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Int. No. 103

By Council Members Weprin, Addabbo, Koppell, Martinez and Sanders

A Local Law to amend the administrative code of the city of New York, in relation to the protection of trees.

Be it enacted by the Council as follows:

Section 1. Section 18-101 of the administrative code of the city of New York is amended to read as follows:

§18-101 **Department of parks and recreation; commissioner**.

a. Definitions. Whenever used in this title, the following terms shall have the following meanings:

(1) "Commissioner" means the commissioner of parks and recreation or his or her designee.

(2) "Conservation" shall mean the controlled use and systematic protection of natural resources.

(3) "Department" means the department of parks and recreation.

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(4) "Infection" or "infected" shall mean the existence of any disease caused by pathogenic microorganisms which can result in injury to a tree or stand of trees.

(5) "Infestation" or "infested" shall mean the existence of any insect in sufficient numbers as to be dangerous to the health of a tree or a stand of trees.

(6) "Person" shall mean an individual, partnership, corporation, company, society or association.

(7) "Protected tree" shall mean a tree designated by the commissioner for protection in accordance with the rules of the commissioner.

(8) "Tree protection control zone" shall mean an area designated for the protection of trees, the boundaries of which are fixed by the department.

§2. Chapter 1 of title 18 of such code is amended by adding thereto a new section 18-132 to read as follows:

§18-132 **Tree protection.** a. The commissioner shall by rule establish a review procedure for the protection of trees not under the care of the commissioner. A tree may be protected with respect to its age, caliper, variety, species, location, any combination of these factors, or such other relevant factor or factors as the commissioner may determine. The commissioner may establish tree protection control zones based on these factors and may consider additional factors including local soil and air conditions. The provisions of this section shall not apply to any tree which is determined to be dead, severely damaged, or unsafe in accordance with the rules of the commissioner.

b. Upon application pursuant to the rules of the commissioner, the commissioner shall examine the effect of the proposed tree removal. Such examination shall at a minimum consider the following factors prior to the issuance of any permit for tree removal:

(1) The distribution and variety of trees within two hundred feet of the tree proposed for removal;

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(2) The distribution and variety of trees within the community district where the proposed tree removal would occur and any other community districts affected;

(3) The impact of the proposed tree removal upon the community where the tree is located in the borough. Such assessment shall consider such factors as conservation, infection, infestation, the potential effects of relocating any tree proposed to be removed and whether tree replacement should be required.

c. The commissioner may impose conditions upon the recipient of the permit including, but not limited to, tree replacement.

d. Permits for the removal of a protected tree or a tree within a tree protection control zone shall be obtained as follows:

(1) Any person seeking a permit from the commissioner of buildings pursuant to subdivisions (a) through (h) of section 27-148 of the code, for work that may require the removal of one or more trees, shall also apply for a permit for the removal of such tree or trees from the commissioner or the commissioner of buildings. The commissioner of buildings shall consult with the commissioner prior to determining whether a permit should be issued.

(2) Any other person who wishes to remove a protected tree or a tree in a tree protection zone shall apply for a permit from the commissioner.

e. The commissioner shall establish an expedited review process for the removal of any tree which is causing severe damage to a water main or a sidewalk, is infected or infested, or where such other hazardous or emergency conditions exist, as shall be determined in accordance with the rules of the commissioner.

f. The commissioner may propose a plan for the distribution of trees within community districts and throughout the city.

g. It shall be unlawful for any person to remove or cause to be removed or in any way

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destroy or cause to be destroyed, any protected tree or any tree located within a tree protection control zone without first acquiring a permit from the commissioner. The provisions of this section shall not apply to employees of any agency who are engaged in the proper and authorized performance of their assigned duties.

h. Any person found to be in violation of this section shall be subject to a civil penalty of not less than one hundred dollars nor more than one thousand dollars. Each tree damaged or removed in breach of this section shall be deemed the subject of a separate violation for which a separate penalty may be imposed.

i. The commissioner and the commissioner of buildings shall jointly promulgate rules for the implementation of this section within six months after the enactment of this law.

§3. Article 10 of subchapter 3 of chapter 1 of title 26 of such code is amended by adding thereto a new section 26-253 to read as follows:

§26-253 **Tree protection.** a. During the construction, alteration, repair, demolition, removal, maintenance, occupancy or use of any new or existing building, it shall be unlawful for any tree to be removed or destroyed without obtaining a permit for such purposes pursuant to section 18-132 or section 27-148 of the code. b. The commissioner shall transmit to the commissioner of parks and recreation a copy of any permit for tree removal pursuant to section 27-148 within ten days after such permit was issued.

§4. Section 27-148 of such code is amended by adding thereto a new subdivision (i) to read as follows:

(i) Tree removal permits: for the removal of one or more trees, as provided pursuant to section 18-132 and section 26-253 of the code.

§5. This local law shall take effect immediately.

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