for the planting of new trees and shrubs on Village of Camillus property and within the public right-of-way for the mutual benefit of its residents. Healthy trees and a healthy community forest support the design and environmental goals of the Village of Camillus Comprehensive Plan, and promote the general welfare of Village of Camillus residents and visitors. Properly managed street and park trees are increasingly recognized as an important community resource for their aesthetic appeal and the social and ecosystem benefits they provide, including improved air quality, reduced stormwater runoff, reduced energy use, greenhouse gas reduction, and increased residential property values.
- B.** This chapter will:
 - a.** Create a Tree Committee to establish regulations governing the planting, maintenance, and removal of trees and shrubs in the public streets, rights-of-way, parks and other municipal property in the Village of Camillus; and
 - b.** Preserve and enhance green foliage on Village streets, rights-of-way and public property; and
 - c.** Guide the replacement of trees that must be removed from public property because of disease or other tree health issues; and
 - d.** Guide the maintenance or removal of trees on private property that harbor insects or disease, or which are dead or decayed or so damaged as to be a public nuisance and in danger of falling in whole or part, thereby having potential to cause damage to person or property of others

§36-5 Definitions.

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

Dripline – A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground

Public Places – Includes all grounds owned, leased or controlled by the Village of Camillus in the County of Onondaga for public use, including but not limited to streets, parks and play grounds.

Public Tree – Any wooded plant, located on municipal property or within the municipal right-of-way.

Ornamental Tree – Small to medium tree that grows 15 to 40 feet in height at maturity, and that is planted for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.

Shade Tree – A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

Severe Root Pruning – Cutting back the underground tree roots inside 1.5 times the dripline of a tree that will be detrimental to the life of the tree.

Shrub – a multi-stemmed plant with woody stems persisting season to season.

Street – A highway, road, avenue, lane, alley, culvert, embankment, or sidewalk which the public uses as a right-of-way.

Topping – Severe cutting back of limbs to stubs larger than three inches in diameter within the tree crown to such degree so as to remove the normal canopy and disfigure the tree.

Treelawn – The green space adjacent to the street or highway, not covered by sidewalks or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Tree Work – includes, but is not limited to, pruning, shaping, thinning, cabling, stump removal, root pruning, topping, fertilizing, removing, planting and spraying for insect and disease control of a tree.

Utilities – Those entities that provide electricity, gas, sewer, water, telephone and cable television, and internet to properties within the village.

§36-10 Tree Committee Established.

The Village Board of Trustees shall create an advisory committee known as the Village of Camillus Tree Committee. The Committee shall consist of five members who are the four Village Trustees and the Village of Camillus Mayor. In addition, the Village Code Enforcement Officer and the Village Engineer will serve as ex-officio members of the committee.

The Tree Committee duties:

- Study, investigate, develop and/or update the Village's written plan for caring, preserving, pruning, topping, replanting, removing or disposing of trees and shrubs in parks along Village streets and in other public areas.
- Maintain reference materials related to trees and shrubs
- Provide an inventory of the location of street trees, and determine areas where such trees could exist but are absent.
- By Resolution of the Board of Trustees, from time to time, establish a suggested species list for the Village including the kind of trees to be planted on Village property.
- Identify trees for immediate removal.
- Provide a long-range street tree and shrub plan every five years for the Village.
- Meet during regular meeting hours to discuss planting, removals and costs.

§36-20 Municipal Responsibility.

- A. The Village DPW shall perform all necessary maintenance to preserve and protect street trees to keep them in a safe and healthy condition including trimming, spraying, fertilizing, watering, staking, topping, root pruning, mulching, treating for disease or injury, and removal, if necessary.
- B. The Village shall have the sole authorization and right to plant, prune, maintain and remove trees, plants and shrubs within the lines of Village streets and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds, or provide for a healthy community forest.
- C. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within municipal rights-of-way and areas subject to municipal easement as may be necessary to ensure public safety and the function of utilities.
- D. The Village Tree Committee may recommend a tree or part of a tree be remove, in its sole discretion, after considering the following factors as to whether a particular tree:
 - a. Poses a potential public safety risk or hazard; or
 - b. Causes an unsafe condition; or
 - c. Is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements; or
 - d. Is affected with any injurious fungus, insect or perst
 - e. Notwithstanding the above, where a property owner has the legal responsibility to take action to remove a plant or tree, the Village may elect to advise the owner to take such action immediately.
- E. No property owner shall allow a tree, shrub or other plant growing on his or her property to obstruct or interfere with the view of drivers of vehicles on a street or pedestrians on the sidewalk to create a traffic hazard. If such a tree, shrub or other plant does overhang or does otherwise adversely affect any street, sidewalk or right-of-way within the Village,

the property owner shall, at the property owner's expense, prune the tree, shrub or plant so that it shall not obstruct the view of any street intersection or obstruct or hinder passage on any street or sidewalk. If, after consultation with the Village Code Enforcement Officer, a property owner must trim a tree, shrub, or other plant, the property owner must provide for a clear space of eight feet above the surface of the sidewalk and 14 feet above the surface of the street.

- F. If an obstruction persists, the Village Code Enforcement Officer shall mail a notice, in writing, to the property owner to prune or remove the tree, shrub or plant within 10 days of mailing of the notice. If the property owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost for such work to the property owner. If such charge remains unpaid for 30 days, the expense shall be added to the next Village tax bill of the property owner.

§36-25 Prohibited Actions.

No person or utility, other than agents or employees of the Village, shall plant, spray, fertilize, treat prune, cut above ground, disturb the root system or otherwise disturb any public tree or shrub on any Village street, park or public place without a permit.

No person shall fasten or attach to any tree any sign, poster, bill, notice or advertisement of any kind.

No person or utility shall cause or permit any brine, oil, gasoline, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip onto or into the soil about the base of a tree which could injure such tree.

No person shall fasten or cause to be fastened any animal to a tree in any street or public place or permit any animal owned by said person or in said person's charge to stand so near any such tree that the tree may be gnawed or otherwise injured by the animal.

No trees shall be planted or allowed to grow on private or public lands within the limits of, or which will interfere with, any drainage, sewer, water, or utility easement.

§36-35 Planting and maintenance.

- A. *Application to plant.* No one, except the Village of Camillus or its agents, shall plant or remove, replant or replace a tree or shrub upon Village property or upon a Village treelawn without first obtaining written approval of the Tree Committee.
- B. *Costs.* The costs for work initiated by the adjacent property owner and permitted by the Tree Committee for tree or shrub planting, removal, or placements shall be borne by such adjacent property owner. The Village may share in the expense of this work at the sole discretion of the Board of Trustees.

The cost for work performed by or for utilities shall be borne by the respective utility.

§36-40 Removal of Dead and Diseased Trees From Private Property.

Private property owners have the duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to person or property of others.

The Village Tree Committee shall recommend to the Village Code Enforcement Officer to provide the property owner with written notification that a tree or shrub should be removed for any or all of the reasons stated above. Property owners shall, at their own expense, remove such trees. Property owners shall have 15 days after the date of service of the notice (either personal service or by Certified Mail) to inform the Village Code Enforcement Officer as to when the tree shall be removed. Property owners shall have no more than 30 days after informing the Village Code Enforcement Officer to remove such trees unless the Village Code Enforcement Officer indicates otherwise in writing. If a property owner fails to comply with such provisions, the Village shall remove such trees and charge the cost of removal to the property owner upon notice and hearing. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next Village tax bill of the property owner.

§36-45 Topping and Root Pruning Trees.

It shall be unlawful for any person, firm, entity, corporation, or utility to top any street tree or shrub, or to engage in severe root pruning in the public right-of-way. Trees severely damaged by storms or certain trees under utility wires or other obstacles where other pruning practices are impractical, may be exempted from this chapter upon the recommendation of the Village Tree Committee.

§36-50 Trees near Excavation or Construction.

- A. No person or utility may excavate any ditches, tunnels or trenches, or lay any sidewalk or driveway within the dripline of a public tree without first obtaining a permit from the Village Code Enforcement Officer.
- B. No person or utility shall remove a tree or shrub from a treelawn for the purpose of construction or for any other reason without first filing an application and receiving a permit from the Village Code Enforcement Officer.
- C. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a substantial fence, frame, or box not less than four feet high. Whenever possible, the diameter of such fence, frame or box should be at least one and one-half times the dripline. At no time shall the fence, frame, or box extend beyond the sidewalk into the street, nor shall such fence, frame, or box cause a hardship for pedestrians using the sidewalk.
- D. When construction, excavation, and/or material deposits result in the destruction and/or removal of a street tree, the person(s) or utility responsible for that damage shall replace the street tree with either a tree or trees of equivalent dollar value in the vicinity of the removed street tree, upon written approval of the Village Code Enforcement Officer.

§36-55 Interference with Tree Work.

No one shall hinder, prevent, delay or interfere with the Village of Camillus or its agents including the Village Tree Committee, or any of its assistants, or any contractors while engaging in carrying out the enforcement of this chapter or duly adopted regulations.

§36-60 Specifications and Standards of Practice.

By Resolution, from time to time, the Village Board of Trustees may establish standards of practice for all tree work in the Village of Camillus.

§36-65 Standards for Issuance of Permit.

Whenever a permit is received herein, the desired action and/or treatment must be necessary and in conformity with this Chapter 36 and the proposed method and workmanship must be proper, safe and satisfactory.

§36-75 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter is found to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this chapter.

§36-90 Penalties for Offenses.

Any person, firm, entity or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$250.00 for each offense. Each week (Sunday through Saturday) that the violation continues shall be a separate offense.

This chapter shall become effective immediately upon filing with the New York State Secretary of State."

Upon motion made by Trustee M. Rinaldo and seconded by Trustee J. Lighton, the foregoing resolution was put to a roll call, which resulted as follows:

Ann Eckert, Trustee	Yes
Mark Eckert, Trustee	Yes
James R. Lighton, Trustee	Yes
Martin Rinaldo, Trustee	Yes
Richard A. Waterman, Mayor	Yes

Local Law 4 of the year 2023 was adopted on May 15, 2023.