Legislation Details (With Text)

File #:	Int 1749-2019	**Version:** *	**Name:**	Preservation of trees on public and private property.
Type:	Introduction		**Status:**	Filed (End of Session)
			In control:	Committee on Parks and Recreation
On agenda:	10/17/2019			
Enactment date:			**Enactment #:**	
Title:	A Local Law to amend the administrative code of the city of New York, in relation to the preservation of trees on public and private property			
Sponsors:				
Indexes:				
Attachments:	1. Summary of Int. No. 1749, 2. Int. No. 1749, 3. October 17, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 10-17-19, 5. Minutes of the Stated Meeting - October 17, 2019			

Date	Ver.	Action By	Action	Result
10/17/2019	*	City Council	Introduced by Council	
10/17/2019	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 1749

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to the preservation of trees on public and private property

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Tree preservation program. a. Definitions. For the purposes of this section, the following term has the following meaning:

Circumference. The term “circumference” means the linear distance around the trunk of a tree, when measured at a height of four and a half feet.

Heritage tree. The term “heritage tree” means a tree located on private property or property under the jurisdiction of the department with a circumference of 100 inches or more.

powered by Legistar™

Special tree. The term "special tree" means a tree located on private property or property under the jurisdiction of the department with a circumference of at least 55 inches, but less than 100 inches.

Topping. The term "topping" means the practice of removing whole tops of trees, large branches or trunks from the tops of trees, resulting in the indiscriminate reduction of the crown of a tree, leading to the disfigurement or death of such tree.

b. No person or city agency shall remove, cut down, engage in topping or otherwise commit any act that destroys a heritage tree or a special tree without first having obtained a permit from the commissioner pursuant to section 18-107 of the code.

c. No permit to remove, cut down, engage in topping or otherwise commit any act that destroys a heritage tree shall be granted unless such tree, after an evaluation conducted by the department, is determined to be diseased, dying, dead or has the potential to cause injury to people or damage to property.

d. Nothing in this section shall prohibit a utility company or city agency from removing any tree that poses an immediate threat to public safety or pruning any tree for the purposes of limiting interference with utility lines.

e. Nothing in this section shall prohibit a person from pruning a special tree or a heritage tree located on the property of such person, so long as such pruning does not result in the topping of such special tree or heritage tree.

f. The commissioner shall establish an outreach and education program aimed at educating residents on tree maintenance practices, how to identify special trees and heritage trees and the requirements in this section restricting the removal of special trees and heritage trees. Such outreach and education program shall include, but not be limited to, a multilingual public education program, including advertisements about the program in newspapers of general circulation, radio, and public venues such as subways and buses.

§ 2. Section 18-147 of the administrative code of the city of New York is amended to read as follows:

§ 18-147. Destruction of trees and property. Any violation of a department rule or regulation concerning

the cutting, removal or destruction of any tree under the jurisdiction of the department or any special tree or heritage tree, as defined pursuant to section 18-156 of the code or concerning the destruction or abuse of other public property under the charge and control of the department, where such destruction or abuse results in significant damage or expense, shall be a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than 15,000 dollars, or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree under the jurisdiction of the department or any special tree or heritage tree, as defined pursuant to section 18-156 of the code or concerning the destruction or abuse of other public property, where such destruction or abuse results in significant damage or expense, shall also subject the violator to a civil penalty of not more than 10,000 dollars for each violation which may be recovered in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable to such office pursuant to such section. The office of administrative trials and hearings shall have the power to impose the civil penalties prescribed herein in accordance with such section.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

KS
LS 10477
8/15/19