

Chapter 76

TREES

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[HISTORY: Adopted by the Board of Trustees of the Village of Liberty 6-16-1994 as L.L. No. 6-1994. Amendments noted where applicable.]

§ 76-1. Title.

This chapter shall be known as the "Municipal Tree Law of the Village of Liberty."

§ 76-2. Legislative findings.

- A. Trees are valued as a valuable asset, providing a healthier and more beautiful environment in which to live. They provide oxygen, shade, beauty and a contrast to the man-made, urban setting. They help prevent erosion, fill-in streams, flash floods and air, noise and visual pollution.
- B. Trees are economically beneficial in attracting new industry, residents and visitors. Healthy trees of the

right size and species enhance the value and marketability of property and promote the stability of neighborhoods.

§ 76-3. Definitions.

For the purposes of this chapter, the following terms shall have the meanings given herein:

PARK — Includes any public park having an individual name.

PROPERTY LINE — The outer edge of a street or highway.

PROPERTY OWNER — The person owning such property as shown by the Tax Map of the Village of Liberty, New York.

PUBLIC TREES — All trees now or hereafter growing in any street, park or any other public place.

TREE — All trees and shrubs.

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

TREE PROTECTION ZONE — All streets, parks and other village-owned property, and all land within any right-of-way of any street and highway.

TREE REMOVAL — Any act which will cause a tree to die within a three-year period.

§ 76-4. Master street tree plan.

- A. The Village Board and/or its designee shall have the authority to formulate and adopt a master street tree plan. The master street tree plan shall specify the species of trees to be planted on each of the streets or

other public sites of the municipality. From and after the effective date of the master street tree plan, or any amendment thereto, all planting shall conform thereto.

- B. The Village Board and/or its designee shall have the authority to amend, update or add to the master street tree plan at any time that circumstances make it advisable.

§ 76-5. Permits and permit fees.

No person shall trim, spray, maintain, plant, remove or otherwise disturb trees in public places without first filing an application and procuring a permit from the Village Board or its designee. The application shall be on a form designated by the Village Board and/or its designee and shall contain such information and data as deemed reasonably necessary to a fair determination of whether a permit should be issued. The Village Board and/or its designee shall issue the permit provided for herein if, in its judgment, the proposed work is necessary and desirable and the proposed method and workmanship are satisfactory (there shall be no fee assessed for such permits).

§ 76-6. Protection of trees.

- A. All trees within thirty (30) feet of any excavation or construction of any building, structure or street work shall be guarded through the length of the project with a good substantial fence, frame or box not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches at four and one-half (4½) feet from the ground, whichever is greater. All equipment, building materials, chemicals, dirt or other debris shall be kept outside the barrier at all times.
- B. No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of ten (10) feet

from any tree without first obtaining the approval of the Village Board and/or its designee.

- C. It shall be unlawful for any person to move any building or other large object which may injure public trees, or parts thereof, without first having obtained the approval of the Village Board and/or its designee.
- D. No person shall deposit, place, store or maintain upon any public place any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except with the permission of the Village Board and/or its designee.
- E. No person shall damage, cut, carve or transplant any tree; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow any gaseous, liquid, chemical or solid substance which is harmful to trees to come in contact with any tree; or set fire or permit any fire to burn when such fire or the heat thereof may injure any portion of any tree without first obtaining a written permit from the Village Board and/or its designee.

§ 76-7. Waiver of requirements during emergencies.

In case of officially declared emergencies, such as windstorms, ice storms or other disasters, the requirements of § 76-6 shall be waived so that the requirements of this chapter would in no way hinder private or public work to restore order in the municipality. This work shall follow maintenance standards as outlined by the Village Board and/or its designee.

§ 76-8. Penalties for offenses.

Any person violating or failing to comply with the provisions of this chapter shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.). The penalty may be collected by the Village Board and/or its designee by action against the responsible person commenced by the Corporation Counsel of

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the village. For the purpose of this chapter, each tree affected by noncompliance with the provision of this chapter shall constitute a separate violation.