TREE ORDINANCE
#96-11-12

It is the purpose of this ordinance to promote and protect, the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of tree, shrubs, and other plants within the Town of Pearl River.

There is hereby created and established a Town Tree Board for the Town of Pearl River, which shall consist of five members, citizens and residents of this Town, who shall be appointed by the Mayor with the approval of the Town Council. Members of the Board shall serve without compensation.

The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

This ordinance provides full power and authority over all trees, plants and shrubs located within Town rights-of-way, parks and public places of the Town, and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

It shall be unlawful for any person to engage in the business or occupation of planting, cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs, or timber cutting without first applying for and procuring a license from the Town. The license shall be $25.00 annually in advance. However no license shall be required of any public service company in the pursuit of their public service endeavors. Property being cleared of timber will be given 30 days set by the Tree Board to clean debris left from timber cutting.

Before any license shall be issued, each applicant shall first file evidence of worker compensation and liability insurance in the minimum amounts of $50,000 bodily injury and $100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

For tree planting, maintenance and removal, the Town Tree Board develops and maintains a list of size classes as small, medium and large. Spacing = small trees, 30 feet apart, medium trees, 40 feet and large trees, 50 feet except in special plantings approved by a landscape architect.

Utilities- Only small trees may be planted under or within 10 lateral feet of an overhead utility wire, or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility. Distance from curb or sidewalk = no tree can be planted closer to any curb or sidewalk than the following: small trees, 2 feet. Medium trees, 3 feet; and large trees, 4 feet.

Toppings- It shall be unlawful as a normal practice for any person, firm, or town to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under

utility wires or other obstructions where other pruning practices are impractical may be exempted only by the Town Tree Board.

Tree Protection- Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth of health of trees, or threatens to spread disease or insect infestations the Town Tree Committee shall at once cause written notice to be served upon the owner of the property to eradicate, remove or control such condition within reasonable time to be specified in such notice.

Violations- Any person who violated any provision of this ordinance or who fails to comply with any notice issued shall be subject to a fine not to exceed $500 for each separate offense.

This ordinance and its contents were passed on this 12th day of November, 1996 by unanimous vote of the Board of Aldermen of the Town of Pearl River.

James Lavigne,
Ruby Gauley, Town Clerk   Mayor