

Chapter 296 – Streets and Sidewalks

Village of Mamaroneck, NY

Thursday, January 5, 2012

§ 296-11. Trees.

- A. The planting of trees on village streets or public grounds or other village property by private individuals is hereby prohibited.
- B. Property owners and other persons are hereby prohibited from planting within a distance of 20 feet from a public street or sidewalk silver maples and allied species, ailanthus and poplars of any variety.
- C. The attaching of signs and/or posters to village trees is hereby prohibited.
- D. No person or persons shall, in any manner, injure or destroy village trees by chopping into said trees, scarring the trunks, driving nails into the trunks or limbs, building fires near the trunks or under the branches or pouring or depositing oil, gasoline, tar, creosote, salt or other injurious substances on the soil near such trees.
- E. No person or persons shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated trees on village streets or public grounds within the village, except after having obtained written consent from the Park Commission of the Village of Mamaroneck.
- F. Any person or persons, firms or corporations engaged by any private individual to treat trees on village streets or on other public places within the village shall, before proceeding with the treatment of said tree or trees, deposit with the Village Clerk a sum of money equal to the cost of such treatment as a guaranty that such treatment will be properly made. Upon examination and inspection of said trees by the Park Commission after such treatment, if it shall appear that the work was properly done, said sum of money shall be returned.
- G. Any person or persons, including public utility corporations and their agents, servants and employees, are prohibited from climbing village trees with the aid of spurs. Any wires of public service utilities passing among the branches of village trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunk or by eyebolts passing through the trunk.
- H. When necessary to remove tree limbs in the moving of buildings and/or to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain permission of the Village Park Commission before the issuance of a permit and the starting of such work. It shall not be necessary to secure permission for the usual periodical removal of small branches by utility companies to allow the free passage of wires, but any such work will be subject to inspection

by the Village Park Commission and, where such work is not proper, any expense incurred by the village in repairing the same will be charged to the public utility or to any person or persons responsible for the damage.

[Amended 11-26-1963, effective 12-6-1963]

- I. It shall be lawful for the village to spray or take other means to control and prevent the spread of insects or disease where privately owned trees shall have become infected with such disease or infested with insects so as to endanger trees belonging to the village.
- J. This section shall not apply where the Board of Trustees of the Village of Mamaroneck shall deem it advisable to cause village trees to be removed during the course of the improvement of a village street or of other public grounds within the village.
- K. No tree, shrub or other plant located on any land at or near any corner or any curve on any street within the limits of the village shall be permitted by the owner or owners thereof to so obstruct or interfere with the view of drivers of vehicles as to create a traffic hazard at such corner or curve. The owner of any tree, shrub or other plant overhanging or otherwise adversely affecting any street or right-of-way within the village shall, at his own expense, prune any such tree, shrub or other plant so that it shall not obstruct the view of any street intersection or obstruct or hinder passage on any street or sidewalk and so that there shall be a clear space of eight feet above the surface of the street or the full width of the sidewalk, as the case may be. In addition, owners shall remove, at their own expense, all dead, diseased or dangerous trees, shrubs or other plants, broken or decayed limbs or branches which constitute a menace to the safety of the public.

[Amended 1-25-1988 by L.L. No. 2-1988, effective 2-1-1988]

- L. The Superintendent of Public Works of the village shall report any violation of Subsection K hereof to the Village Manager, and he may, by notice mailed to the owner or owners of such tree, shrub or other plant, order such owner or owners, on or before a date fixed in such notice, to cause such tree, shrub or other plant to be removed or so trimmed that it shall cease to be a violation and may direct the Superintendent of Public Works to cause the same to be removed or so trimmed unless the owner or owners thereof shall do so on or before such date.
- M. In case such owner or owners shall fail to cause such tree, shrub or other plant to be removed or so trimmed on or before such date, the Superintendent of Public Works shall cause the same to be removed or so trimmed.
- N. Any such owner or owners, including any individual, partnership or corporation owning such tree, shrub or other plant alone or in common with another or others, who shall fail to comply with an order made pursuant to Subsection L hereof or shall resist or obstruct the Superintendent of Public Works or any other person or persons acting under his direction in removing or trimming any tree, shrub or other plant pursuant to Subsection M hereof shall, upon conviction, be liable to such penalties as set forth in § 296-16.
- O. Dead trees.

[Added 7-15-1963, effective 7-30-1963]

- (1) It shall be unlawful for any owner of any lot or land in the Village of Mamaroneck to permit or maintain on any such lot or land any tree that is dead, diseased or which is so damaged as to be a public nuisance, unsightly and in danger of falling, thereby causing damage to persons or property of others.
- (2) It shall be the duty of the owner of any lot or land, at his own expense, to cut down and remove any tree upon his property which is dead, diseased or which is so damaged as to be a public nuisance, unsightly and in danger of falling, thereby causing damage to persons or property of others.

[Amended 1-25-1988 by L.L. No. 2-1988, effective 2-1-1988]

- (3) If the provisions of Subsection O(2) above are not complied with, the Village Clerk shall serve or cause to be served a written notice, by mail, upon the owner of any such lot or land, requiring the provisions thereof. If the person upon whom notice is served fails, neglects or refuses to cut down and remove any such dead or diseased tree within 30 days after service of such notice or damaged tree which is in danger of falling within five days after service of such notice or if no person can be found in the village who either is or claims to be the owner of such lot or land or either represents or claims to represent such owner, the Superintendent of Public Works or other duly appointed officer or employee of the village shall cause said dead, diseased or damaged tree which is in danger of falling to be taken down and removed by contracting with trained experts or by other adequate means, and the actual cost thereof, and any other additional cost in connection therewith, shall be paid by the owner of any such lot or land within 30 days after completion of such destruction and removal and, upon failure of such owner to pay such costs within 30 days, shall be certified by the Superintendent of Public Works or other duly appointed officer or employee of the village to the Assessor of the village and shall, thereupon, become and be a lien upon the lot or land on which such dead, diseased, damaged or unsafe tree is located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as taxes. The assessment of the cost of the work done by the village against the property involved shall be in addition to the penalties imposed herein for any violation of or noncompliance with any provision of this subsection or any rule, regulation, order or special direction duly made thereunder.