

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Kings Point
Village

Local Law 5 of the year 2023

(Insert Title)

A local law amending Chapter 147, Trees, of the Code of the Village of Kings Point.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
Town of Kings Point
Village

Section 1. §147-2, Definitions, of Chapter 147, Trees, of the Code of the Village of Kings Point, is hereby amended to delete the definition of “specimen tree” and to change the definition of “Habit” to read:

“HABIT - The natural growing characteristics of any tree, which includes branch spread and distribution, branch height above ground, and root spread and distribution.”

Section 2. Subsections A and B, of §147-3, Prohibitions, of said chapter, are hereby deleted and Subsections C, D, E, and F, are hereby redesignated as Subsections, A, B, C, and D, respectively.

Section 3. Newly designated subsections B, C, and D of said §147-3, Prohibitions, of said chapter, are hereby amended to read, respectively, as follows:

“B. It shall be unlawful for any person who owns or occupies real property to cause, suffer, permit, or allow the substantial alteration of a tree on said real property if that tree has a diameter of six inches at a point that is four feet six inches above the ground at the lowest point of the base of the tree without a permit. In the event that either: (i) a tree was cut so that it cannot be measured at four feet six inches point, if at any other point above the ground the remaining portion of the tree has a diameter of six inches or more, or (ii) if the tree has been cut or ground down so that no part of the tree is above the ground, or (iii) the rootstock has been removed, for the purposes of this chapter, in any of such three events, the tree shall be treated the same as if it had had a diameter of six inches or more at a point that is four feet six inches above the ground at the lowest point of the base of the tree.”

“C. It shall be unlawful for any person who owns or occupies real property to cause, suffer, permit, or allow any tree to be cut, removed, uprooted, or otherwise altered in such a way as to cause soil erosion and/or alter the flow of water onto an adjacent property or street.”

“D. It shall be unlawful for any person who owns or occupies real property to cause, suffer, permit, or allow the property to be substantially razed, cleared, or otherwise vacated of trees or vegetation without first submitting a tree replacement landscape plan to the Superintendent and/or to an applicable Village board with jurisdiction for approval. The minimum required replacement trees shall be in accordance with § 147-7(C) or as found to be acceptable by an applicable Village board with jurisdiction or the Superintendent.”

Section 4. Subparagraphs a and b, of paragraph 4, of subsection B, of §147-4, Application for permit, of said chapter, are hereby amended to, read, respectively, as follows:

“(a) An outline of existing heavily wooded areas on the site showing the tree types and range of sizes.”

“(b) The location and size of trees to be removed.”

Section 5. Paragraphs 5 and 6, of subsection B, of said §147-4, of said chapter, are hereby renumbered as paragraphs 6 and 7, respectively, and a new paragraph 5 is hereby adopted, to as follows:

“(5) Photographs sufficient to identify the trees to be removed or substantially altered.

Prior to taking the photographs, the trees shall be identified by ribbons, colored tape, paint, or a similar manner so that they will be clearly identifiable in the photographs and by the people removing or substantially altering them. The photographs shall clearly show the location of the trees and the surrounding trees such that subsequently it can be determined that only the trees for which permits were issued were removed or substantially altered.”

Section 6. Paragraphs 1 and 2, of subsection C, of said §147-4, of said chapter, are hereby amended to read, respectively, as follows:

- “(1) The condition of the trees with respect to disease and danger of falling, proximity to existing or proposed structures and interference with utility services.”
- “(2) The necessity of the removal or alteration of the tree in question.”

Section 7. §147-5, Fees, of said chapter, are hereby amended to read as follows:

“§ 147-5. Fees and deposits.

The application fee and deposit for an application pursuant to this chapter shall be as established from time to time by resolution of the Board of Trustees. The fee shall be paid upon submission of the application and shall not be refundable. The deposit shall not be returned until photographs are provided sufficient to confirm to the Superintendent that only the trees for which permits were issued were removed or substantially altered. In the event that a tree or trees were removed or altered for which the permit was issued, the deposit shall be forfeited to the Village as a Civil Penalty, which shall be in addition to any penalty a court may impose.”

Section 8. The title of §147-6, Removal of trees or specimen trees, of said chapter is hereby amended to read as follows:

“§ 147-6. Removal of trees.”

Section 9. Subsection C, of §147-7, Replacement, of said chapter, is hereby amended to read as follows:

- “C. The maximum number of replacement trees shall be equal to the 110% replacement diameter of all of the trees to be replaced. All replacement trees shall be trees as specified by the Superintendent, unless otherwise specified by a Village board. The size of the tree shall be no less than three inches in diameter (measured six inches above grade as per nursery standard). The location where it

shall be planted, and the date by when it shall be planted, shall be determined by the Superintendent, unless otherwise specified by an applicable Village board with jurisdiction.”

Section 10. Effective date. This local law shall take effect immediately.