

VILLAGE OF ISLAND PARK
LOCAL LAW NO. 7 OF THE YEAR 2008

A Local Law amending Ordinance No. 12 to read as follows:

TREES, SHRUBS AND HEDGES

SECTION 1: PLANTING IN SIDEWALK AREA; EXISTING PLANTINGS.

No trees, shrubs or hedges shall be planted within the area between the sidewalk and curb in front of or adjacent to any private premises without a permit first being obtained from the Village Hall. All such plantings shall conform to appropriate regulations as may be set for the issuance of said permit. The care and maintenance of all new and existing trees, shrubs or hedges located within the sidewalk area shall be the responsibility of the owners or occupants of the premises located immediately adjacent to said trees, shrubs or hedges, as provided in Section 2 of this Local Law.

SECTION 2: REMOVING AND TRIMMING; REPAIRING ROOT DAMAGE TO SIDEWALKS.

It shall be the duty of every owner, tenant or other occupant of any house or structure, and every owner or person entitled to possession of any vacant lot, to remove trees, shrubs or hedges when required by the Village authorities and to keep trees, shrubs and hedges in front of or adjacent to their premises and within the sidewalk area trimmed so that dead limbs are removed and overhanging limbs will not interfere with passersby on the sidewalk or roadway, such limbs must be kept trimmed at all times to allow a passage space of not less than eight (8) feet above center of the sidewalk and not less than thirteen feet (13) above the roadway measured at a point five feet (5) from the curb line. It shall also be the duty of every owner, tenant or other occupant of any house or structure, and every owner or person entitled to possession of any vacant lot, to repair any sidewalk or curb in front of or adjacent to such premises damaged by tree, shrub or hedge roots located in front of or adjacent to said premises whether or not within the property line or sidewalk area.

SECTION 3. DAMAGING/REMOVAL OF TREES PLANTED WITHIN AREA BETWEEN CURB AND SIDEWALK OR ADJACENT TO PRIVATE PREMISES

No person shall in anyway injure, destroy or remove any shade tree/s planted within the area between the sidewalk and curb in front of or adjacent to any private premises of over 10 feet in height without first securing the written approval of the Village Board of the Village of Island Park.

SECTION 4: CERTAIN TYPES OF TREES PROHIBITED; REMOVAL PROCEDURES

A. No person or persons, firm, association or corporation shall plant or permit to be planted any poplar trees of any type, or willow trees or trees known as swamp maple trees on any street within the Village limits of the Village of Island Park or within 25 feet of any water conduit, sewage main or storm drain belonging to either the Village of Island Park, Town of Hempstead, the County of Nassau or the State of New York

SECTION 5. HEDGES AT STREET INTER SECTIONS.

A. No person, persons, firm, association or corporation shall suffer or permit any fence, hedge, ornamental planting, bush or other structure plant which reduces the visibility to an extent which creates a hazard to vehicular traffic, to be erected or to grow on any property owned or occupied by him or them at a street intersection in the Village of Island Park, to a height greater than 2 ½ feet above street level, within the area of the triangle formed by the property corner and a line connecting the two “property line cutback, points” as tabulated in the included cutback distance chart showing required cutback distances for various angles of street intersections. If intersections have different angles than those shown, then the property line cutbacks shown for the closest corresponding angle will prevail.

B. The following are exceptions:

- (1) At any street intersection where all approaches are controlled by traffic control devices.
- (2) At T-intersections where at least one approach is controlled by a traffic control devices.

C. Cutback distance chart.

Angle of Intersection

P/L Cutback Distance in Feet

90	3
85	5
80	8
75	10
70	13
65	16
60	19
55	22
50	24
45	28

D. Definitions.

P/L CUTBACK DISTANCE.- Distance from corner formed by the intersection of the property lines to property line cutback point.

PROPERTY LINE CUTBACK POINT - That point on the property line of the major or minor Street established by proceeding along the property lines from their point of intersection the cutback distances as shown in the cutback distance chart.

SECTION 6: PENALTIES FOR OFFENSES - I'ON COMPLIANCE PROCEDURES

Any owner who has been notified by the Village Clerk of Supervisor of Public Works that the trees or shrubs on his premises are in violation of Sections 1, 2, 3, 4, or 5 hereof, and shall fail to correct the condition within five days of the sending of such notice to his last known address by mail, shall be in violation of this chapter; and in addition to the penalties otherwise enforceable, conditions and assess the cost thereof against the owners of the adjacent property. Such costs, if not paid, shall be assessable against the property as a tax thereon.

This Local Law shall take effect upon filing with the Secretary of State.