



Legislation Text

File #: Int 0089-2010, Version: *

Int. No. 89

By Council Members Mark-Viverito, Brewer, Dromm and James

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 diameter at breast height 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 routine 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 the caretaker of a tree on public property under private care may request permission to remove a mature tree in writing and the department shall respond in writing to such request within thirty days. A filing fee, to be set by the department by rule, must accompany any such application. Where the department authorizes removal of such mature tree, such removal and disposal shall be at the full expense of the owner or caretaker of such tree. Should the department authorize such removal, the owner or caretaker of the mature tree to be removed must either replace any trees removed with trees equal in

caliper and number within thirty days of such removal or as otherwise directed by the department, or must compensate the department in an amount determined through a formula to be established by the department through rule. However, no such compensation may exceed one thousand dollars per caliper inch of any trees removed. The amount received pursuant to this section must be used for the administration and planting of such replacement trees.

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 five hundred dollars for the first tree found to have been removed from a site without authorization and one thousand dollars for each additional tree removed. Where the number of trees removed cannot be determined, there shall be a civil penalty assessed of sixty thousand dollars for every acre where trees have been removed, prorated if the area in question is less than one acre. 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
LS#207
1/13/10

LF
Intro. No. 0916-2009