

Chapter 242

TREES, PLANTS AND SHRUBS

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[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 188.

Streets and sidewalks — See Ch. 228.

ARTICLE I Unlawful Damage to Trees [Adopted 10-12-1942 as Ordinance I, Sec. 3, of the 1942 Ordinances]

§ 242-1. Written permission required.

It shall be unlawful for any person or persons within the said Village of St. Johnsville, New York, to cut down, injure or damage any tree upon any street or public grounds without the consent in writing of the Mayor of the Village and the Board of Trustees.

§ 242-2. Penalties for offenses. ¹

Any person who shall violate any provision of this article shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

ARTICLE II
Village's Authority to Plant, Maintain and Remove
 [Adopted 4-13-1976 by L.L. No. 1-1976]

§ 242-3. Legislative intent.

The Board of Trustees of the Village of St. Johnsville shall have the right to plant, trim, preserve and remove trees, plants and shrubs within the public line of all sidewalks, streets, and public places as may be necessary to insure the safety or preserve the symmetry and beauty of such public grounds. The Board of Trustees may order to be removed any tree, plant or shrub or part thereof which is in an unsafe condition, is infected with any incurious fungus, insect or other pest, or which is unsightly, or shall interfere with the safe or full use of any street, sidewalk or public place.

§ 242-4. Treatment of diseased trees.

The Board of Trustees shall also have the power to cause to be treated any tree, shrub or plant growing anywhere within the limits of the Village infected or infested by any parasite or insect pest when it shall be necessary to do so in its opinion to prevent the spreading or scattering of parasite or insect pests and to prevent danger therefrom to trees and shrubs planted in or near the public sidewalks, streets and public places of the Village.

§ 242-5. Private grounds.

- A. Whenever the Board of Trustees determines the trimming, treatment or removal of any tree or shrub located on private grounds shall be deemed necessary in the interest of public safety or to insure the safety and preservation of public grounds and improvements, the Board of Trustees shall notify the owner(s) or occupant(s) or agent(s) of the property on which the tree, plant or shrub stands, in writing, to do so. In case the owner(s) or occupant(s) or agent(s) shall neglect or refuse to do so within 30 days or less from the date of such written notice, as the Board of Trustees shall prescribe, the Board of Trustees may cause the trimming, treatment or removal to be done and the cost therefore to be collected from such owner or occupant or agent, and if not paid, be and constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.
- B. For the purposes of this section, any tree or shrub which overhangs any highway, street, sidewalk or public place in such a way as to impede or interfere with traffic or travel thereon or which obstructs any street lamp or interferes therewith shall be deemed to have been planted in and upon such public ways and places.

§ 242-6. Penalties for offenses. ²

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Any owner, occupant or agent who shall resist or obstruct the duly authorized agents, officers and employees of the Village in the performance of any of their duties required under this article shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation.

