
IN THE MATTER

Of

**LOCAL LAW 2023 - 15 AMENDING
CHAPTER 34 OF THE TOWN CODE
ENTITLED TREE COMMISSION AND
REPLACING IT WITH AN UPDATED TREE
CODE**

**RESOLUTION ENACTING
LOCAL LAW**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 20th of December 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the preservation, stewardship and placement of trees and types of natural vegetation in the Town of Manlius is an important policy initiative for the Town Board;

WHEREAS, the Town of Manlius has the benefit of 100s of acres of State, village and other municipal land and is recognized for its natural beauty; and

WHEREAS, the Town of Manlius has been designated as a Tree City for the past 23 years by the Arbor Day Foundation in cooperation with the U.S. Department of Agriculture Forest Service and the National Association of State Foresters;

WHEREAS, the Town Board, which already has a Tree Commission that has been delegated certain responsibilities, desires to strengthen its commitment to the stewardship of our natural resources;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2023 - 15, amending Chapter 34 of the Town Code entitled “Tree Commission” and replacing with the “Tree Code” as follows:

**LOCAL LAW 2023 -15, A LOCAL LAW AMENDING
CHAPTER 34 ENTITLED “TREE COMMISSION” AND
REPLACING WITH THE “TREE CODE”
UNDER THE SAME:**

Be it enacted by the Town Board of the Town of Manlius, Onondaga County, New York as follows:

Section 1. The existing language in Chapter 34 of the Town Code shall be removed as follows:

~~§ 34-1. Establishment; appointment of members.~~

~~The Town Board of the Town of Manlius hereby establishes a Tree Commission the members of which shall be appointed by the Town Board.~~

~~§ 34-2. Purpose.~~

~~The purpose of the Tree Commission shall be to gather information and make recommendations to the Highway Superintendent and to the Town Board with respect to the planting and maintenance of trees in the Town of Manlius.~~

~~§ 34-3. Procedures.~~

~~The procedures and rules of the Tree Commission shall be subject to the approval of the Town Board.~~

Section 2. Chapter 34 of the Town Code shall be amended as follows:

CHAPTER 34 – TREE COMMISSION CODE

§ 34-1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Board herein delegates the authority and responsibility for managing public trees, creates a Tree Commission, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

§ 34-2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of the critical root zone; a substantial change in the natural grade within the critical root zone or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Clearing – Any activity that removes the vegetative surface cover.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Public tree – any tree or woody vegetation on town-owned or town-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree - a plant having a permanently woody main stem(s) or trunk(s), ordinarily growing to a considerable height.

Tree Canopy - the extent of the outer layer of branches and leaves of an individual or group of trees.

Landscape Buffer - all landscaping proposed for the specific purpose of filtering runoff to waterways, providing visual screening to or from adjacent properties, and/or to assist in noise abatement where located alongside a noise abatement structure.

Underground Utilities - All wires, conduits, and pipes underground.

Street Trees - Trees planted in the ROW between the pavement edge and the right-of-way boundary.

Overhead Utility Wires - Wires with greater than 50 volts above ground.

§ 34-3. Authority and power.

A. Delegation of authority and responsibility.

The Town of Manlius Highway Superintendent and/or their designee, hereinafter referred to as the “Highway Superintendent”, shall have full authority and responsibility to plant, prune, maintain and remove street trees and woody plants growing in or upon all municipal streets, rights-of ways, Town parks, and other public property. This shall include the removal of trees that may threaten underground utilities or overhead utility wires such as electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

B. Coordination among town departments.

All town departments will coordinate as necessary with the Highway Superintendent and will provide services as required to ensure compliance with this Ordinance as it relates to public trees and street trees occupying rights-of-way, underground utilities, easements, and other public properties not under direct jurisdiction of the Highway Superintendent.

C. Interference.

No person shall hinder, prevent, delay, or interfere with the Highway Superintendent or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

§ 34-4. Tree Commission.

The Town Board hereby establishes a Tree Commission the members of which shall be appointed by the Town Board.

A. Purpose.

The purpose of the Tree Commission shall be to gather information and make recommendations to the Highway Superintendent and to the Town Board with respect to the planting and maintenance of trees in the Town of Manlius, and shall:

- (1) Coordinate and promote Arbor Day activities;
- (2) Review and update a five-year plan to plant and maintain trees on town property;
- (3) Support public awareness and education programs relating to trees;

- (4) Review town department concerns relating to tree care;
- (5) Submit an annual report of its activities to the town board;
- (6) Assist with the annual application to renew the Tree City USA designation;
- (7) Recommend a list of tree species for planting on town property, street trees, and a list of prohibited species;
- (8) Identify opportunities for tree-related grant funding and coordinate application efforts; and
- (9) Other duties that may be assigned by the Town Board.

B. Membership.

- (1) The Tree Commission shall consist of five members. Each of the Commissioners shall be residents of the Town of Manlius with the exception of one Commissioner upon a finding by the Town Board to be an individual with demonstrated expertise in one or more areas reasonably related to the mission and function of the Town Tree Commission.
- (2) Associate members. In addition to its regular members, the Tree Commission may include up to two associate members who shall be appointed to one-year terms by the Town Board. Each associate member may attend meetings and may participate in deliberations including executive session deliberations unless excluded from such executive sessions by vote of the Commission.

C. Term of office.

The term of those members hereafter appointed to fill other than an unexpired term shall be so fixed that one term shall expire at the end of each official year. At the expiration of the term of a member appointed to a term foreshortened to comply with the preceding sentence, their successor shall be appointed for a five-year term. No member shall be appointed to a term longer than five years.

D. Meetings.

The Tree Commission shall meet a minimum of four times each year, per the schedule developed and approved by the Tree Commission at the start of each calendar year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

E. Compensation

The members of the Tree Commission shall serve without compensation.

§ 34-5. Tree planting and care standards.

A. Standards.

All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies.

The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Planting distances.

No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

D. Planting trees under electric utility lines.

For all plantings located under or within 25 lateral feet of any overhead utility wire, tree selections shall follow National Grid's Recommended Small Trees For Planting Under Low Overhead Utility Lines or Confined Spaces. Substitutions may be submitted to the Highway Superintendent for approval.

§ 34-6. Prohibition against harming public trees.

A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Highway Superintendent.

B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Highway Superintendent.

D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Highway Superintendent and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management

Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the Highway Superintendent shall constitute a separate violation.

§ 34-7. Pruning; sight visibility.

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 street lamp 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 when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§ 34-8. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 34-9. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

*Underline indicates New Language

WHEREAS, the Town Board held a public hearing on Local Law 2023-15 at which time the public had an opportunity to speak for and against this Local Law;

WHEREAS, the Town Board wishes to continue the important policy initiative of the preservation, stewardship and placement of trees and types of natural vegetation in the Town of Manlius;

NOW, THEREFORE, BE IT RESOLVED, that Local Law 2023-15 is hereby enacted as set forth in this resolution; and be it further

RESOLVED, that this Local Law shall be filed with the Secretary of State within 20 days of its adoption as set forth in the Municipal Home Rule Law.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 20th day of December 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 20th day of December, 2023.

DATED: December 20, 2023
Fayetteville, New York

Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York