

VILLAGE OF ALLEGANY LOCAL LAW NO.2-1999

A LOCAL LAW TO AMEND CERTAIN PARTS OF SECTION 6 OF ARTICLE II OF THE VILLAGE OF ALLEGANY GENERAL MUNICIPAL LAW

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF ALLEGANY, NEW YORK AS FOLLOWS:

The following Section of Article II of the Village of Allegany Municipal Law is hereby amended to read as follows:

SECTION 6. TREES, SHRUBS AND GRASS

a) PERMIT TO PLANT TREES OR SHRUBS

No trees or shrubbery shall be planted by landowners or occupants, nor any tree removed, between the street right-of-way line and curb line within the Village of Allegany without receiving a permit in writing from the Village Board of the Village of Allegany.

The permit, if granted, may specify such reasonable terms and conditions to be required for the proposed action as may be determined by the Village Board.

Any person aggrieved by the action of the Village Board on application for a permit may apply to the Village Board, within fifteen (15) days of the issuance of such permit or its denial, for a hearing which shall be held not less than two (2) nor more than four (4) weeks from the date of the request of the hearing. Notice of the public hearing shall be given to the applicant by regular first-class U.S. mail and shall be published once in the Olean Times Herald by the Village Clerk, at least ten (10) days before the scheduled public hearing.

At the time of the hearing the Village Board shall hear all persons wishing to be heard on the application. In its decision on the application for a permit, the Village Board may take into account and consider the effects of the proposed action on the environment, the neighboring properties and the safety, health, and welfare of the residents of the Village of Allegany.

b) PROPERTY OWNERS REQUIRED TO CLEAN OUT DEAD LIMBS, TRIM TREES AND CUT GRASS AND WEEDS.

All persons owning property in the Village abutting any street within the Village and upon which there are trees along such street shall clean out the dead limbs and otherwise trim such trees so that the same will not become dangerous to, obstruct or interfere with public travel or pedestrians.

All owners of property in the Village are hereby required to trim the trees in front of such property whose branches overhang the sidewalk, to a height of ten (10) feet and to keep such trees so trimmed. In the event that any tree or shrub or grass upon property within the Village shall interfere with or obscure the vision of a person using a street or roadway or otherwise obscure any traffic control device, so that a clear sight distance of 250 feet is not available, such tree, shrub, or grass shall be trimmed so as to provide such clear sight distance.

No person shall injure, mutilate or deface any tree in a public street or upon public land.

All owners of property in the Village are hereby required to keep all grass and weeds cut to a height not exceeding eight (8) inches.

c) NOTICE TO TRIM TREES

All persons required by notice from the Code Enforcement Officer to trim trees, as required under this local law, must do so within ten (10) days after receiving such notice, unless an extension, for good cause shown, is granted by the Tree Board.

d) PERMIT FOR TRIMMING TREES BY UTILITIES REQUIRED.

Unless acting under a contract with the Village of Allegany, or unless there is a bona fide emergency, no trees shall be trimmed by any utility company without such utility company having obtained a permit from the Village Board of the Village of Allegany. Utility companies desiring to obtain such permit may make application to the Village Board and which application shall contain the plan for the trimming and/or topping of trees. The permit shall be for a term of one (1) year and may contain such reasonable conditions pertaining to the health and welfare of the citizens of the Village of Allegany as may be deemed appropriate under the circumstances. The Village Board shall act upon each permit application within sixty (60) days of its receipt.

e) TREE BOARD ESTABLISHED.

The Mayor, with the approval of the Village of Allegany Board of Trustees, shall appoint a Tree Board consisting of three (3) persons, one (1) of whom shall be a sitting member of the Village Board of Trustees of the Village of Allegany, and two (2) of whom shall be residents of the Village of Allegany. The Mayor of the Village of Allegany shall be an ex officio member of the Tree Board. The Village of Allegany Board of Trustees member shall be appointed by the Mayor and his or her appointment shall be for two (2) years. The term of one (1) resident member shall be for three (3) years and the term for the other resident member of the first board shall be for two (2) years. All terms shall expire on March 31 of each year. In the event a vacancy shall occur during the term of any member, the Village Board of Trustees shall appoint his or her successor for the unexpired portion of that person's term.

The members of the Tree Board shall serve without compensation.

It shall be the responsibility of the Tree Board to administer this local law and to recommend to the Village Board and/or to the Code Enforcement Officer, as the case may be, such proceedings, acts or actions as will support the Village of Allegany Tree Program. It shall be the responsibility of the board to study, investigate, counsel, update 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 by annual report to the Village Board of Trustees of the Village of Allegany. The Tree Board, when requested by the Village Board of Trustees, shall consider, investigate, making findings, report and recommend upon any special matter or question coming within the scope of its work.

f) VIOLATION

Failure to comply with the requirements of this local law by such property owner shall constitute a violation of this local law and be punishable by a fine not exceeding \$250.00, and in addition thereto, the Village shall have the right to trim such trees, shrubs, or grass to assure compliance with this local law, and all costs in connection there with shall be a charge against the owner of said property, and levied against such property in the same manner as taxes.

In addition to the penalty and punishment prescribed by this local law, the Village Board of Trustees may also maintain an action or proceeding in the name of the Village of Allegany in a court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this local law or to seek damages for its violation.

The Code Enforcement Officer of the Village of Allegany will have authority to enforce the provisions of this local law as may be required.

EFFECTIVE DATE

This local law shall take effect in accordance with the provisions of Section 27 of the Municipal Home Rule Law, upon filing in the Office of the Secretary of State of the State of New York.