

LOCAL LAW OF THE TOWN OF LAKE GEORGE

FOR THE YEAR 2021

No. 2-2021 (Resolution 75-2021)

A LOCAL LAW

To amend the municipal code of the Town of Lake George, in relation to the Town Code, *Be it enacted by the Town Board of the Town of Lake George as follows:*

Section 1. Chapter 160 of the Municipal code of the Town of Lake George is created, to read as follows:

Chapter 160: Tree Care

§160-1. Legislative Intent

The Town Board of the Town of Lake George has determined that it is in the interest of the citizens of the Town of Lake George to promote and protect their health, safety and welfare to adopt a tree care ordinance. The Town Board recognizes the role that trees play in the Town ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes and conserve energy, and the Board further recognizes the role trees play in enhancing property values and the general quality of life in the Town. In order to establish a responsible program for planting, maintenance, husbandry, or removal of publicly owned trees or shrubs in the Town, the Town Board finds it necessary to establish and to adopt this Local Law to provide an orderly framework to maximize the benefits afforded by trees within the Town.

§160-2. Definitions

Public trees - Any trees, shrubs, bushes and all woody vegetation on land lying within a public street or right-of-way within the Town.

Park Trees - Any trees, shrubs, bushes and all woody vegetation on land lying within public parks having names and in all areas owned by the Town and to which the public has access.

§160-3. Go Green Committee to Act as Tree Board

The Town Board has delegated the joint Town-Village Go Green Committee to provide for oversight and implementation of this law, in conjunction with the oversight, implementation and enforcement by necessary Town staff. The Go Green Committee shall at a minimum have at least one elected official and two staff members from the Town of Lake George at all times. The Go Green Committee shall assist with any urban and community forestry planning efforts, including but not limited to, inventorying all public trees within the Town, studying, investigating, and from time to time updating a plan for the condition of all such public trees. The Go Green Committee shall periodically counsel the Town Board on how best to manage the public trees and should, at their discretion, prepare and update a written plan for the public

safety, care, preservation, pruning, planting, replanting, removal or disposition of trees within the Town of Lake George easements, streets, and Town parks. This plan shall also include a provision for public education.

§160-4. Care of Public Trees

- A. The Town Board of the Town of Lake George, and all authorized Town employees shall have the right to plant, prune, maintain and remove trees and woody plants within the limits of all Town streets, sidewalks, rights of-way, or parks. The Board and authorized staff, in appropriate cases, and upon consultation and with the property owner, may remove or prune a tree which stands upon private property but which threaten the safety or welfare of those who may use a Town street, sidewalk or park.
- B. The Go Green Committee may recommend the removal of any tree or part thereof within the limits of any street, sidewalk or public park which threatens the safety or welfare of any person or by which by reason of its location or nature threatens any electric line, telephone line, gas line or any municipal water or sewer line or any public improvement, or which is affected by any injurious fungus, insect or other pest or disease. When a public tree dies, the Town staff and/or Go Green Committee shall determine the reason(s) why. Consideration for replacement of removed trees should always be given.
- C. Immediately after a storm event, if a tree or branches from a public tree are hindering or impacting a landowner, they may remove the branch or tree with notification and approval from the Town of Lake George.
- D. Native species are required to be used for public trees and landscaping.

§160-5. Approval for Action within the Town

No person shall remove, destroy, or cause the removal or destruction of a tree on any Town street or in any Town park, or undertake construction or any activity which may significantly and prematurely detract from the health or growth of a tree without first having obtained written permission for such removal or construction at the Town Planning and Zoning Office, and supported by the Town Highway Department. All applications must be approved by the Go Green Committee, the Town Board, and all approvals shall be in conformance with a Tree Master Plan, if one exists.

§160-6. Violations

Any violation of this Local Law shall constitute a violation within the meaning of the Penal Law of the State of New York, and an appearance ticket alleging such violation may be issued by any code enforcement officer having jurisdiction.

§160-7. Review by the Town Board

The Town Board shall have the right to review the conduct, acts, and decisions of the Go Green Committee and of its individual members, in regard to oversight and implementation of this ordinance. The Town Board shall, in conjunction with the Village Board of the Village of Lake George, suggest new, replacement or alternative Go Green Committee members when necessary.

Any person who is aggrieved by any decision of the Go Green Committee may appeal the decision within ten (10) days of the filing of a formal decision by the Go Green Committee with the office of the Town Clerk. The appeal shall be heard by the Town Board within thirty (30) days of the filing of the appeal in the office of the Town Clerk. The Town Board shall make and file its decisions with the Town Clerk within five (5) days of its hearing.

§160-8. Severability and Effective Date

Should any section of this Local Law be found to be unconstitutional, that finding shall in no way affect the other sections of this Local Law, which shall remain in effect. This Local Law shall become effective upon its adoption by the Town Board and its filing in the office of the NYS Secretary of State.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. Effective Date.

This local law shall take effect once filed with the office of the New York State Secretary of State.