



Legislation Details (With Text)

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12/31/2009	*	City Council	Filed (End of Session)	

Int. No. 916

By Council Members Liu, Mark-Viverito, Comrie, Gerson, James, Koppell, Seabrook, Stewart, Nelson and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to regulating removal of trees from 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 18-135 to read as follows:

§18-135 Regulating removal of vegetation from private property. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. “Mature tree” shall mean any tree with a caliper of twelve inches or more.
2. “Remove a mature tree” shall mean uprooting a mature tree, cutting a mature tree from its base, or

cutting any portion of a mature tree, except for regular pruning.

b. Notwithstanding the provisions of section 18-105 of this chapter, it shall be unlawful for any person to remove a mature tree located on private property or a mature tree on public property under private care, except as provided in subdivision c of this section.

c. An owner of private property or of a tree on public property under private care may request permission to remove a mature tree in writing and the department must respond in writing to such request. The department may permit such removal for reasons including, but not limited to, that the mature tree as situated would be in violation of any local, state or federal law, statute, rule or regulation, that such mature tree is dead, and/or that such mature tree poses a safety or health hazard. If the department authorizes removal of such mature tree, such removal and disposal shall be at the full expense of the owner of such tree.

d. The provisions of this section shall not apply to the removal of a mature tree by any governmental entity acting pursuant to any local, state or federal law, statute, rule or regulation.

e. Any violation of this section shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred fifty dollars for each such violation. In any action brought to enforce this section, it shall be an affirmative defense that the mature tree was removed based on an immediate danger to health, safety or property.

§2. This local law shall take effect thirty days after enactment.

LF
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