

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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 Plandome Heights

~~Village~~

Bill 2 of 2019

Local Law _____ of the year 20_____

(Insert Title)

A local law amending Section 122-5, "Trees on Village property or within Village right-of-way," of Chapter 122, "Trees," of the Code of the Village of Plandome Heights, to Amend Requirement for Arborist Survey.

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

~~County~~

~~City~~

~~Town~~ of Plandome Heights

~~Village~~

Section 1. Legislative Intent. The intent of this local law is to eliminate a legislative requirement for written reports on periodic surveys of village trees by an ISA-certified arborist. The Board notes that from time to time the employees and officials of the Village may be qualified to advise the Village as to the health of Village trees, and that, even when such is not the case, the Village Board should have the discretion to carry out its mandate to manage and protect the property and assets of the Village, at times that it determines to be appropriate. Furthermore, the Board is concerned that the establishment in the Village Code of a mandated time for inspection could establish potential liability for the Village in the event of a failure to adhere to such a requirement, even though the Village Board has satisfied itself as to the health of Village trees in an adequate and cost effective manner that does not adhere strictly to the current legislative mandate of written tree survey reports by an ISA-certified arborist.

Section 2. Clause “A.”, “Trees on Village property,” of § 122-5, “Trees on Village property or within Village right-of-way,” of Chapter 122, “Trees,” of the Code of the Village of Plandome Heights, is hereby amended to read in its entirety as follows:

“A. Trees on Village property. If the Board of Trustees determines that any tree on Village property is dangerous or hazardous, then the Board shall determine whether such tree requires corrective action or removal. The Board of Trustees may elect, but is not obligated, to retain an ISA-certified arborist or other person or entity deemed by the Board to have suitable qualifications to advise the Board in making any such determination. Notwithstanding the foregoing, the Mayor may make any such determination, and authorize action with respect to any dangerous or hazardous tree on Village property without Board action if the Mayor determines that prompt action is warranted in order to protect the public health and safety, or public or private property. The cost to the Village of correcting a dangerous condition of a tree on Village property or removing a dangerous or hazardous tree on Village property shall be borne by the Village unless said dangerous or hazardous tree is situated on Village land adjacent to any public street of the Village, i.e., within the Village right-of-way, in which case it will be subject to the following Section B.”

Section 6. Effective date. This local law shall take effect immediately.