

VILLAGE OF ASHAROKEN

LOCAL LAW NO. # 3-2021

**A LOCAL LAW AMENDING CHAPTER 112 OF THE CODE
OF THE VILLAGE OF ASHAROKEN ENTITLED "TREES"**

BE IT ENACTED by the Board of Trustees of the Village of Asharoken as follows:

Section One. Legislative Intent.

The Board of Trustees finds that it serves the public health, safety and general welfare of the Village of Asharoken and that it is in the best interests of the Village of Asharoken to amend Chapter 112 of the Code of the Village of Asharoken entitled "Trees" to further regulate the removal of trees.

Section Two. Amendment to Section 112-2

Section 112-2 is hereby amended to provide as follows:

§ 112-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

REMOVAL - Includes but is not limited to: cutting or knocking or dragging down; physically removing; poisoning; ringing the tree; excessive peeling of bark; damaging, compacting or overburdening the roots; using herbicides or fire or cutting in a manner so as to bring about the ultimate death of a tree.

SUBSTANTIALLY ALTER - Any cutting or pruning in excess of the normal cutting or pruning necessary to preserve the health of the tree and/or to maintain its ornamental quality.

STEEP SLOPE - Any slope of 15% or greater.

TREE - A living woody perennial plant that is either deciduous or evergreen, regardless of its condition or health.

Section Three. Amendment to Section 112-4

Section 112-4 is hereby amended to provide as follows:

§ 112-4. Exceptions.

Notwithstanding § 112-3, above, no such permit shall be required for:

A. Normal trimming and cutting of trees by a utility company to maintain utility lines or cables.

B. Removing a tree which presents an imminent peril to life or property. In such instance, the owner and/or his agent must provide evidence that an imminent danger exists in the form of either photographs evidencing the potential damage or a police report. Such removal may be authorized by the Mayor, the Deputy Mayor, the Building Inspector or any police officer employed by the Village of Asharoken.

C. Removing a tree that presents a danger to a public street, a public place or a public utility or to public property. Such removal may be authorized by the Mayor, the Deputy Mayor, the Building Inspector ~~or by~~ any police officer employed by the Village of Asharoken.

~~D. Establishment of a tree-free area immediately adjacent to a structure, which area shall include all points within 15 feet of the perimeter of said structure.~~

~~E. Maintaining the usefulness of a cesspool.~~

Section Four. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Material underlined is added; material ~~strikethrough~~ is deleted.