

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(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 _____ of Lyndonville, New York
Town _____
Village _____

Local Law No. 1 of the year 2000

A local law Amending Article VIII of Chapter 240 of the Code of the Village of Lyndonville
(Insert Title)

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

County _____
City of Lyndonville, New York as follows:
Town _____
Village _____

Local Law No. 1 of The Year 2000

A Local Law Amending Article VIII of Chapter 240 of the Code of the Village of Lyndonville.

Section 1. Article VIII of Chapter 240 of the Code of the Village of Lyndonville is hereby changed and amended so as to provide as follows:

240-20. Definitions

STREET TREES – “Street Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all public street, avenues, or ways or right-of-ways within the Village.

240-21. Spacing/Species

- A. The Superintendent of Public Works shall prescribe a form to be used in making application to him for the planting of such “street trees”, which form shall require the applicant to disclose the type of species intended to be planted and exact

location of the intended planting and such other information as he shall deem necessary on considering said application.

- B. The spacing/species of “street trees” will be in accordance with the guidelines provided by the NYS Department of Environmental Conservation and Cornell University.
- C. No nuisance trees such as willow, silver maple, Catalpa, horse chestnut, poplar and such other species as determined by Village Board resolution, shall be planted as “street trees” in the Village of Lyndonville.

240-22. Distance from curb and sidewalk

The distance trees may be planted from curbs and curblines and sidewalks will be in accordance with the species size listed in the specifications.

240-23. Distance from street corners and fireplugs

Without prior approval of the Village Planning Board/Department of Public Works, no “street tree” shall be planted closer than (35) feet of any street corner, measured from the point of the nearest intersecting curbs or curblines. No “street tree” shall be planted closer than 10 feet of any fireplug.

240-24. Utilities

No “street trees” may be planted without prior approval of the Village Planning Board/Department of Public Works, under or within 10 lateral feet of any overhead utility wire, or over or within three lateral feet (small or medium) five lateral feet (large) of any underground waterline, sewer line, transmission line or other utility. Department of Public Works will have to locate Village utility lines.

240-25. Public tree care

- A. The Village shall have the right to plan, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares or public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Village 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, electric power lines, gas lines, waterlines or other public improvements; or is affected with an injurious fungus, insect or other pest.
- B. Attaching notices and signs. No person shall attach any wire, fixture, notice, poster or sign on any “street tree” or do any planting, spraying, trimming, removal

or repair on any such tree without prior approval from the Superintendent of Public Works.

240-26. Tree Topping

It shall be unlawful as a moral practice for any person, firm or Village department to top any "street tree", or other trees on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storm or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical be exempted from this section at the determination of the Village.

240-27. Healthy "street trees"

In order to protect the Village'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 Village.

240-28. Interference with authority of tree program

It shall be unlawful for any person to prevent, delay or interfere with agents of the Village tree program while they are engaged in and about planting, cultivating, mulching, pruning, spraying or removing any "street trees" as authorized in this article.

240-29. Penalties for Offenses

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.

Section 2. All local laws or regulations, or parts or portions thereof that conflict or are contrary to any provision of this local law are hereby repealed.

Section 3. The sections of Chapter 240 contained in Articles subsequent to Article VIII as amended herein are hereby renumbered sequentially.

Section 4. This Local Law shall take effect immediately upon filing with the Department of State.

(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 2000 of the ~~(County) (City) (Town)~~ (Village) of Lyndonville, New York was duly passed by the Board of Trustees on April 10 20 00, in accordance with
(Name of Legislative Body)
the applicable provisions of law.

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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)
(Name of Legislative Body)
(not disapproved) (repassed after disapproval) by the _____ and was deemed
(Elective Chief Executive Officer*)
duly adopted on _____ 19____, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)
(Name of Legislative Body)
(not disapproved) (repassed after disapproval) by the _____
(Elective Chief Executive Officer*)
on _____ 19____. 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 _____ 19____, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was
(Name of Legislative Body)
(approved) (not disapproved) (repassed after disapproval) by the _____
(Elective Chief Executive Officer*)
on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Julia R. Miller

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

(Seal)

Date: 4/12-2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

William Huber
Signature

Village Attorney
Title

County
City of Lyndonville
Town
Village

Date: 4/11/00



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

April 25, 2000

DAVID C. SCHUBEL
VILLAGE OF LYNDONVILLE
2 SOUTH MAIN ST., POB 270
LYNDONVILLE, NY 14098

RE: Village of Lyndonville, Local Law 1, 2000, filed 04/19/2000

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Janice G. Durfee". The signature is written in a cursive style.

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml