

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 Solvay

Local Law No. 1 of the year 2024

A local law LOCAL LAW AMENDING THE VILLAGE OF SOLVAY VILLAGE CODE CHAPTER 147

(Insert Title)

BY STRIKING THE EXISTING CHAPTER 147 AND REPLACING IT

WITH A NEW CHAPTER 147 ENTITLED "TREES AND SHRUBS"

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

County City Town Village
(Select one.)

of Solvay

as follows:

LOCAL LAW AMENDING THE VILLAGE OF SOLVAY VILLAGE CODE CHAPTER 147 BY STRIKING THE EXISTING CHAPTER 147 AND REPLACING IT WITH A NEW CHAPTER 147 ENTITLED "TREES AND SHRUBS"

SEE ATTACHED.

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

(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. 1 of 2024 of the (County)(City)(Town)(Village) of Solvay was duly passed by the Village of Solvay Board of Trustees on February 27th 2024, 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 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*)*

* 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.)

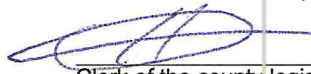
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

 *Harry DeCarlo* Clerk - *Treasurer*
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/11/24

(Seal)

LOCAL LAW NO.: 1 of 2024

**LOCAL LAW AMENDING THE VILLAGE OF SOLVAY VILLAGE CODE
CHAPTER 147 BY STRIKING THE EXISTING CHAPTER 147 AND REPLACING IT WITH
A NEW CHAPTER 147 ENTITLED “TREES AND SHRUBS”**

**BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SOLVAY AS
FOLLOWS:**

Section 1: The Village of Solvay Village Code, being Local Law No.4 of 1991, as has previously been amended, is hereby further amended at Chapter 147 to strike the existing Chapter 147 in its entirety and replace it with a new Chapter 147 entitled “Trees and Shrubs” to read as follows:

“Chapter 147 Trees and Shrubs

Section 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 Village Board herein delegates the authority and responsibility for managing public trees, creates a Tree Committee, 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.

In recognition of the environment, health and aesthetic benefits of its community forest, this ordinance establishes the policies, regulations and standards pursuant to the planting, maintenance, protection, preservation, removal and replacement of trees within the Village of Solvay.

- A. Provide the health and maintenance of Village trees in healthy and non-hazardous condition through good arboricultural practices.
- B. Establish and maintain appropriate diversity in tree species and age classes in order to provide a stable and sustainable community forest.
- C. Encourage the planting of a new tree for any tree that is removed.
- D. Promote the planting of private trees through programming and education.

Section 2. Definitions

Village trees: “Village trees” are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying within the “easement” or “right of way”. Village trees also include any trees within the boundaries of Village parks and any other land that the village owns.

Private trees: “Private trees” are herein defined as trees, shrubs, bushes and all other woody vegetation located on a homeowner’s property.

Overhead utility wires: Wires with greater than 50 volts above ground.

Street Right-of-Way: The area within the designated right-of-way lines of a street, road or lane within the Village. Said right-of-way lines are delineated and/or defined by the Village of Solvay and vary throughout the Village depending on the width of the road.

Utilities: Those entities that provide electricity, gas, sewer, water, telephone, cable television and internet service to properties within the Village.

Native tree: A tree that is indigenous within the northeast United States of America.

Street: A highway road, avenue, lane, alley, terrace, drive, culvert, embankment to which the public has a right to use.

Village: Any references to the "Village" is to the Village of Solvay and any of its committees and/or departments.

Community Forestry Management Plan: A set of guidelines duly adopted by the Village and used to guide tree selection, placement, maintenance, removal and replacement to achieve a desired level of quality for the physical environment.

Section 3. Creation and Establishment of a Solvay Tree Committee

There is hereby created and established a Solvay Tree Committee for the Village of Solvay. The Solvay Tree Committee shall choose its own officers, make its own rules and regulations and keep a journal or proceedings.

A. Duties. The Solvay Tree Committee shall:

- I. Be responsible for the study, investigation, council and development of a Community Forestry Management Plan, which is a framework for Village tree management.
- II. Maintain a list of appropriate tree species for planting with a preference for native species.
- III. Provide advice and recommendations regarding trees and the community forest by a trained designee, either trained by Cornell Cooperative Extension or another ISA Certified Arborist, to the Village Board, Planning Board, Village employees, committees and private citizens of the Village of Solvay.
- IV. Regularly communicate with the Village of Solvay Department of Public Works on all matters regarding Village trees and work closely with them on planning and implementing tree plantings.
- V. Coordinate activities, including but not limited to, the commemoration of Arbor Day and to inform and educate the public about the community forest.
- VI. Together with the Village of Solvay, explore opportunities for grants related to the planting, and educational outreach of a community forest.
- VII. Investigate conducting an inventory of Village trees.

B. Cooperation between agencies. Communication between the Village Board, the Department of Public Works, committees of the Village Board, the Zoning and Planning Board and the Solvay Tree Committee regarding any operations that affect trees within the Village is essential to the long-term management of the Community Forest. The Village Board will designate one member to serve as the main point of contact, or liaison to the Village Tree Committee.

Section 4. Jurisdiction

A. The Village of Solvay, after review of any recommendations of the Solvay Tree Committee, shall have full power and authority over all trees, plants and shrubs (excluding grass) located within street right-of-way, public parks, public right-of-way or easement and other public places in the Village.

B. Conflict with ordinances. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, land development, safety or health ordinance or code of this municipality, Onondaga County or the State of New York, the provision which establishes the higher standard for the promotion and the protection of the safety and health of the people shall prevail.

C. Partial invalidity. If any section of this chapter shall be held unconstitutional, illegal, invalid or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect and enforceable as such.

D. Nothing in this ordinance shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal of trees(s) which is/are deemed to be dangerous, unsafe or unhealthy.

Section 5. General Provisions

1. Planting

A. The Village of Solvay, after reviewing any recommendations of the Solvay Tree Committee, shall have the right to plant and maintain trees and shrubs in the Street Right-of-Way of all streets, avenues, highways and on public grounds. The Village will make all reasonable efforts to comply with property owners' requests regarding placement of a tree on the Street Right-of-Way adjoining their property.

B. Trees shall be placed to allow for their anticipated mature height and width. The spacing of Village Trees will be in accordance with the three species size classes listed in appendix "A" of this ordinance, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; Large trees, 50 feet; except in special plantings designed or approved by a landscape architect or ISA Certified Arborist

C. Trees adjacent to the Street Right-of-Way shall be pruned such that there are 10 feet above the street surface and 8 feet above any sidewalk surface.

D. Trees shall be planted so as to not block the site line at street intersections.

E. Trees shall be planted at least 10 feet from fire hydrants/fire plugs.

F. Underground utilities

i. Trees shall be planted such that they do not have to be removed for access to underground utilities. DigSafeNY will be called out to mark any underground utilities prior to any tree planting. No trees, other than those species listed as Small Trees in the Appendix of this ordinance, may be planted over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

ii. Trees shall be protected from damage during above- or below-ground utility work. The area of protection is 125% of the tree canopy. If this area cannot be protected, an ISA Certified Arborist must be on site to observe work and ensure that no roots over 1" are severed.

G. Overhead utility wires

i. Tall growing trees (anything with a mature height over 40 feet) shall not be planted underneath overhead utility wires. No trees, other than those species listed as Small Trees in the Appendix of this ordinance, may be planted under or within 10 lateral feet of any overhead utility wire.

2. Pruning and maintenance.

A. The Village, after reviewing any recommendation of the Solvay Tree Committee, shall have the right, but not the obligation, to prune, maintain and remove trees, plants and shrubs within the Street Right-of-Way as may be necessary to ensure public safety and/or health and natural form of the tree.

B. Pruning standards. All pruning shall conform to the current ANSI A300 standards for tree care operations. The ANSI A300 standards are included in the Appendix. When required, crown reduction is preferred to the topping of trees.

C. Trees adjacent to the Street Right-of-Way shall be pruned such that there are 10 feet above the street surface and 8 feet above any sidewalk. The Solvay Tree Committee has the responsibility to prune or designate volunteers to prune young trees (under 5" caliper).

D. The Village of Solvay shall have the right to prune any trees or shrubs on private property within the Village when such trees constitute a hazard to life and property, are potentially injurious to servers, electric power lines, gas lines, water lines or other public utilities, or interferes with visibility of any traffic control, device or sign.

E. Reporting a pruning concern or hazard of a Village tree: A Village resident can report a hazardous tree or pruning request to the Village Department of Public Works. The request will then be reviewed by the Solvay Tree Committee and sent back to the Department of Public Works with instruction.

3. Removal. No healthy Village tree shall be removed from any Village property and Street Right-of-Way without Tree Committee approval.

A. Any tree planted by the Village that has been removed without permission, or damaged to such an extent that it must be removed, shall be replaced within one year by the party responsible for the removal or damage at their expense.

B. The Village of Solvay shall have the right to cause the removal of any trees or tree parts on private property within the Village when such trees constitute a hazard to life and property, are potentially injurious to servers, electric power lines, gas lines, waterlines or other public utilities (if the situation cannot be mitigated by other means) or harbors insects or disease, which constitute a potential threat to other trees within the Village.

i. The Village will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days of the date of notice.

ii. In the event of failure of owners to comply with such provisions, the Village of Solvay shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

C. Stumps: All stumps of Village trees shall be removed or ground below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

4. Interference with implementation of this code provision. It shall be unlawful for any person to prevent, delay or interfere with the Village of Solvay in the implementation, use and enforcement of the provisions of this code section, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this code section.

5. New development, additions and construction projects. All new development including, but not limited to, residential, commercial, industrial and parking lots, will include the planting of trees at such density as shall be determined by the Village of Solvay, after reviewing any recommendations of the Solvay Tree Committee, and in cooperation with the Zoning & Planning Board.

A. Reasonable requirements for the preservation of trees may be specified by the Village Board.

B. There shall be at least one tree per lot and spaced according to the requirements in this ordinance. New trees shall measure at least 1.5 inches in caliper as measured at the point 4 feet above the finished grade.

C. When construction, excavation, and/or material deposits result in the damage, destruction and/or removal of a Village tree, the person or utility responsible for that damage shall replace the tree where appropriate with either a tree or trees of equivalent dollar value* and approved by the Solvay Tree Committee.

D. The property owner/developer shall be responsible for tree planting and all irrigation and maintenance of the tree for a two-year period from the time of the planting and shall replace any trees that die during this period.

Footnotes

*Determined through the “Wood for Wood” method based upon simple replacement of the wood lost and not taking species or condition into account. For example, if the tree is 20” DBH, you would need to 10 2” caliper trees to replace it. 10 x the average cost per tree (i.e., \$200) = \$2,000.

Appendix

A. List of tree species and size classes. Additional species may be considered from Cornell Cooperative Extension’s Species List

*denotes a native tree species

Small Trees (<30' at maturity)	
Common name	Scientific Name
Trident maple	<i>Acer buergeranum</i>
Hedge maple	<i>Acer campestre</i>
Amur maple	<i>Acer ginnala</i>
Paperbark maple	<i>Acer griseum</i>
Tartarian maple	<i>Acer tataricum</i>
3-flowered maple	<i>Acer triflorum</i>
Shangtung maple	<i>Acer truncatum</i>
Juneberry	<i>Amelanchier lamarkii</i>
Shadblow serviceberry*	<i>Amelanchier canadensis</i>
Eastern redbud	<i>Cercis canadensis</i>
Oklahoma redbud	<i>Cercis reniformis</i>
Flowering dogwood*	<i>Cornus florida</i>
Cornelian cherry	<i>Cornus mas</i>
Smoke tree	<i>cogygria</i>
Cockspur hawthorn*	<i>Crataegus crusgalli</i>
Lavelle hawthorn	<i>Crataegus lavellei</i>

Washington hawthorn	<i>Crataegus phaenopyrum</i>
Green hawthorn	<i>Crataegus viridis</i>
Common persimmon*	<i>Diospyros virginiana</i>
Seven-sons tree	<i>Heptacodium miconoides</i>
Chinese juniper	<i>Juniperus chinensis</i>
Eastern red cedar*	<i>virginiana</i>
Golden chain tree	<i>Laburnum</i>
Crape-myrtle	<i>Lagerstroemia indica</i>
Amur maackia	<i>Maackia amurensis</i>
Osage orange tree	<i>Maclura pomifera</i>
Crabapple	<i>Malus</i>
Persian ironwood	<i>Parrotia persica</i>
Purple leafed plum	<i>Prunus cerasifera</i>
Chokecherry	<i>Prunus virginiana</i>
Yoschino Cherry	<i>Prunus yedoensis</i>
Japanese tree lilac	<i>Syringa reticulata</i>
Medium Trees (30'-50' at maturity)	
Bigtooth maple	<i>Acer grandidentatum</i>
Miyabei maple	<i>Acer miyabei</i>
River birch	<i>Betula nigra</i>
Paper birch	<i>Betula papyrifera</i>
European hornbeam	<i>Carpinus betulus</i>
Catalpa*	<i>Catalpa erubescens</i>
American yellowwood	<i>Cladrastis kentukea</i>
Hardy rubber tree	<i>Eucommia ulmoides</i>
Ginkgo	<i>Ginkgo biloba</i>
Butternut	<i>Juglans cinerea</i>
Golden raintree	<i>Koelreuteria paniculata</i>
Magnolia	<i>Magnolia</i>
American hophornbeam*	<i>Ostrya virginiana</i>
White spruce*	<i>Picea glauca</i>
Scotch pine	<i>Pinus sylvestris</i>

White willow	<i>Salix alba</i>
Black willow	<i>Salix nigra</i>
Northern white cedar	<i>Thuja occidentalis</i>
Zelkova	<i>Zelkova serrata</i>
Large Trees (>50' at maturity)	
Sycamore maple	<i>Acer pseudoplatanus</i>
Sugar maple*	<i>Acer saccharum</i>
Red horsechestnut	<i>Aesculus carnea</i>
European horsechestnut	<i>Aesculus hippocastanum</i>
Shagbark hickory*	<i>Carya ovata</i>
Atlas cedar	<i>Cedrus atlantica</i>
Hackberry*	<i>Celtis occidentalis</i>
Honeylocust*	<i>Gleditsia triacanthos</i>
Kentucky coffeetree*	<i>Gymnocladus dioicus</i>
Tulip Tree*	<i>Liriodendron tulipifera</i>
Norway spruce	<i>Picea abies</i>
London planetree	<i>Platanus acerifolia</i>
American sycamore*	<i>Platanus occidentalis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
Swamp white oak	<i>Quercus bicolor</i>
Shingle oak	<i>Quercus imbricaria</i>
Bur oak	<i>Quercus macrocarpa</i>
Chinkapin oak	<i>Quercus muehlenbergii</i>
English oak	<i>Quercus robur</i>
Japanese pagoda tree	<i>Styphnolobium japonicum</i>
American basswood*	<i>Tilia americana</i>
Littleleaf Linden*	<i>Tilia cordata</i>
Caucasian Lime	<i>Tilia euchlora</i>
Silver Linden	<i>Tilia tomentosa</i>
Chinese elm	<i>Ulmus parvifolia</i>

B. American National Standard A300 Part 1-2001.

ANSI A300 Part 1 – Pruning, should be used in conjunction with the rest of the A300 standard when writing specifications for tree care operations.

1. ANSI A300 standards

1.1 Scope

ANSI A300 standards present performance standards for the care and maintenance of trees, shrubs, and other woody plants.

1.2 Purpose

ANSI A300 standards are intended as guides for federal, state, municipal and private authorities including property owners, property managers, and utilities in the drafting of their maintenance specifications.

1.3 Application

ANSI A300 standards shall apply to any person or entity engaged in the business, trade, or performance of repairing, maintaining, or preserving trees, shrubs, or other woody plants.

1.4 Implementation

Specifications for tree maintenance should be written and administered by an arborist.

2. Part 1 – Pruning standards

2.1 Purpose

The purpose of this document is to provide standards for developing specifications for tree pruning.

2.2 Reasons for pruning

The reasons for tree pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. Pruning practices for agricultural, horticultural production, or silvicultural purposes are exempt from this standard.

2.3 Safety

2.3.1 Tree maintenance shall be performed only by arborists or arborist trainees who, through related training or on-the-job experience, or both, are familiar with the practices and hazards of arboriculture and the equipment used in such operations.

2.3.2 This standard shall not take precedence over arboricultural safe work practices.

2.3.3 Operations shall comply with applicable Occupational Safety and Health Administration (OSHA) standards, ANSI Z133.1, as well as state and local regulations.

3. Normative references

The following standards contain provisions, which, through reference in the text, constitute provisions of this American National Standard. All standards are subject to revision, and parties to agreements based on this American National Standard shall apply the most recent edition of the standards indicated below.

- ANSI Z60.1, Nursery stock
- ANSI Z133.1, Tree care operations - Pruning, trimming, repairing, maintaining, and removing trees, and cutting brush - Safety requirements
 - 29 CFR 1910, General industry 1)
 - 29 CFR 1910.268, Telecommunications 1)
 - 29 CFR 1910.269, Electric power generation, transmission, and distribution 1)
 - 29 CFR 1910.331 - 335, Electrical safety-related work practices 1)

4. Definitions

4.1 anvil-type pruning tool: A pruning tool that has a sharp straight blade that cuts against a flat metal cutting surface, in contrast to a hook-and-blade type pruning tool (4.21).

4.2 apical dominance: Inhibition of growth of lateral buds by the terminal bud.

4.3 arboriculture: The art, science, technology, and business of commercial, public, and utility tree care.

4.4 arborist: An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants.

4.5 arborist trainee: An individual undergoing on-the-job training to obtain the experience and the competence required to provide for or supervise the management of trees and other woody plants. Such trainees shall be under the direct supervision of an arborist.

4.6 branch bark ridge: The raised area of bark in the branch crotch that marks where the branch and parent meet.

4.7 branch collar: The swollen area at the base of a branch.

4.8 callus: Undifferentiated tissue formed by the cambium around a wound.

4.9 cambium: The dividing layer of cells that forms sapwood (xylem) to the inside and inner bark (phloem) to the outside.

4.10 cleaning: Selective pruning to remove one or more of the following parts: dead, diseased, and/ or broken branches (5.6.1).

4.11 climbing spurs: Sharp, pointed devices affixed to a climber's boot used to assist in climbing trees. (syn.: gaffs, hooks, spurs, spikes, climbers)

4.12 closure: The process of woundwood covering a cut or other tree injury.

- 4.13 crown: The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
- 4.14 decay: The degradation of woody tissue caused by microorganisms.
- 4.15 espalier: The combination of pruning, supporting, and training branches to orient a plant in one plane (5.7.2).
- 4.16 establishment: The point after planting when a tree's root system has grown sufficiently into the surrounding soil to support shoot growth and anchor the tree.
- 4.17 facility: A structure or equipment used to deliver or provide protection for the delivery of an essential service, such as electricity or communications.
- 4.18 final cut: A cut that completes the removal or reduction of a branch or stub.
- 4.19 frond: A leaf of a palm.
- 4.20 heading: 1. Cutting a currently growing, or a 1-year-old shoot, back to a bud.
2. Cutting an older branch or stem back to a stub in order to meet a defined structural objective.
3. Cutting an older branch or stem back to a lateral branch not large enough to assume apical dominance in order to meet a defined structural objective. Heading may or may not be an acceptable pruning practice, depending on the application.
- 4.21 hook-and-blade-type pruning tool: A pruning tool that has a sharp curved blade that overlaps a supporting hook; in contrast to an anvil-type pruning tool (4.1). (syn.: by-pass pruner)
- 4.22 interfering branches: Crossing, rubbing, or upright branches that have the potential to damage tree structure and/or health.
- 4.23 internodal cut: A cut located between lateral branches or buds.
- 4.24 lateral branch: A shoot or stem growing from a parent branch or stem.
- 4.25 leader: A dominant or co-dominant, upright stem.
- 4.26 limb: A large, prominent branch.
- 4.27 lion's tailing: The removal of an excessive number of inner, lateral branches from parent branches. Lion's tailing is not an acceptable pruning practice (5.5.7).
- 4.28 mechanical pruning: A utility pruning technique where large-scale power equipment is used to cut back branches (5.9.2.2).
- 4.29 parent branch or stem: A tree trunk, limb, or prominent branch from which shoots or stems grow.
- 4.30 peeling: For palms: The removal of only the dead frond bases at the point they make contact with the trunk without damaging living trunk tissue. (syn.: shaving)
- 4.31 petiole: A stalk of a leaf or frond.
- 4.32 phloem: Inner bark conducting tissues that transport organic substances, primarily carbohydrates, from leaves and stems to other parts of the plant.
- 4.33 pollarding: The maintenance of a tree by making internodal cuts to reduce the size of a young tree, followed by the annual removal of shoot growth at its point of origin (5.7.3).

4.34 pruning: The selective removal of plant parts to meet specific goals and objectives.

4.35 qualified line-clearance arborist: An individual who, through related training and on-the job experience, is familiar with the equipment and hazards in line clearance and has demonstrated the ability to perform the special techniques involved. This individual may or may not be currently employed by a line clearance contractor.

4.36 qualified line-clearance arborist trainee: An individual undergoing line-clearance training and who, in the course of such training, is familiar with the hazards and equipment involved in line clearance and has demonstrated ability in the performance of the special techniques involved. This individual shall be under the direct supervision of a qualified line-clearance arborist.

4.37 raising: Selective pruning to provide vertical clearance (5.6.3).

4.38 reduction: Selective pruning to decrease height and/or spread (5.6.4).

4.39 remote/rural areas: Locations associated with very little human activity, land improvement, or development.

4.40 restoration: Selective pruning to improve the structure, form, and appearance of trees that have been severely headed, vandalized, or damaged (5.7.4).

4.41 shall: As used in this standard, denotes a mandatory requirement.

4.42 should: As used in this standard, denotes an advisory recommendation.

4.43 stub: An undesirable short length of a branch remaining after a break or incorrect pruning cut is made.

4.44 thinning: Selective pruning to reduce density of live branches (5.6.2).

4.45 throwline: A small, lightweight line with a weighted end used to position a climber's rope in a tree.

4.46 topping: The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. Topping is not an acceptable pruning practice (5.5.7).

4.47 tracing: The removal of loose, damaged tissue from in and around the wound.

4.48 urban/residential areas: Locations, such as populated areas including public and private property, that are normally associated with human activity.

4.49 utility: An entity that delivers a public service, such as electricity or communications.

4.50 utility space: The physical area occupied by a utility's facilities and the additional space required to ensure its operation.

4.51 vista pruning: Selective pruning to allow a specific view (5.7.5).

4.52 watersprouts: New stems originating from epicormic buds. (syn.: epicormics shoots)

4.53 wound: An opening that is created when the bark of a live branch or stem is penetrated, cut, or removed.

4.54 woundwood: Partially differentiated tissue responsible for closing wounds. Woundwood develops from callus associated with wounds.

4.55 xylem: Wood tissue. Active xylem is sapwood; inactive xylem is heartwood.

4.56 young tree: A tree young in age or a newly transplanted tree.

5 Pruning practices

5.1 Tree inspection

5.1.1 An arborist or arborist trainee shall visually inspect each tree before beginning work.

5.1.2 If a condition is observed requiring attention beyond the original scope of the work, the condition should be reported to an immediate supervisor, the owner, or the person responsible for authorizing the work.

5.2 Tools and equipment

5.2.1 Equipment and work practices that damage living tissue and bark beyond the scope of the work should be avoided.

5.2.2 Climbing spurs shall not be used when climbing and pruning trees.

Exceptions:

- when limbs are more than throwline distance apart and there is no other means of climbing the tree;
- when the bark is thick enough to prevent damage to the cambium;
- in remote or rural utility rights-of-way.

5.3 Pruning cuts

5.3.1 Pruning tools used in making pruning cuts shall be sharp.

5.3.2 A pruning cut that removes a branch at its point of origin shall be made close to the trunk or parent limb, without cutting into the branch bark ridge or collar, or leaving a stub (see Figure 5.3.2).

5.3.3 A pruning cut that reduces the length of a branch or parent stem should bisect the angle between its branch bark ridge and an imaginary line perpendicular to the branch or stem (see Figure 5.3.3).

5.3.4 The final cut shall result in a flat surface with adjacent bark firmly attached.

5.3.5 When removing a dead branch, the final cut shall be made just outside the collar of living tissue.

5.3.6 Tree branches shall be removed in such a manner so as not to cause damage to other parts of the tree or to other plants or property. Branches too large to support with one hand shall be pre-cut to avoid splitting of the wood or tearing of the bark (see Figure 5.3.2). Where necessary, ropes or other equipment shall be used to lower large branches or portions of branches to the ground.

5.3.7 A final cut that removes a branch with a narrow angle of attachment should be made from the outside of the branch to prevent damage to the parent limb (see Figure 5.3.7).

5.3.8 Severed limbs shall be removed from the crown upon completion of the pruning, at times when the tree would be left unattended, or at the end of the workday.

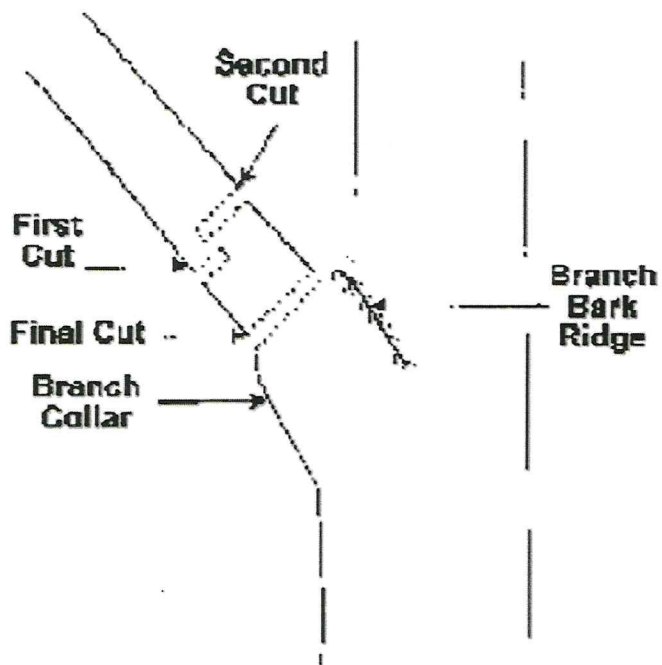


Figure 5.3.2. – A pruning cut that removes a branch at its point of origin shall be made close to the trunk or parent limb, without cutting into the branch bark ridge or collar, or leaving a stub. Branches too large to support with one hand shall be cut to avoid splitting of the wood or tearing of the bark.

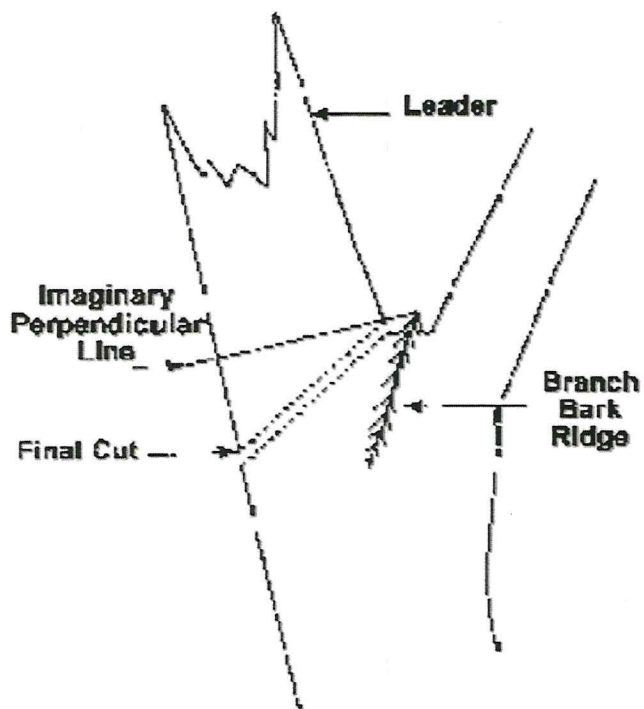


Figure 5.3.3. – A pruning cut that reduces the length of a branch or parent stem should bisect the angle between its branch bark ridge and an imaginary line perpendicular to the branch or stem.

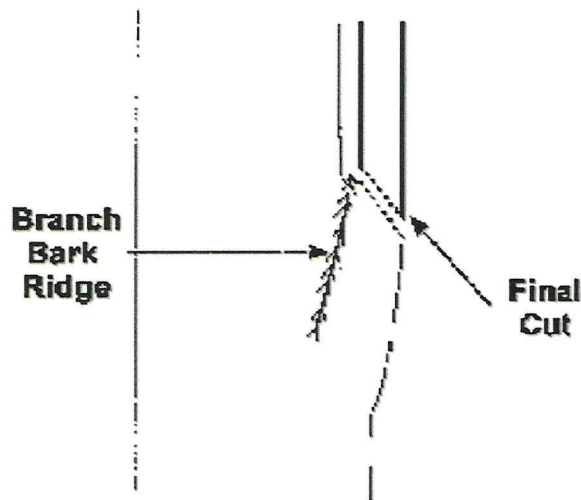


Figure 5.3.7. – A final cut that removes a branch with a narrow angle of attachment should be made from the outside of the branch to prevent damage to the parent limb.

5.4 Wound treatment

5.4.1 Wound treatments should not be used to cover wounds or pruning cuts, except when recommended for disease, insect, mistletoe, or sprout control, or for cosmetic reasons.

5.4.2 Wound treatments that are damaging to tree tissues shall not be used.

5.4.3 When tracing wounds, only loose, damaged tissue should be removed.

5.5 Pruning objectives

5.5.1 Pruning objectives shall be established prior to beginning any pruning operation. To obtain the defined objective, the growth cycles and structure of individual species and the type of pruning to be performed should be considered.

5.5.3 Not more than 25 percent of the foliage should be removed within an annual growing season. The percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health, and site.

5.5.4 Not more than 25 percent of the foliage of a branch or limb should be removed when it is cut back to a lateral. That lateral should be large enough to assume apical dominance.

5.5.5 Pruning cuts should be made in accordance with 5.3 Pruning cuts.

5.5.6 Heading should be considered an acceptable practice for shrub or specialty pruning when needed to reach a defined objective.

5.5.7 Topping and lion's tailing shall be considered unacceptable pruning practices for trees.

5.6 Pruning types. Specifications for pruning should consist of, but are not limited to, one or more of the following types:

5.6.1 Clean: Cleaning shall consist of selective pruning to remove one or more of the following parts: dead, diseased, and/or broken branches.

5.6.1.1 Location of parts to be removed shall be specified.

5.6.1.2 Size range of parts to be removed shall be specified.

5.6.2 Thin: Thinning shall consist of selective pruning to reduce density of live branches.

5.6.2.1 Thinning should result in an even distribution of branches on individual limbs and throughout the crown.

5.6.2.2 Not more than 25 percent of the crown should be removed within an annual growing season.

5.6.2.3 Location of parts to be removed shall be specified.

5.6.2.4 Percentage of foliage and size range of parts to be removed shall be specified.

5.6.3 Raise: Raising shall consist of selective pruning to provide vertical clearance.

5.6.3.1 Vertical clearance should be specified.

5.6.3.2 Location and size range of parts to be removed should be specified.

5.6.4 Reduce: Reduction shall consist of selective pruning to decrease height and/or spread.

5.6.4.1 Consideration shall be given to the ability of a species to tolerate this type of pruning.

5.6.4.2 Location of parts to be removed and clearance should be specified.

5.6.4.3 Size range of parts should be specified.

5.7 Specialty pruning: Consideration shall be given to the ability of a species to tolerate specialty pruning, using one or more pruning types (5.6).

5.7.1 Young trees

5.7.1.1 The reasons for young tree pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need.

5.7.1.2 Young trees that will not tolerate repetitive pruning and have the potential to outgrow their space should be considered for relocation or removal.

5.7.1.3 At planting

5.7.1.3.1 Pruning should be limited to cleaning (5.6.1).

5.7.1.3.2 Branches should be retained on the lower trunk.

5.7.1.4 Once established

5.7.1.4.1 Cleaning should be performed (5.6.1).

5.7.1.4.2 Rubbing and poorly attached branches should be removed.

5.7.1.4.3 A central leader or leader(s) as appropriate should be developed.

5.7.1.4.4 A strong, properly spaced scaffold branch structure should be selected and maintained.

5.7.1.4.5 Interfering branches should be reduced or removed.

5.7.2 Espalier

5.7.2.1 Branches that extend outside the desired plane of growth shall be pruned or tied back.

5.7.2.2 Ties should be replaced as needed to prevent girdling the branches at the attachment site.

5.7.3 Pollarding

5.7.3.1 Consideration shall be given to the ability of the individual tree to respond to pollarding.

5.7.3.2 Management plans shall be made prior to the start of the pollarding process for routine removal of watersprouts.

5.7.3.3 Internodal cuts shall be made at specific locations to start the pollarding process. After the initial cuts are made, no additional internodal cut shall be made.

5.7.3.4 Watersprouts growing from the cut ends of branches (knuckles) should be removed annually during the dormant season.

5.7.4 Restoration

5.7.4.1 Restoration shall consist of selective pruning to improve the structure, form, and appearance of trees that have been severely headed, vandalized, or damaged.

5.7.4.2 Location in tree, size range of parts, and percentage of watersprouts to be removed should be specified.

5.7.5 Vista pruning

5.7.5.1 Vista pruning shall consist of selective pruning to allow a specific view.

5.7.5.2 Size range of parts, location in tree, and percentage of foliage to be removed should be specified.

5.8 Palm pruning

5.8.1 Palm pruning should be performed when fronds, fruit, or loose petioles may create a dangerous condition.

5.8.2 Live healthy fronds, initiating at an angle of 45 degrees or greater from horizontal, with frond tips at or below horizontal, should not be removed.

5.8.3 Fronds removed should be severed close to the petiole base without damaging living trunk tissue.

5.8.4 Palm peeling (shaving) should consist of the removal of only the dead frond bases at the point they make contact with the trunk without damaging living trunk tissue.

5.9 Utility pruning

5.9.1 General

5.9.1.1 The purpose of utility pruning is to prevent the loss of service, comply with mandated clearance laws, prevent damage to equipment, avoid access impairment, and uphold the intended usage of the facility/utility space.

5.9.1.2 Only a qualified line clearance arborist or line clearance arborist trainee shall be assigned to line clearance work in accordance with ANSI Z133.1, 29 CFR 1910.331 -- 335, 29 CFR 1910.268 or 29 CFR 1910.269.

5.9.1.3 Utility pruning operations are exempt from requirements in 5.1 Tree Inspection: 5.1.1 An arborist or arborist trainee shall visually inspect each tree before beginning work. 5.1.2 If a condition is observed requiring attention beyond the original scope of the work, the condition should be reported to an immediate supervisor, the owner, or the person responsible for authorizing the work.

5.9.1.4 Safety inspections of the work area are required as outlined in ANSI Z133.1 4.1.3, job briefing.

5.9.2 Utility crown reduction pruning

5.9.2.1 Urban/residential environment

5.9.2.1.1 Pruning cuts should be made in accordance with 5.3, Pruning cuts. The following requirements and recommendations of 5.9.2.1.1 are repeated from 5.3

Pruning cuts.

5.9.2.1.1.1 A pruning cut that removes a branch at its point of origin shall be made close to the trunk or parent limb, without cutting into the branch bark ridge or collar, or leaving a stub (see Figure 5.3.2).

5.9.2.1.1.2 A pruning cut that reduces the length of a branch or parent stem should bisect the angle between its branch bark ridge and an imaginary line perpendicular to the branch or stem (see Figure 5.3.3).

5.9.2.1.1.3 The final cut shall result in a flat surface with adjacent bark firmly attached.

5.9.2.1.1.4 When removing a dead branch, the final cut shall be made just outside the collar of living tissue.

5.9.2.1.1.5 Tree branches shall be removed in such a manner so as not to cause damage to other parts of the tree or to other plants or property. Branches too large to support with one hand shall be precut to avoid splitting of the wood or tearing of the bark (see Figure 5.3.2). Where necessary, ropes or other equipment shall be used to lower large branches or portions of branches to the ground.

5.9.2.1.1.6 A final cut that removes a branch with a narrow angle of attachment should be made from the bottom of the branch to prevent damage to the parent limb (see Figure 5.3.7).

5.9.2.1.2 A minimum number of pruning cuts should be made to accomplish the purpose of facility/utility pruning. The natural structure of the tree should be considered.

5.9.2.1.3 Trees directly under and growing into facility/utility spaces should be removed or pruned. Such pruning should be done by removing entire branches or by removing branches that have laterals growing into (or once pruned, will grow into) the facility/utility space.

5.9.2.1.4 Trees growing next to, and into or toward facility/utility spaces should be pruned by reducing branches to laterals (5.3.3) to direct growth away from the utility space or by removing entire branches. Branches that, when cut, will produce watersprouts that would grow into facilities and/or utility space should be removed.

5.9.2.1.5 Branches should be cut to laterals or the parent branch and not at a pre-established clearing limit. If clearance limits are established, pruning cuts should be made at laterals or parent branches outside the specified clearance zone.

5.9.2.2 Rural/remote locations – mechanical pruning cuts should be made close to the main stem, outside of the branch bark ridge and branch collar. Precautions should be taken to avoid stripping or tearing of bark or excessive wounding.

5.9.3 Emergency service restoration: During a utility-declared emergency, service must be restored as quickly as possible in accordance with ANSI Z133.1, 29 CFR 1910.331 – 335, 29 CFR 1910.268, or 29 CFR 1910.269. At such times it may be necessary, because of safety and the urgency of service restoration, to deviate from the use of proper pruning techniques as defined in this standard. Following the emergency, corrective pruning should be done as necessary.”

Section 2: Local law No.: 4 of 1991, as amended, remains in full force and effect except as hereinabove amended.

Section 3: This local law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State