

PROPOSED LOCAL LAW \_\_ – 2019

A Local Law amending Chapter 318 of the Code of the Village of Mamaroneck (Trees) regarding the regulation of trees in the Village of Mamaroneck.

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:**

*(Language in strike-through ~~abcdeghijk~~ to be deleted; language in **bold** is to be added)*

*Section 1.*

Section 296-11 of the Code of the Village of Mamaroneck is repealed.

*Section 2.*

Chapter 318 of the Code of the Village of Mamaroneck (Trees) is amended to read as follows:

**Chapter 318 Trees**

**Article I Purpose and definitions**

**§ 318-1 Purpose.**

The Board of Trustees finds and determines that trees contribute to the character of a neighborhood and increase its property values. Healthy trees help stabilize soil and reduce the **risk** of soil erosion and of flooding in vulnerable zones. They temper noise, provide shade that mitigates heat, enhance privacy and provide wildlife habitat. Additionally, they provide oxygen and slow climate change by acting as a sink for carbon dioxide, and reduce other air pollution problems and their related respiratory effects. Mature trees give visual continuity to a neighborhood and make neighborhoods more welcoming in appearance. Trees can also lower heating and cooling costs.

The Board of Trustees further finds and determines that indiscriminate and uncontrolled destruction of trees, including clear cutting, causes greater municipal costs for proper drainage control, lowered value of neighboring property, barren and unsightly conditions, and adverse effects upon the health, safety, environment, ecosystems and general well-being of the residents of the Village.

The purpose of this chapter is to preserve trees and minimize damage to and removal of trees.

**§ 318-2. Definitions.**

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

**ANSI A300 STANDARDS**

The standards with respect to the care and treatment of trees developed by the American National Standards Institute and designated as ANSI A300, a copy of which is available for public review in the office of the Building Inspector.

**APPLICANT**

Any person who or entity which has submitted an application for a permit to remove a tree.

**CERTIFIED ARBORIST**

An arborist certified by the International Society of Arboriculture (ISA).

**CLEAR CUTTING**

The removal of 30 percent or more of the trees six inches or more in DBH from any property over any five-year period.

**CRITICAL ROOT ZONE (CRZ)**

The minimum area surrounding a tree that is considered essential to support the viability of the tree, equal to a radius of one foot per inch of trunk diameter (DBH).

**DANGEROUS TREE**

A dead or diseased tree which constitutes a hazard to life or property, including other trees, or harbors insects, fungus or diseases which constitute a potential threat to other trees by reason of death or disease.

**DBH (DIAMETER AT BREAST HEIGHT)**

The diameter or caliper of a tree measured at a point 4 1/2 feet above ground level at the base of the tree on the uphill side.

**DESTRUCTIVE PRUNING PRACTICES**

Pruning a tree or shrub in a manner that does not comply with ANSI **A300** Standards.

**DRIP LINE**

The roughly circular line defined by the points extended from the maximum spread of the limbs of a tree to the ground.

**EMERGENCY CONDITION**

A condition in which severe weather, storms, natural or non-natural causes severely affect the integrity of a tree, posing an immediate threat to life, property or the general public.

**GUY WIRE**

A tensioned cable designed to add stability to a free-standing structure.

**INJURE**

Any act that may cause a tree to die within a three-year period from the date of the act, including, but not limited to, chopping into the tree, scarring the trunk of the tree, driving nails into the trunk or limbs of the tree, stripping the tree of bark, engaging in destructive pruning practices, severing the tree's roots, removing or compacting soils or changing the grade within the critical root zone or the drip line, storing materials or equipment in the critical root zone or within the drip line, setting a fire in, on or near the trunk of the tree or under its branches, applying chemicals to the tree or the soil within the critical root zone or within the drip line or pouring or depositing oil, gasoline, tar, creosote, salt or other injurious substances on the soil within the critical root zone or within the drip line.

**LARGE TREE**

A tree that is likely to reach a height equal to or greater than 31 feet.

**Commented [RS1]:** This term is not used anywhere in the law.

**PERSON**

Any individual or entity and, in the case of an entity, any officer, employee or agent of the entity.

**PLANNING BOARD**

The Planning Board of the Village of Mamaroneck.

**PROTECTED TREE OR SHRUB**

Any of the following:

- A. A tree with a DBH of eight inches or more, regardless of location;
- B. A tree with a DBH of three inches or more located in a wetland or wetland adjacent area, as defined in § 192-2 of this Code.
- C. A tree with a DBH of three inches or more located on a steep slope.
- D. A tree designated as protected on a site development plan or tree preservation plan approved by the Planning Board;
- E. A significant tree or shrub.
- F. A tree with a DBH of three inches or more designated by the New York State Department of Environmental Conservation as a protected native plant for our region.

#### **PRUNE**

Cutting the leaves or branches of a tree or shrub in order to remove dead or diseased foliage or branches, control or direct growth, increase quality or yield of flowers or fruit or ensure the growth position of the main branches to enhance structural strength.

#### **ROOT FLARE**

The base of the trunk, usually at or near grade level, that swells out to buttress roots entering the soil.

**Commented [RS2]:** This term is not used anywhere in the law.

#### **SHRUB**

A low-growing evergreen or deciduous woody plant that is naturally smaller than a tree and produces multiple stems instead of a single trunk.

#### **SIGNIFICANT TREE OR SHRUB**

A tree or shrub designated by the Tree Committee as having historic or unique value because of its unique or noteworthy characteristics or intrinsic value, including, but not limited to, its species, age, location, historical significance, ecological value, or incomparable or irreplaceable aesthetic benefit to the community or environment, such as a "Champion" tree listed on an accredited tree registry, or shown to be of comparable size to a listed tree, a tree or shrub of a rare or endangered species on federal or state lists, or specimen tree or shrub exhibiting qualities such as noteworthy leaf color or shape, peeling bark, floral display, fruit, overall form or habit, unique wildlife habitat support, or rarity.

#### **SMALL TREE**

A tree that is likely to reach a height equal to or greater than 13 feet but less than 31 feet.

**Commented [RS3]:** This definition is not used anywhere in the law.

#### **STEEP SLOPE**

Any ground area where the grade changes by one or more feet of vertical rise for each four feet of horizontal distance.

#### **STREET TREE**

A tree located within the Village right-of-way.

#### **STUMP**

The part of a tree attached to the root that remains after the trunk is cut.

#### **SUBSTANTIALLY WOODED LOT**

A lot more than 4,000 square feet in area containing one tree for every 500 square feet in area.

#### **TREE**

A living deciduous or coniferous plant with an upright perennial trunk and a definitely formed

crown of foliage.

#### **TREE CANOPY**

The spread of leaves, branches and tree stems of a tree.

#### **TREE COMMITTEE**

The Tree Committee established by this chapter.

#### **TREE CONTRACTOR**

A person or entity in the business of removing trees for a fee.

#### **TREE PRESERVATION PLAN**

A plan of property approved by the Planning Board showing contours of the entire plot at intervals of not more than five feet and the location, species, DBH and condition of all trees six inches DBH or greater, identifying all trees to be removed and all trees to remain and detailing the methods and practices to be used to provide protection from injury during construction for all trees that will remain.

#### **TREE REMOVAL PERMIT**

A permit issued under this chapter authorizing a person to remove a tree or trees.

#### **TREE TOPPING**

The severe cutting back to stubs of limbs larger than three inches in diameter within the tree's crown, to such a degree so as to remove the normal tree canopy and disfigure the tree.

### **Article II Tree Committee**

#### **§ 318-3 Establishment of the Tree Committee.**

The Tree Committee created by Local Law 1 of 1988 is continued, as follows:

- A. Composition. The Tree Committee will be comprised of seven volunteer residents of the Village of Mamaroneck appointed by the Board of Trustees.
- B. Terms of office. Members of the Tree Committee will each serve for one three-year term and may be reappointed for a second consecutive three-year term. Each member may be appointed for additional terms following a one-year hiatus at the end of each six-year rotation.
- C. Chairperson and secretary. The Board of Trustees will designate a chairperson and the Tree Committee will select a secretary from among the members of the committee.
- D. Meetings. The Tree Committee will meet at such times as it deems appropriate to accomplish its purposes. All meetings will be convened and conducted in accordance with the requirements of the Open Meetings Law.

#### **§ 318-4 Duties and Responsibilities.**

The Tree Committee will

- (1) Follow, revise and update Village of Mamaroneck's Tree Management Plan as needed;
- (2) Make recommendations to the Board of Trustees regarding (a) the preservation and replenishing of trees, woods and landscaping in the Village so as to minimize undesirable environmental impacts and further beautify the Village in furtherance of the health, safety and welfare of present and future Village residents; (b) proposed shade tree planting, landscaping and other beautification projects to be performed by the

Village throughout its various rights-of-way and Village-owned properties; and (c) such other matters as it deems appropriate for the preservation and replenishment of trees throughout the Village;

- (3) Develop and recommend a policy for replanting and restoration agreements;
- (4) Review and document violation conditions;
- (5) Provide education for Village residents about tree preservation, tree risk assessment, appropriate tree choices for given site conditions and any other aspects of tree stewardship;
- (6) Advise Village boards, committees or departments on tree-related matters;
- (7) Review site development plans and environmental impact statements upon request by the Planning Board;
- (8) Consult with the Superintendent of Public Works regarding utility vegetation management and street tree issues; and
- (9) Develop, maintain and file with the Village Clerk/Treasurer a list of species of trees which the Tree Committee recommends as suitable for planting in the Village of Mamaroneck.

### **Article III Trees on public property**

#### **§ 318-5 Protecting trees on public property.**

- A. No person, including a person employed by or acting on behalf of a public utility, may
  - (1) Remove a tree on public property without the approval of the Village Engineer;
  - (2) Attach a sign or poster to a tree on public property;
  - (3) Injure or destroy any tree on public property;
  - (4) Prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated a tree on public property, except at the direction or with the approval of the Village Engineer and in accordance with ANSI A300 Standards;
  - (5) Climb a tree on public property with the aid of spurs;
  - (6) Pass any public service utility wire through the branches of a tree on public property without insulating the wire sufficiently to prevent damage to the tree;
  - (7) Attach a guy wire to a tree on public property in such a manner as to girdle or restrict the growth of the tree; or
  - (8) Attach a guy wire or cable to a tree on public property except by means of a lag hook screwed into the trunk or an eyebolt passing through the trunk.
- B. No person, including any person or entity engaged by any person to treat any tree on public property, may treat a tree on public property without the permission of the Village Engineer and without depositing with the Village Clerk/Treasurer a sum of money equal to the cost of the treatment as a guaranty that the treatment will be properly made. The Village Clerk/Treasurer will return the deposit when the Village Engineer determines, upon examining and inspecting the tree, that the treatment was properly done.
- C. Any person who removes a tree on public property or causes a tree on public property to be removed, must, within six months after doing so, remove the stump and all debris from the disturbed area, backfill all holes and leave the area graded and covered in a manner

acceptable to the Village Engineer.

D. The Village Manager may

- (1) cause trees on public property to be fertilized, pruned and sprayed;
- (2) cause trees on public property to be removed during the course of the improvement of a Village street or of other public grounds; and
- (3) take other measures the Village Manager deems necessary to control and prevent the spread of insects or disease to trees.

**§ 318-6 Planting trees on public property.**

No person may plant a tree on public property without the approval of the Village Engineer.

- A. All trees on public property must be planted in accordance with ANSI **A300** Standards and such other requirements as may be determined by the Village Engineer in consultation with the Tree Committee, except as may be modified by the Village Engineer where the particular circumstances of the planting so require.
- B. The Village Manager may accept monetary donations for the planting of native, non-invasive trees on the list of suggested street tree species established by the Tree Committee to be planted on municipal property or right of way, in accordance with the requirements of this section.

**ARTICLE IV Trees on Private Property**

**§ 318-7 Maintenance of trees on private property.**

- A. Every owner of private property on which any tree, shrub or other planting is located must, at the property owner's expense:
  - (1) prune the branches of any tree, shrub or other plant on the owner's property obstructing or overhanging any right-of-way within the Village so that the branches do not obstruct the clear space between the surface of the street or sidewalk and eight feet above the surface of the street or sidewalk, obstruct the light from any street lamp, obstruct the view of any street intersection or any traffic control device or interfere with utilities; and
  - (2) remove, when directed by the Building Inspector, any dangerous tree located on the owner's property.
- B. If the property owner fails to satisfy the property owner's responsibility under subsection A of this section, the Village Manager may:
  - (1) cause the tree, shrub or tree to be pruned, without notice to the property owner, at the property owner's expense; or
  - (2) direct the owner of the property to remove or prune the tree, shrub or other planting through the services of a certified arborist or trim the offending tree, shrub or other planting so that it complies with the requirements of this section.
- C. If the property owner fails to comply with the Village Manager's direction within 30 days after the date of service of notice, the Village Manager may cause the tree, shrub or other planting to be removed or trimmed or the dangerous tree to be removed and charge the cost of doing so to the property owner. If the property owner does not pay that cost within 30 days of the date on which notice of the cost is served on the property owner, the property owner must pay a penalty of five percent of the amount due. The property owner must pay a further penalty of

one percent of the amount due for each succeeding month or any portion of the month during which the charge is not paid. The Village Clerk/Treasurer will cause any charges and penalties under this section that remain unpaid for 60 days to be added to the Village tax bill for the property on the next succeeding tax roll. Unpaid charges and penalties are a lien on the real property so affected. The Village Clerk/Treasurer will cause any tree removal charges and penalties that remain unpaid for 60 days to be added to the Village tax bill for the property on the next succeeding tax roll. Unpaid tree removal charges and penalties are a lien on the real property so affected.

- D. Village right to enter private property. If it reasonably appears from public property that a dangerous tree exists on private property, the Building Inspector and anyone acting under the direction of the Building Inspector may enter upon private property to determine if the tree is a dangerous tree and to treat or remove the tree.
- E. Construction damage. Any tree damaged or removed without permission during construction or the development of any property must be replaced in kind. Where it is not possible to replace an existing tree in kind due to its size or maturity, the tree must be replaced by multiple trees collectively equal in size to the tree that was damaged. Minor tree damage must be repaired in accordance with ANSI **A300** Standards.
- G. The Board of Trustees may authorize the planting of a tree on private property at the expense of the Village upon obtaining the consent of the property owner and determining that the planting of the tree will serve the purposes and provide the benefits of trees identified in this chapter.

#### **§318-8 Removal of trees on private property.**

- A. Prohibitions. No person may, without a permit issued by the Building Inspector, either purposely or negligently,
  - (1) engage in clear-cutting; or
  - (2) engage in tree topping; or
  - (3) remove or injure any protected tree or shrub.
- B. Removal of trees in accordance with a permit issued by the Building Inspector. The Building Inspector may grant a permit to remove a tree, to the extent necessary, if:
  - (1) the tree is within a distance of 10 feet around the perimeter of a building or structure; or
  - (2) a certified arborist determines that the tree is dead or so substantially diseased that the tree constitutes a potential danger to life and property, or harbors insects or diseases which constitute a potential threat to other trees within the Village; or
  - (3) the tree is not a significant tree and its location causes practical difficulties in the use of the property.
- C. No permit is required for the removal of a tree or trees in accordance with a tree preservation plan approved by the Planning Board.
- D. No tree may be removed while an application for site development plan approval for the property on which the tree is located is pending before the Planning Board.
- E. Permit procedure.
  - (1) Application for permit. An application for a permit under this section must be made in writing on the form prescribed by the Building Inspector. If the tree is to be removed by

a contractor, the application must identify the contractor. The Building Inspector may not grant a permit under this section for the removal of a tree by any contractor who has previously been found to have violated the provisions of this law more than once in any three-year period.

- (2) **An application to remove more than two trees** on any property must be accompanied by a plan showing the types and sizes of the existing trees on the property, identifying the trees to be removed and specifying the reasons for their removal. The plan must also show the new tree or trees to be planted to replace the existing tree or trees that will be removed and specify their location and type. The plan must show existing and proposed contours at two-foot intervals at a scale no smaller than one inch equaling 50 feet. The Building Inspector may require additional information such as the design of walls, disposition and design of storm drainage and any other information pertinent to the individual circumstances.
- (3) **Fee.** The fee for the application will be as set forth in § A347-1 of this Code and must be paid at the time the application is submitted.
- (4) **Action on tree removal permit application.** The Building Inspector will either approve or deny the application within 60 days from the date of submission of a complete application, except that the Building Inspector may not grant an application made in connection with construction which requires a building permit until the building permit is issued.

F. Conditions. In granting a permit under this section:

- (1) the Building Inspector must require, as a condition of the tree removal permit, that:
  - (a) the applicant replace each tree that is removed with a native, non-invasive tree of a size determined in accordance with the following schedule:

DBH of tree removed (inches)	Replanting requirement
Under 10	No replanting necessary
10 to 24	One two-inch to 2 1/2 inch DBH tree
25 to 36	Two two-inch to 2 1/2 inch DBH trees
37 to 48	Three two-inch to 2 1/2 inch DBH trees
49 or greater	Four two-inch to 2 1/2 inch DBH trees

- (b) the property owner, or the applicant or contractor on the property owner's behalf, provide a performance bond satisfactory in form to the Village Attorney, in an amount sufficient to cover 90 percent of the cost of the planting and restoration work to be completed in accordance with the plans accompanying the application, and deposit the remaining 10 percent of the cost of restoration and replanting with the Village Clerk/Treasurer, to be deposited in a special tree preservation escrow account. The performance bond obtained by the permit holder must continue in full force and effect during any period for which permit is extended. When all planting and restoration work is completed to the satisfaction of the Building Inspector, the performance bond will be released upon being replaced by a maintenance bond, satisfactory in form to the Village Attorney, in the same amount to run for a term of two years. The Village Clerk/Treasurer will return the deposit when the maintenance bond is released. If planting and restoration work has not been substantially completed within six months

**Commented [RS4]:** This does not seem like much of a requirement.



of the date the permit is issued and no permit extension has been applied for or granted, the Building Inspector may consider the site abandoned, declare the performance bond in default and apply the escrow deposit and the proceeds of the bond to perform all required planting and restoration work.

(2) the Building Inspector may:

- (a) where a tree to be removed is so large and mature that it cannot be replaced with a tree with comparable DBH, permit the tree to be replaced with multiple trees having a DBH that, in the aggregate, is equal to the DBH of the tree to be removed;
- (b) where trees are to be removed on a substantially wooded lot, determine the replacement requirement on the basis of the aggregate DBH of the trees removed, so that the trees that are planted will, in the aggregate, have the same DBH as the trees to be removed; and
- (c) require, where extensive tree cutting is planned, that the applicant pay the cost of an inspector assigned by the Building Inspector to supervise the tree removal and ensure the protection of the existing trees.

- G. Notice to neighboring property owners. No person may remove a tree in accordance with a permit until 10 days have passed after the applicant has given notice of the issuance of the permit, in the manner prescribed by the Building Inspector, to the owners of all property within 250 feet of the property that is the subject of the application. Any person, firm, organization or corporation aggrieved by the determination of the Building Inspector may, within ten days after receiving the determination of the Building Inspector, appeal to the Board of Trustees. When an appeal is taken, the tree may not be removed and the determination of the Building Inspector may not be enforced until the Board of Trustees determines the appeal.
- H. All tree planting, tree dressing and associated restoration work must be substantially completed within six months from the date the permit is issued, unless the permit is extended by the Building Inspector, in his reasonable discretion. The Building Inspector may revoke any permit if the work is not proceeding according to permit.
- I. Any tree which fails to survive for a period of two calendar years following planting must be replaced by the person who planted it at his or her expense. The replacement must be completed within 60 days after the Building Inspector demands that the tree be replaced, or within an extended period of time reasonably satisfactory to the Building Inspector. If the person responsible to replace the tree does not do so within the time required, the Building Inspector may declare the maintenance bond in default and apply the escrow cash deposit and the proceeds of the bond to replace the required tree.
- J. Emergency Removals. If the Building Inspector determines that a tree is hazardous to life or property, the Building Inspector may grant a permit for the immediate removal of the tree without having to follow the procedures or requirements otherwise set forth in this section, but no tree 18 DBH or greater may be removed on the basis of disease without submitting to the Building Inspector a detailed report by a certified arborist justifying the removal. Removal of any tree, including a significant tree, is permitted by any person when there is an actual or ongoing emergency condition, the immediate removal of a tree is necessary for the protection and preservation of life or property and there is no time to wait for granting of a tree removal permit. Within three days of removal, documented evidence such as photographs, along with a completed tree removal application, shall be submitted to the Building Inspector setting forth the nature and extent of the immediate threat.
- K. Certificate of occupancy. If the permit is issued in connection with construction that requires

a building permit, the Building Inspector may not issue a certificate of occupancy until all tree planting and associated restoration work is completed to the satisfaction of the Building Inspector.

## **Article V - Enforcement**

§ 318-9 Enforcement; penalties for offense.

- A. The Building Inspector will enforce this chapter in the same manner as the Building Inspector enforces the Uniform Code under § 126-15.
- B. Any person violating any of the provision of this article is guilty of a violation and is subject to a fine of not less than \$250 or more than \$1,000 for the removal of one or two trees and not less than \$500 or more than \$2,500 for each additional tree removed. In addition, any person violating any of the provisions of this article must replace each tree injured, removed, killed or destroyed in accordance with § 318-8. The owner of any property on which a violation occurs is culpable to the same extent as any tree contractor or other person, who has committed the violation at the direction of, or with the knowledge of, the property owner.
- C. Immediately upon the issuance of a notice of violation of any provision of this chapter, work under any building permit, demolition permit excavation permit previously issued to the alleged violator is suspended, and no building permit, demolition permit, excavation permit or certificate of occupancy, may be issued with respect to the property, until the notice of violation is withdrawn, dismissed or adjudicated.

### *Section 3.*

Section 342-16(B) of the Code of the Village of Mamaroneck is amended by adding subsection (6), as follows:

- (6) To preserve, to the maximum extent practicable, the existing trees on the property and to require that, wherever possible, trees that are removed are replaced.**

### *Section 4.*

Section 342-16(C) of the Code of the Village of Mamaroneck is amended by adding subsection (4), as follows:

- (4) Trees that do not have to be removed to facilitate the permissible development of the property may not be removed. Trees that are removed must be replaced to the extent practicable. The removal and replacement of trees must be accomplished in accordance with the requirements of chapter 318 of this Code.**

### *Section 5.*

Section 342-76(B) of the Code of the Village of Mamaroneck is amended as follows:

- (4) Landscape. The landscape must be preserved in its natural state, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Trees that do not have to be removed to facilitate the permissible development of the property may not be removed. Trees that are removed must be replaced in accordance with the requirements of chapter 318 of this Code.**

*Section 6.*

Section 342-79 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-79. Planning Board action.

The Planning Board shall review the site development plan and act on the application within 62 days from and after the time of submission of the complete application. **As early as reasonably possible in the review process, the Planning Board must refer the applicant's tree preservation plan to the Tree Committee for review and comment.** The Board must comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. In reviewing the site development plan, the Planning Board must take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and must set any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and according to the general criteria and standards defined in § 342-76.

*Section 7.*

Section A347-1 of the Code of the Village of Mamaroneck is amended by adding the following fee:

Chapter 318, Trees.

Tree removal permit application. \$ 150.

*Section 8.*

Section A348-11 of the Code of the Village of Mamaroneck is amended by adding subsection I, as follows:

- I. The subdivision must be designed in a manner that avoids the removal of trees to the maximum extent practicable.**

*Section 9.*

Section A348-12 of the Code of the Village of Mamaroneck is amended by adding subsection C, as follows:

- C. The preliminary plat must be accompanied by a tree preservation plan consistent with the requirements of this chapter. The Planning Board must include in the resolution approving the final plat a condition requiring compliance with the approved tree preservation plan.**

*Section 10.*

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, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

*Section 11.*

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3)

and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

*Section 12.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.