

PART II – GENERAL LEGISLATION

Chapter 235 – Trees (Reserved)

[This chapter has not yet been adopted. It is inserted here to allow for its review by the Board of Trustees and its possible enactment, as well as integration into the Code as Ch. 235]

Article I Trees

Sections 235-1 – 235-16

Article I Trees

Section 235-1 – Title – This law shall be entitled “Tree Law for the Village of Marcellus, New York.”

Section 235-2 – Purpose – This local law is enacted to protect and promote the health, safety and welfare of the inhabitants of the Village of Marcellus by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the Village of Marcellus.

Section 235-3 – Definitions – As used in this chapter, the following terms shall have the meanings indicated:

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

PRIVATE TREES — Trees, shrubs, bushes and all other woody vegetation which are not located within the right-of-way of the Village of Marcellus or on property owned by the Village of Massena.

STREET TREES — Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the right-of-way of the Village of Massena.

Section 235-4 – Arbor Committee Created – There is hereby created a Village Arbor Committee for the Village of Marcellus, County of Onondaga, State of New York. Said Committee shall consist of no less than three and no more than five members, citizens and residents of this Village, who shall be appointed by the Mayor of the Village of Marcellus, subject to the approval of the Board of Trustees.

A. Term of office.

(1) The term of office of the seven persons to be appointed by the Mayor of the Village of Marcellus shall be three years, except that the term of two of the members appointed to the original Committee shall be for only one year, and the term of two of the members of the original Committee shall be for two years.

(2) In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

B. Compensation. The members of the Arbor Committee, including ex officio members, shall receive no compensation for their services pursuant to this chapter, but they may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

C. Duties and responsibilities. The Arbor Committee shall have the following duties and responsibilities:

(1) To study the problems and determine the needs of the Village of Marcellus, County of Onondaga, State of New York, in connection with its tree management program.

(2) To assist the Department of Public Works with the type and kinds of trees to be planted upon such municipal streets or parts of municipal streets, parks, and rights-of-way, or as designated.

(3) To assist the Village of Marcellus Department of Public Works, County of Onondaga, State of New York, and its residents of the Village in the dissemination of news and information regarding selection, planting, and maintenance of trees within the Village limits.

(4) To provide regular and special meetings at which the subject of trees insofar as it relates to the Village may be discussed by members of the Committee, officers, and personnel of the Village and all others interested in the tree management program.

D. Operation. The Arbor Committee shall choose its own officers, make its own rules and regulations (subject to Board approval), and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Acceptable trees shall be varieties of oak, maple, linden, ash and thornless varieties of honey locust or as approved by the Planning Board.

Section 235-5 – Spacing

A. The spacing of street trees will be in accordance with the species size classes listed in the Specifications and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designed by an arborist.

B. No nuisance trees shall be planted in the Village of Marcellus. Such trees must have the approval of an arborist to be planted and can be removed from Village property if considered a hazard or nuisance.

Section 235-6 – Distance from curb and sidewalk – The distances trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the Specifications, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; large trees, four feet.

Section 235-7 – Distance from street corners and fire hydrants – No street trees shall be planted closer than 35 feet to any street corner, measured from the point of the nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet to any fire hydrant.

Section 235-8 – Utilities – No street tree other than those species listed in Specifications as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within three lateral feet (small or medium), five lateral feet (large), or any underground water line, sewer line, transmission line or other utility. DIG SAFELY. NEW YORK (800/962-7962) shall be contacted in order to locate utilities prior to any planting at proposed sites.

Section 235-9 – Public tree care – The Village 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Department of Public Works may 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 an injurious fungus, insect, or other pest or poses a hazard to the public. 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 §§ 278-3 and 278-4 and the Specifications to this chapter.

Section 235-10 – Tree topping – It shall be unlawful as a moral practice for any person, firm, or Village department to top any street tree, park tree, or other trees 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 storm or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of an arborist.

Section 235-11 – Pruning, corner clearance (private trees) – Every owner of any tree on private property overhanging any street 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 15 feet above the surface of the street or sidewalk. 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 or cause the removal of any tree or shrub, in whole or in part, on private property when it: interferes with the proper spread of light along the street from a streetlight, interferes with visibility of any traffic-control device, sign or street intersection or constitutes a menace to the safety of the public.

Section 235-12 – Dead or diseased tree removal on public domain as well as private property – The Village shall have the right to cause the removal of any dead or diseased street trees or trees on private property within the Village when such trees constitute a hazard to life and property or harbor insects or disease which constitutes potential threat to other trees within the Village. The Village shall notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 10 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 property tax notice.

Section 235-13 – Removal of stumps – All stumps of 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.

Section 235-14 – Healthy street and park trees – In order to protect the Village's investment in time and resources in the street program, it shall be unlawful to remove any healthy street tree without prior approval of the arborist.

Section 235-15 – Interference with authority of tree program – It shall be unlawful for any person to prevent, delay, or interfere with agents of the Village tree program while they are engaged in and about planting, cultivating, mulching, pruning, spraying, or removing any street trees, as authorized in this chapter.

Section 235-16 – Protection of trees during construction – Contractors occupying Village streets for building purposes shall place such proper guards about all trees liable to injury as shall effectually protect them.