

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-1. Intent.**

§ 240-1. Intent.

The East Aurora Village Board hereby finds that there is a direct and important relationship between the existence of trees in the Village of East Aurora and the health, safety and welfare of the community. Trees preserve air and water quality, provide shade to people and property, and enhance economic and aesthetic property values. Trees stabilize soil, control air and water pollution, and provide a natural habitat for wildlife.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-2. Definitions.**

§ 240-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES -- Trees in public parks.

STREET TREES -- Trees within the right-of-way of all streets, avenues or highways within the Village.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-3. Village Tree Board.**

§ 240-3. Village Tree Board.

- A. Creation and establishment. There shall be created and established a Village Tree Board of the Village of East Aurora, New York, which shall consist of seven residents of the Village, and two ex officio members, comprised of one Village Board Member and one staff member, who shall be appointed by the Mayor, subject to the approval of the Village Board. The Tree Board shall annually elect a Chairperson and advise the Village Board of the name of such Chairperson. [Amended 11-4-2002 by L.L. No. 5-2002]
- B. Term of office. The term of the seven persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the

event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Mayor for the unexpired portion of the term. [Amended 11-4-2002 by L.L. No. 5-2002]

- C. Compensation. Members of the Board shall serve without compensation.
- D. Duties and responsibilities. The Tree Board may consider, research, advise, report, and recommend upon any matter or question pertaining to the protection and enhancement of street and park trees. The Tree Board will strive to raise consciousness of the importance of trees to the Village. Meetings of the Tree Board shall be called by the Chairperson.

CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 / PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-4. Protection and planting of trees.

§ 240-4. Protection and planting of trees.

- A. Damage and/or removal. Protection of mature street and park trees shall be a priority. Trees of desirable species and good health shall be protected as much as possible from damage and/or removal during construction, sidewalk repair, utility work above and below ground and other similar activities.
- B. Public tree care. The Village shall have the right to plant and maintain trees within the right-of-way of all streets, avenues, highways and on public grounds, as may be necessary to enhance the beauty of such public grounds.

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§ 240-5. Species and locations of trees.

- A. The Department of Public Works and the East Aurora Tree Board shall develop and maintain a list of desirable trees for planting along streets in two size classes based on mature height: small (under 20 feet) and large (over 20 feet). Efforts shall be made to ensure a sufficient diversity of tree species. A list of trees not suitable for planting will also be maintained.
- B. The spacing of trees shall be in accordance with the two species size classes listed in this chapter, and no new trees may be planted closer than the following: small trees 20 feet, large trees 30 feet, except in special plantings designed or approved by a landscape architect, or at

the discretion of the Department of Public Works with the advice of the Tree Board.

- C. No new street trees may be planted closer than two feet from any curb or sidewalk except at the discretion of the Department of Public Works with the advice of the Tree Board. No new street trees shall be planted closer than 10 feet from any fire plug.
- D. The provisions of Chapter 285, Zoning, § 285-46 of this Code shall apply to trees planted at intersecting streets.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-6. Injury to trees.**

§ 240-6. Injury to trees.

No person shall cut, mar or otherwise injure any shade tree planted or growing in or along the streets of said Village, or hitch any horse or other animal thereto; provided, however, that the Village of East Aurora Department of Public Works, or a person authorized in writing by the Village of East Aurora Department of Public Works, may cut or trim trees growing in or along the streets of the Village of East Aurora where such trimming or cutting is required to preserve the public health, safety and/or welfare.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-7. Topping and pruning of trees.**

§ 240-7. Topping and pruning of trees.

- A. It shall be unlawful for any person, firm or other entity to top any street or park tree. "Topping" is defined as the cutting back of limbs to stubs larger than three inches in diameter with the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical shall be exempted from this section at the determination of the Department of Public Works. The Department of Public Works will notify the Tree Board if an exception does occur.
- B. The Department of Public Works shall have the right to prune any street tree within the right-of-way for the following reasons:
 - (1) Tree branches are obstructing light from street lamp or obstruct the view of street intersections, traffic control devices or sign.

- (2) To provide a clear space of eight feet above the surface of the sidewalk.
- (3) To provide a clear space of 13 feet above the street surface.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-8. Removal of
trees and stumps.**

§ 240-8. Removal of trees and stumps.

- A. The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the Village. The Village may notify, in writing, the owners of the property and such trees. Removal shall be done by said owners within 60 days after the date of service of notice. In the event of failure of owners to comply with such notice, the Village, or its authorized representative, shall have the authority to remove such trees and charge the cost of removal on the owners and levy the same on subsequent tax bills.
- B. The Village Department of Public Works may remove or cause or order to be removed, any tree or part thereof on public property which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements. Trees removed by the Department of Public Works or by natural causes shall be replaced on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the Department of Public Works with the advice of the Tree Board in consultation with the owners of the property where such trees are located.
- C. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-9. Affixing
materials to trees.**

§ 240-9. Affixing materials to trees.

No person shall fasten any sign, wire, rope or other material to or around or through any street or park tree in the Village of East Aurora, except by written permission from the Department of Public Works, excepting cases of emergency.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-10. Review by
Village Board.**

§ 240-10. Review by Village Board.

The Village Board will have the right to review any decisions regarding trees.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-11. Penalties for
offenses. [Amended 3-14-2006 by L.L. No. 1-2006]**

§ 240-11. Penalties for offenses. [Amended 3-14-2006 by L.L. No. 1-2006]

Violations of any of the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-12. Amendments
to this chapter. [Amended 11-4-2002 by L.L. No. 5-2002]**

§ 240-12. Amendments to this chapter. [Amended 11-4-2002 by L.L. No. 5-2002]

This chapter may be amended by resolution by the Village Board of Trustees.

**CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, v6 Updated 09-15-2008 /
PART II: GENERAL LEGISLATION / Chapter 240, TREES / § 240-13. Effective
date.**

§ 240-13. Effective date.

This chapter shall become effective November 4, 2002.