

Local Law Filing

(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 Village
(Select one:)

of Hempstead

Local Law No. 4 of the year 20 23

A local law to consider amending §116-9 " Trees and Planting affecting Public Right-of-way"
(Insert Title)
of the Hempstead Village Code.

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

County City Town Village
(Select one:)

of Hempstead as follows:

Local Law attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

116-9 Trees and Plantings affecting public right-of-way.

[A.] Definitions.

Whenever used in this chapter, the following terms shall have the meaning indicated:

DIAMETER AT BREAST HEIGHT (DBH)

The tree trunk diameter measured in inches at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, then the trunk is measured at its narrowest point beneath the split.

SPECIMEN TREE

- Any tree which equals or exceeds the following diameter sizes:
 - Large hardwoods, as defined and categorized by the National Arborist Association, which are 30 inches DBH or larger.
 - Large softwoods, as defined and categorized by the National Arborist Association, which are 36 inches DBH or larger.
 - Ornamental trees, as defined and categorized by the National Arborist Association, which are eight inches DBH or larger.
- A lesser-size tree can be considered a specimen by the Supervisor of Parks & Shade Trees if it is a rare or unusual species, of exceptional quality or of historical significance.
- A lesser-size tree can be considered a specimen by the Supervisor of Parks & Shade Trees if it is specifically used by a builder, developer or design professional as a focal point in a project or landscape.

TREE

Any woody plant having at least one well-defined trunk of at least four inches DBH.

TREE REMOVAL

Any intentional act or conduct which causes the tree to die after the commission of said act or conduct, including but not limited to damage inflicted upon the root system or trunk as the result of:

- Improper use of machinery on the tree.
- Storage of materials in or around the tree.

- Soil compaction.
- Altering the natural grade to expose the roots or cover the trunk, permitting the infection or infestation of the tree by pests, fungus or harmful bacteria.
- Excessive harmful pruning.
- Paving with concrete, asphalt or other impervious surfaces within such proximity as to be harmful to the tree.
- Application of herbicides or defoliant to any tree without first obtaining written approval from the Supervisor of Parks & Shade Trees.

B. The Supervisor of Parks & Shade Trees is authorized to grant or deny the planting or removal of shade trees that have a diameter at breast height (DBH) of eight inches or greater.

C. The Supervisor of Parks & Shade Trees shall have jurisdiction over the granting or denying of tree removal of any specimen trees in the Village.

D. The Supervisor of Parks & Shade Trees shall investigate, develop, and update the Village of Hempstead's plan for caring, preserving, pruning, topping, replanting, removing, or disposing of trees and shrubs along Village streets and public areas.

E. The Supervisor of Parks & Shade Trees shall determine areas in the Inc. Village of Hempstead where trees could exist but are absent.

F. [A. Approval required.] *****No person shall plant or permit to be planted any tree or other planting which shall be so located as to affect users of the public right-of-way, unless written approval therefore shall first be obtained from the Village.*****

G. [B.] *****Correction of certain conditions. Any tree or other planting which endangers users of the public right-of-way or obstructs the use thereof shall be properly trimmed, relocated, removed or secured by the owner and the occupant of the real property on which the same is located so as to eliminate the danger or obstruction. Should the owner or occupant fail to comply with the provisions hereof, then the Village may cause notice, in writing, to be sent to said owner or occupant of the property in accordance with the provisions of § 116-4A, setting forth a description of the necessary correction and a completion date, reasonable under the circumstances, but not to exceed 30 days.*****

H. [C.] *****Noncompliance by owner or occupant. In the event that the owner or occupant shall fail to comply with said notice, then the Village may cause the necessary correction to be made, and the expense thereby incurred shall be a lien upon the real property affected, and the amount so assessed and levied shall be collected in the same manner as other taxes.*****

ADDITIONS ARE INDICATED BY UNDERLINE.

*** INDICATES NO CHANGE IN PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS].

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the ~~(County)~~(~~City~~)(~~Town~~)(Village) of Hempstead was duly passed by the Board of Trustees on November 21 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom, and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Patricia P. J.

