

equalization rate, or in the case of a special assessing unit, the latest class ratio for the Village of Port Dickinson.

- B. In addition to the exemption provided by paragraph (a) of the subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property, provided, however, that such exemption shall not exceed the lesser of six thousand dollars or the product of six thousand dollars multiplied by the latest state equalization rate or in the case of a special assessing unit, the latest class ratio for the Village of Port Dickinson.
- C. In addition to the exemptions provided by paragraphs (a) and (b) of this subdivision, where the veteran received a compensation rating from the United States Veteran's Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability rating, provided, however, that such exemption shall not exceed the lesser of thirty thousand dollars or the product of thirty thousand dollars multiplied by the latest state equalization rate or in the case of a special assessing unit, the latest class ratio for the Village of Port Dickinson.

<sup>1</sup>Editor's Note: For current provisions regarding village authorization to impose taxes on utilities, see § 5-530 of the Village Law of the State of New York.

## CHAPTER 57

### STANDARDS FOR THE PLANTING, MAINTENANCE AND REMOVAL OF TREES ALONG STREETS AND PUBLIC AREAS

- § 57-1. Purpose.
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- § 57-8. Public Tree Care.
- § 57-9. Tree Topping.
- § 57-10. Pruning; Clearance.
- § 57-11. Dead or Diseased Street Tree Removal.
- § 57-12. Penalty.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson November 13,2001 as Local Law 16-2001.]

§ 57-1. Purpose.?

The purpose of this local law is to enhance the safety, health and welfare of the people of the Village of Port Dickinson by establishing standards for tree planting, maintenance and removal in the area between the public sidewalk and highway curb.

§ 57-2. Definitions.?

BOARD OF TRUSTEES — The duly elected Mayor and Trustees of the Village of Port Dickinson.

PROGRAM TREES — Trees planted by the Village as part of an official improvement or renovation project or program.

PUBLIC TREES — Trees, shrubs, bushes and all other woody vegetation on lands belonging to the Village other than street lawns.

STREET TREES — Trees, shrubs, bushes and all other woody vegetation on land lying between the curb line and the sidewalks on either side of the streets within the Village.

VILLAGE — The Village of Port Dickinson, Broome County, New York.

§ 57-3. Street Tree Species to be Planted.

The following list constitutes the initial official Street Tree species for the Village of Port Dickinson. The tree list may be updated by the Board of Trustees in compliance with responsible urban forestry. No species other than those included in the Street Tree list may be planted by property owners as Street Trees without written permission of the Board of Trustees:

INITIAL STREET TREE LIST

Small Trees:

*Carpinus caroliniana* - “American Hornbeam”

*Koelreuteria paniculata* - “Goldenrain Tree”

*Malus* (sp.) - “Flowering Crabapple”

*Syringa reticulata* - “Japanese Tree Lilac”

Medium Trees:

*Gleditsia triacanthos* - “Honeylocust” (thornless)

*Prunus serrulata* - “Kwanzan Oriental Cherry”

*Pyrus calleryana* - “Callery Pear”

§ 57-4. Spacing.

The spacing of Street Trees will be in accordance with the tree species size classes listed in Section 57-3, and no trees may be planted closer together than the following: Small Trees, 25 feet; and Medium Trees, 35 feet; except in special planting approved by the Board of Trustees.

§ 57-5. Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines, and sidewalks will be in accordance with the tree species size classes listed in Section 57-3 and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 1 and one-half (1.5) feet; and Medium Trees, 3 feet.

§ 57-6. Distance from Street Corners, Driveways, Fire Hydrants, Stop Signs or Traffic Markers, Utility Poles, Street Lights, Underground Utility Lines.

No Street Tree shall be planted closer than: 30 feet from any street corner, measured from the point of nearest intersecting curbs or curblines; 10 feet from any driveway; 10 feet from any fire hydrant; 20 feet from any stop sign or traffic marker; 10 feet from a utility pole; 20 feet from a street light; and five feet from any underground utility line, except in exceptional circumstances, with the written permission of the Board of Trustees.

§ 57-7. Overhead Primary Electric Power Lines.

No Street Trees, other than those species listed as Small Trees in Section 57-3, may be planted under or within 10 lateral feet of any overhead primary electric power line.

§ 57-8. Public Tree Care.

The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and other public grounds, as may be necessary to insure public safety, or to preserve or enhance the symmetry and beauty of such public grounds. The Board of Trustees 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 utility lines or other public improvements. This section does not prohibit the planting of Street Trees by adjacent property owners provided that the selection and location of said trees is in accordance with Sections 57-3 through 57-7.

§ 57-9. Tree Topping.

It shall be unlawful, as a normal practice, for any person or firm to “top” any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged or certain trees under obstructions where other pruning practices are impractical may be exempted from this limitation by the Board of Trustees.

§ 57-10. Pruning; Clearance.

Every owner of any tree on private property overhanging any street or right-of-way or sidewalk within the Village shall prune the branches so that they do not obstruct the light from any street lamp or obstruct the view of any street intersection or obstruct persons using public sidewalk and so that there shall be a clear space of seven feet (7') above the surface of the street or sidewalk. Property owners shall remove all dead, diseased or dangerous trees on private property or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light from a street light or interferes with visibility of any traffic control device or obstructs the view of any intersection.

§ 57-11. Dead or Diseased Street Tree Removal.

On the recommendation of the Commissioner of Public Works, the Village shall have the right to cause the removal of any dead or diseased Street Trees within the Village, when such trees constitute a hazard to life and property or have caused the upheaval of public sidewalks. All stumps of Street 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.

§ 57-12. Penalty.

Any person violating any provisions of this Local Law shall be, on conviction or a plea of guilty, subject to a fine not to exceed \$200.00.