

Topic:	Tree Preservation & Protection; Open Space Preservation
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of North Castle
Year (adopted, written, etc.):	1987
Community Type – applicable to:	Suburban; Rural
Title:	Town of North Castle Trees Ordinance
Document Last Updated in Database:	May 8, 2017

Abstract

This law creates and charges the Tree Board with the duties of studying, investigating, counseling and developing or updating a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Board and, upon its acceptance and approval, shall constitute the official comprehensive town tree plan for the Town of North Castle, State of New York. The Tree Board, when requested by the Town Board, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

Resource

Town of North Castle NY Trees
Code of the Town of North Castle NY
Chapter 191 Trees
General Code
[http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0492%2D191%2Ehtm&cn=817&n=\[1\]\[137\]\[817\]\[1241\]\[1275\]\[1281\]\[2\]](http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0492%2D191%2Ehtm&cn=817&n=[1][137][817][1241][1275][1281][2])
[HISTORY: Adopted by the Town Board of the Town of North Castle 5-14-1987. Amendments noted where applicable.]

§ 191-1. 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.

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 town.

§ 191-2. Tree Board created; membership; term; compensation.

- A. Creation and establishment of Tree Board. There is hereby created and established a Town Tree Board for the Town of North Castle, State of New York, which shall consist of five members, citizens and residents of this town who shall be appointed by the Town Board. The Superintendent of Recreation and Parks shall be an ex officio member of such Board and shall act as liaison between the Tree Board and Town Board.
- B. Term of office. All members serve at the pleasure of the Town Board.
- C. Compensation. Members of the Board shall serve without compensation.

§ 191-3. Duties; responsibilities and operation of Board.

- A. Duties and responsibilities. It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Board and, upon its acceptance and approval, shall constitute the official comprehensive town tree plan for the Town of North Castle, State of New York. The Board, when requested by the Town Board, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.
- B. Operation. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 191-4. Tree species to be planted.

The following list constitutes the official street tree species for the Town of North Castle, State of New York. **Editor's Note: See Appendix A at the end of this chapter.** No species other than those included in this list may be planted as street trees within the Town of North Castle without written permission of the Town Tree Board.

§ 191-5. Planting requirements.

A. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in § 191-4 of this chapter, 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 or approved by a landscape architect or the Town Tree Board.

B. Distance.

(1) Distance from curb and sidewalk. The distance trees may be planted from curbs and sidewalks will be in accordance with the tree species size classes listed in § 191-4 of this chapter, and it is recommended that no trees be planted closer to any curb or sidewalk than the following:

(a) Small trees: two feet.

(b) Medium trees: three feet.

(c) Large trees: four feet.

(2) Distance from street corners and fire plugs. No street trees shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from any fire plug. No street tree should be planted in an area restricted for the purpose of maintaining site distances.

C. Utilities. No street trees other than those species listed as small trees in § 191-4 (see Appendix A) of this chapter may be planted under any overhead utility line. Only those trees recommended in § 191-4 (see Appendix A) may be planted within five lateral feet of any overhead utility line. When space is available, a tree should be planted a minimum distance of 1/2 of the mature crown width (radius) away from any overhead utility wire. No tree should be planted over or within five lateral feet of any underground waterline, sewer line, transmission line or other utility.

§ 191-6. Care of public trees.

A. The town 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.

B. The Town Tree Board 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, electrical powerlines, gas lines, waterlines or other public improvements or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is in accordance with §§ 191-4 and 191-5 of this chapter.

§ 191-7. Tree topping.

It shall be unlawful as a normal practice for any person, firm or town department to top any street tree, park tree or other tree 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 so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the Town Tree Board.

§ 191-8. Owner responsibilities.

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any streetlamp or 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. 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 town shall have the right to prune any tree or shrub on private property or right-of-way when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device, sign or obstruction of roadway visibility.

§ 191-9. Tree and stump removal.

- A. Dead or diseased tree removal on private property. The town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the town. The Town Tree Board will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
- B. Removal of stumps. All stumps of street and park trees should be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
- C. Healthy street trees. In order to protect the town's investment in time and resources in

the street tree program, it shall be unlawful to remove any healthy street tree without prior approval of the town. The Tree Board, Highway Department and Building Inspector shall work together in determining any street tree removal.

§ 191-10. Penalties for offenses.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to fine not to exceed \$250.