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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.

VILLAGE OF MILLERTON

LOCAL LAW NO. A (Proposed) OF 2026

A Local Law to Establish a New Chapter 147 of the Code of The Village of Millerton, entitled "Tree Commission"

Be it enacted by the Board of Trustees of the Village of Millerton as follows:

SECTION 1. LEGISLATIVE INTENT

The purpose of this local law is to promote and protect the public safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees located on public property in the Village of Millerton.

SECTION 2. APPLICATION

This Local Law shall apply within the Village of Millerton.

SECTION 3. ADOPTION OF NEW CHAPTER 147, ENTITLED, "TREE COMMISSION"

A new Chapter 147 is hereby inserted into the Code of the Village of Millerton to read as follows:

Chapter 147. Tree Commission.

§ 147-1. Legislative intent and purpose.

The Village Board enacts this chapter to achieve the following purposes:

- A. Establish and maintain the maximum sustainable amount of tree cover on public lands which impact public highways and other public property in the Village.
- B. Maintain trees within the Village in a healthy and nonhazardous condition through

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accepted arboricultural practices.

- C. Establish and maintain appropriate diversity in species and age classes within the Village.
- D. Protect and enhance the character of the Village by assuring that decisions regarding the care and maintenance of trees are consistent within the Village and consistent with the Village Comprehensive Plan.
- E. Prevent destruction or damage to shade, ornamental and evergreen trees and heritage trees by preventing inappropriate cutting of these trees in new subdivisions or other developments within the Village.
- F. Prevent soil erosion and provide protection to wetlands, water bodies, watercourses, air quality, vegetation, wildlife and fragile natural resources.
- G. Preserve the natural beauty and community character of the Village.

§ 142-2. Definitions.

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

ARBORICULTURE

The cultivation of trees and shrubs, including the study of how they grow and respond to cultural practices and the environment, as well as aspects of cultivation such as selection, planting, care and removal.

ARBORIST

Trained specialist certified by the International Society of Arboriculture or one of its chapters or other nationally recognized arboricultural organizations with expertise in tree management.

HAZARDOUS TREE

Any tree which constitutes a public nuisance by virtue of having an infectious disease or insect problem, being dead or dying, having limbs that obstruct street lights, traffic lights, etc., or a tree that poses a threat to public safety from falling limbs.

HERITAGE TREE

A tree identified by inventory, or other study of the Village Tree Commission, which has certain unique or noteworthy characteristics or values to make that tree deserving of special protection under this chapter.

STREET TREE

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A Village tree growing in the strip of land between the edge of the street and the sidewalk or within the Village easement.

TREE CITY, USA

A program sponsored by the National Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters which gives recognition to communities for providing a basic level of human and financial resources to manage their community forests.

TREE SURVEY

An inventory of existing public trees and private trees, where possible, within the Village, indicating species, location, size, age and condition. Inventories of Village trees should include street trees, park trees, public trees, roadside trees and specimen and heritage trees on private and public lands, where possible.

VILLAGE BOARD

The Village Board of Trustees of the Village of Millerton.

§ 147-3. Tree Commission.

- A. Authority and composition of the Commission. There is hereby created a Village Tree Commission for the Village of Millerton. The Commission shall consist of five members. All members of the Commission shall be residents of the County of Dutchess. The Commission shall be appointed by the Mayor and Board of Trustees by resolution. At least one member of the Tree Commission shall be a member of the Village Board of Trustees or an employee of the Village. The initial terms of office for the members of the Commission shall be three years for two members; two years for two members; and one year for one member. Thereafter, on the expiration of a member's term, subsequent appointments shall be for a term of three years. All appointments to fill vacancies shall be for the unexpired term. Members of the Commission shall, on a yearly basis, appoint a member of the Commission to act as Chairman of the Commission for one year.
- B. Funding and compensation. The members of the Commission shall not be compensated for their services. The Village shall, each year, include in its budget appropriate funding for the Commission which shall, at the very least, provide for \$2 per capita annual expenditure or such larger amount necessary to in order for the Village to qualify as a Tree City, USA.
- C. Professional assistance. The Commission may, if necessary to fulfill its functions, utilize the services of licensed professionals, including but not limited to an arborist, to assist the Commission. Requests for such professional services shall be made to the Village, and hiring of such professionals, with the recommendation of the Commission, shall be made by the Village Board.

- D. Tree inventory and tree management plan. The Commission shall be responsible for creating and updating a tree survey inventory of street trees and trees within the Village parks and Village property. This inventory shall be used by the Commission to create and implement a tree management plan which the Commission will update periodically, but no less than every three years, to reflect current conditions. The tree management plan shall be submitted to the Village Board for approval and may be amended from time to time. The tree management plan will, among other things, address the following:
- (1) Identification of planting sites on public property within the Village with a goal of increasing the percentage of canopy cover within the Village;
 - (2) Preparation of a list of trees appropriate for planting along highways, in Village parks and on Village property; and
 - (3) Annual goals for pruning and removal of dead, dangerous or hazardous trees and tree limbs in the Village.
- E. Recommendations for tree maintenance, removal and care. Planting, maintenance and care of street trees and trees on Village property shall be done in accordance with the approved tree management plan.
- (1) The Tree Commission shall review and comment on applications for tree permits upon referral from the Village Board.
 - (2) The Village Highway Department shall, except in cases of emergency, consult with the Commission before removing or ordering the removal of a tree or limb of a tree within a highway right-of-way which threatens the health, safety and welfare of the users of the highway or the ability of the Highway Department to maintain the highway in a safe manner. The Village Board member serving on the Commission shall serve as a liaison to the Highway Department for purposes of facilitating communications between the Department and Commission. In providing such advice, the Commission may examine the subject tree(s) and may consult with an arborist or other professional consultant. The Commission may also make recommendations to the Highway Department through the liaison concerning those trees which present a hazard because of death, age, infectious disease, insect infestation or overgrowth which obstructs street lights and traffic and street signs, or any other condition which requires the treatment, cutting or removal of the tree.
 - (3) The Commission shall organize the annual Arbor Day Observance within the budget allocated by the Village Board.

- (4) Other responsibilities. The Commission shall fulfill such other and further responsibilities imposed upon it by the Village Board, from time to time, as may reasonably be necessary to effect the purposes and intent of this chapter.

§ 147-4. Removal or pruning of street trees. Any street tree and trees on Village property are the property of the Village.

A. No person shall, without first obtaining a permit from the Village Board, remove, cut, top, prune, destroy or injure (tree cutting) any street tree, tree on Village property any tree growing in or on a highway easement or other public place.

B. Application for a tree permit shall be made, in writing, to the Village Board through the Village Clerk on a form provided by the Village. Upon receipt of the application, the Village Clerk shall forward the application to the Tree Commission for an advisory recommendation.

C. The Village Board shall give due consideration to the recommendations of the Tree Commission and the tree management plan in acting on the permit application and shall issue the permit when it establishes to its satisfaction that there is a need for the proposed action based upon the following:

- (1) The presence of the tree would cause hardship or would endanger the health, safety or welfare of the general public, the applicant or the adjacent property owner;
- (2) The tree is diseased or threatens the health of other trees;
- (3) The tree(s) substantially interfere(s) with a permitted use on the property;
- (4) The cutting of the tree(s) is required by application of the standards of good arboricultural practice and will not have an adverse effect on the ecological system or the environment; and
- (5) The location of the tree(s) prevents compliance with state, county or local standards for site lines, driveways and/or intersections.

D. The Village Board may impose such conditions on the issuance of a permit as may be necessary and reasonable to mitigate the adverse impacts of the tree cutting.

E. No permit shall be required to cut any tree(s) when:

- (1) Necessary to control a fire.
- (2) Necessary in cases of emergency where the permit approval process would endanger the health, safety and welfare of individuals or property. In such an event, however, the person performing the work on the tree shall submit to the Village Board written documentation of the emergency and the actions taken to respond to such emergency within five working days of the action.

F. A permit may be revoked by the Village Board if it determines that the tree cutting performed by the property owner is not performed in accordance with the approved permit and/or conditions placed upon such permit.

G. The cost of removal shall be the responsibility of the property owner.

H. Notwithstanding the tree management plan and the foregoing, the Village, through its Highway Department, shall have the authority without a permit to 1) prune the branches of any tree overhanging any street or right-of-way within the Village so that the branches shall not obstruct the light from any street lamp, obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk, or interfere with the visibility of any traffic control device or sign; and 2) remove all dead, diseased or dangerous trees or broken or decayed limbs overhanging any street, right of way or public property which constitute a menace to the safety of the public.

§ 147-5. Penalties for offenses.

- A. Any person, firm, partnership, corporation or other party who violates any of the provisions of this chapter shall be deemed and held to be guilty of an offense and, upon conviction, shall be fined a sum not to exceed \$250, or imprisoned for not more than 15 days, or both, for each offense. Each week during which the violation shall continue shall be held and deemed to be a separate offense.
- B. The Building Inspector and/or Code Enforcement Officer shall have the authority to issue appearance tickets and prosecute violations of this section. In addition, appearance tickets may also be issued by the Police Department, and prosecution of such offenses may also be made by the Village Attorney or Attorney to the Village, as the case may be.
- C. In addition to criminal remedies, the Village shall have the right to seek injunctive relief in a court of competent jurisdiction against any person violating the provisions of this chapter.
- D. In addition to any other remedies set forth herein authorizing the Village to enforce the provisions of this chapter, establishing penalties and setting forth additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000 per day for each day of the violation. If said civil fine is imposed then the alleged violator may appeal to the Village Board.

SECTION 4. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law or the application thereof to any person, firm, corporation, or circumstance is adjudged invalid

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by a court of competent jurisdiction, such order or judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Municipal Home Rule Law § 27(1).