

CITY OF RYE

NOTICE

There will be a Special Meeting of the City Council of the City of Rye on Wednesday, September 28, 2011, at 7:30 p.m. in the Council Room of City Hall.

AMENDED AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Authorization for City Manager to make a benefit update to the Administrative Pay Group (APG) policy.
4. Resolution authorizing Corporation Counsel to agree to a settlement proposal relating to the R.B.Conway v. Rye Litigation.
- 4A. Resolution to transfer \$85,000 from contingency to the Fire Department for costs pertaining to damage at the Locust Avenue Fire House from Hurricane Irene.
5. Discussion of the revised City of Rye Financial Policy reflecting the new Government Accounting Standard regarding Fund Balance (GASB 54).
6. Discussion of proposed Tree Ordinance Legislation.
7. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 5, 2011 at 8:00 p.m. The meeting will be preceded by a *Workshop on Streets, Sidewalks, and Parking* beginning at 7:00 p.m. detailing findings and recommendations from the Shared Roadways Committee.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager's Office

DATE: September 28, 2011

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Authorization for City Manager to make a benefit update to the Administrative Pay Group (APG) policy.

FOR THE MEETING OF:

September 28, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council authorize the City Manager to update the APG policy.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The APG policy will be updated to extend the line of duty death benefit to the spouse and dependents of the employee until such time that the spouse reaches Medicare eligibility and the children are emancipated. The effective date of the change will be retroactive to August 1, 2011.

See attached with proposed new language highlighted in yellow under Health Insurance.

**ADMINISTRATIVE PAY GROUP
(APG)**

Generalized Benefits

Revised 9/11

**ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits**

SALARIES AND WAGES:

Pay Plan: The following pay plan for all employees in the Administrative Pay Group (APG) was amended by the City Council effective January 1, 2008. Individual salaries are determined by the City Manager within the following pay grades:

Administrative Pay Grades

Grade A1 \$86,320 to 162,240	Grade A \$64,480 to 118,560	Grade B \$54,080 to 101,920	Grade C \$42,640 to 91,520	Grade D \$28,080 to 74,880
Assistant City Manager	Building Inspector	Assistant Building Inspector	Accountant	Administrative Assistant
City Comptroller	City Assessor	Assistant Superintendent of Recreation	Assistant City Engineer	Assistant Community Access Facilitator
City Engineer	City Clerk	Boat Basin Supervisor	Assistant to the City Manager	Assistant Groundskeeper
Police Commissioner	City Planner	City Naturalist	Assistant Assessor	Assistant Naturalist (Curator)
Superintendent of Recreation	General Foreman	Deputy Comptroller	Community Access Facilitator	Junior Accountant
	Golf Club Manager	Fire Inspector	Jr. Network Specialist	Secretary to Corporation Counsel
	Coordinator Computer Services	Garage Foreman	Recreation Supervisor	Student Intern
	Superintendent of Public Works	Greens Superintendent	Secretary to City Manager	Coordinator of Member Services
		Labor Foreman	Business Administrator	
		Parks Foreman	Benefits Assistant	
		Road Maintenance Foreman	Parking Office Manager	
		Sanitation Foreman		
		Tree Foreman		

Overtime:

The following eligible employees may receive overtime (paid or compensatory) for time worked in excess of forty (40) hours per week under the same terms and conditions for overtime as the respective agreements between either the City and the CSEA Public Works Unit (Lead Maintenance Mechanics/Foremen) or the Paid Fire Fighters Association (Fire Inspector):

- | | |
|--------------------------|--------------------|
| General Foreman | Sanitation Foreman |
| Labor Foreman | Tree Foreman |
| Park Foreman | Fire Inspector |
| Road Maintenance Foreman | |

ANNUAL LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Annual leave may not be taken without prior approval of either the appropriate department head or the City Manager. Employees shall request annual leave at least 48 hours in advance, unless waived by the department head or City Manager. The City reserves the right to limit the number of persons on leave at any given time by department and job title, and the right to deny all annual leave during various seasonal periods by department and job assignment.

Annual leave must be taken during the twelve month period following the twelve month period during which it is earned; except that, with the approval of the City Manager, annual leave may be accumulated to a total of thirty-six days.

The minimum period of annual leave which may be allowed is one day, except that up to two days vacation per year may be taken in one-half day periods.

An employee separating from City service with annual leave to his credit is to be paid the value of said leave in a lump sum payment.

Employees are entitled to:

1. Ten (10) working days after employment for one year.
However, employees who have completed six months probationary period shall be allowed to request up to five days vacation, the total amount of which will be deducted from the ten day allowance of one year's employment.
2. Fifteen (15) working days after employment for five years.
3. Twenty (20) working days after employment for ten years.
4. Twenty-five (25) working days after employment for twenty years.

All members of the Administrative Pay Group are permitted to submit up to five (5) unused vacation days for payment upon their anniversary date at their daily rate of pay.

SICK LEAVE:

All permanent, full-time employees are entitled to sick leave when incapacitated for duty by sickness, injury, pregnancy and confinement, medical, dental or optical treatment.

For Administrative Pay Group employees hired prior to January 1, 1977, sick leave is earned at the rate of 1¼ days per month of employment, up to a max. accumulation of 365 days.

For Administrative Pay Group employees hired on or after January 1, 1977, sick leave is earned at the rate of 1¼ days per month of employment, up to a maximum accumulation of 250 days.

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Members of the Administrative Pay Group shall, upon retirement, receive credit of up to 165 days of additional service retirement credit for unused sick leave, pursuant to the provisions of Section 41-j of the Retirement and Social Security Law.

Upon retirement, employees covered by the Administrative Pay Group shall receive payment for any unused sick leave accumulated in excess of 165 days, up to 200 days (maximum 35 days) at their daily rate of pay, if such employee utilizes no more than 10 days of sick leave during his/her last 12 months of employment. The City Manager may waive the ten-day limit if it is determined that extenuating circumstances exist and based upon a review of sick leave usage over the employee's career.

Employees who request sick leave shall notify the department head or the City Manager within one hour of starting time. Such notification must be given on the first day of absence. Failure to give sick notice may result in the absence being charged to annual leave or a forfeiture of pay, as the circumstances justify or as determined by the department head or City Manager. Sick leave for medical, dental or optical treatment must be approved in advance by the department head unless an emergency situation is involved.

Sick leave in excess of two days shall be supported by a medical certificate, or medical proof, and the department head or City Manager may require a medical certificate for sick leave of two days or less. When a medical certificate can not reasonably be obtained for sick leave of two days or less, an affidavit by the employee relating the facts that required the absence may be substituted for a medical certificate at the discretion of the department head.

The minimum period of sick leave which may be allowed is $\frac{1}{4}$ day.

A doctor's certificate or other medical proof satisfactory to the City may, at the option of the City, be required of any employee returning from sick leave as proof of such employee's fitness for work.

An employee returning from sick leave may, at the option and expense of the City, be required to undergo a physical or mental examination, by a physician chosen by the City, to determine such employee's fitness to return to work. If any dispute should arise between the employee's physician and the City's physician, such dispute shall be subject to a determination by a third physician, chosen mutually by the first two physicians, and the cost of said medical examination shall be borne equally by both parties. Such decision shall be final and binding on both parties.

In cases of serious disability or ailment and when the exigency of the situation so requires, sick leave may be extended for a period not to exceed thirty days, upon prior approval of the City Manager, and such extended period shall be deducted from such sick leave as may accrue after the employee returns to work. An application for an extension of sick leave must be supported by a medical certificate.

PERSONAL LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Each member is entitled to five (5) days personal leave annually. Such personal leave may be granted upon one day's prior notice to the appropriate department head or City Manager, except in cases of emergency, and the employee must have the prior approval of the department head or City Manager, which shall not be unreasonably withheld. Personal leave which is unused at the end of each calendar year shall be added to the employee's sick leave accruals, subject to the maximum permitted accumulations. Personal leave may be taken in one quarter (1/4) day increments. New employees shall not be entitled to use personal leave during the first six months of employment.

Each member is entitled to up to four hours of paid leave for the purpose of obtaining breast cancer screening or prostate cancer screening.

HOLIDAYS:

All permanent, full-time employees are entitled to the following holidays:

- | | | | |
|----|-------------------------------|-----|--------------------------------|
| 1. | New Year's Day | 8. | Election Day |
| 2. | Martin Luther King's Birthday | 9. | Veterans' Day |
| 3. | Presidents' Day | 10. | Thanksgiving Day |
| 4. | Memorial Day | 11. | Day following Thanksgiving Day |
| 5. | Independence Day | 12. | Christmas Day |
| 6. | Labor Day | 13. | Floating Holiday |
| 7. | Columbus Day | | |

Holidays that occur on Saturdays will be observed the preceding Friday. Holidays that occur on Sundays will be observed the following Monday.

TUITION REIMBURSEMENT:

The City shall budget \$6,000.00 annually for job related course work. The \$6,000 annual allocation shall be available jointly to members of the Administrative Pay Group. Funds will be available for reimbursement or partial reimbursement of employees' expenses for tuition, registration and course materials up to a maximum of \$1,000.00 per employee per year, to a total of \$6,000.00 per year. Advance notice of intent to register for each course must be given to the City Manager, along with an estimate of cost, and it must successfully be completed (C or better for college courses) by the employee to be eligible to the extent not covered by other reimbursement programs for which the employee would be eligible and of which the employee has knowledge. If reimbursement claims for a calendar year should exceed \$6,000.00, fund will be pro-rated among eligible employees.

Employees may request that the City pay the expenses before the course work begins upon demonstration of an economic hardship.

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

It is understood that if the employee fails the course or fails to complete the course while employed by the City, he/she must reimburse the City. The City reserves its right to recoup any tuition which was not reimbursed.

It is further understood that any employee who is absent from work because of disability, workers' compensation leave, or any unpaid leave of absence shall be ineligible for tuition reimbursement.

For the purpose of this article, job-related course work shall include in-service staff training, degree programs to accredited institutions of higher learning, programs presented through BOCES or school district continuing education programs, or any other recognized educational institutions.

BEREAVEMENT LEAVE:

Bereavement leave shall be granted for attendance at funerals and for bereavement to all employees within the Administrative Pay Group in the event of a death of a member of the family, as hereinafter defined.

A "member of the family" shall mean the employee's spouse, children, grandchildren, brothers, sisters, parents, grandparents, brothers-in law, sisters-in-law, parents-in-law, grandparents-in-law, step-children, step-grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, step-brothers-in-law, step-sisters-in-law, step-parents-in-law, and step-grandparents-in-law.

No prior approval is required for bereavement leave, but the department head shall be notified as soon as conveniently possible.

Employees exercising bereavement leave will receive their regular rate of pay for the scheduled working hours missed during the first five scheduled work days following the occasion of death for each member of the family as defined above.

Additional bereavement time may be granted by and at the sole discretion of the department head. Such additional time shall be taken as authorized leave without pay, or, at the option of the employee, charged against any other accrued and available time, including but not limited to compensatory time, vacation leave, personal leave and/or sick leave. Sick leave used as bereavement leave shall not be charged against the employee for the purpose of calculating cash payments for unused sick leave.

COURT LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

All permanent, full-time employees are entitled to court leave which shall be granted for attendance in court for jury duty. Employees are not required to remit to the City the per diem compensation or transportation allowances received for jury duty.

Employees requiring court leave must notify their supervisors in advance and, following the leave, must submit evidence of the court attendance, including the time involved.

Employees called for jury duty shall participate in any on-call procedure instituted by the Courts.

WORKERS' COMPENSATION LEAVE:

All full-time, permanent employees of the City of Rye within the Administrative Pay Group who are disabled as a result of an injury arising out of and in the course of their employment (except when such injury is occasioned solely by intoxication or failure to use safety equipment provided by the City and issued as needed to the injured employee, or by willful intention of the injured employee to bring about injury to himself or another) shall be paid the full amount of their regular salary, or wages, until their disability therefrom has ceased, but for a period not to exceed 75 working days. In the event that the injured employee receives compensation for his loss during his disability, he must reimburse the City of Rye for the salary or wages paid during his disability.

An employee with a Workers' Compensation claim who is required to visit a doctor for further examination need not take one-half day sick leave but will be given actual time off as needed to attend the appointment.

Employees who have made claims for Workers' Compensation benefits and who seek to return to their job after being absent from work for any period of time shall be required to produce a written doctor's certificate, indicating that the employee is able to return to work and stating whether there are any restrictions as to the work that can be performed and whether the employee can return to his or her normal work load. The employee shall be allowed to return to work only after receiving approval to return from the department head.

In no case shall any combination of disability or compensation payments exceed the regular daily compensation of an employee.

Sick leave pay shall be pro-rated based on the compensation payments received by the City, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

GENERAL LEAVE REGULATIONS:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

The following provisions shall be applicable to all types of leave provided for in this Agreement:

- A. Leave shall accrue while employees are in a leave-with-pay status.
- B. Leave shall not accrue during periods of disciplinary suspension in excess of three days.

DISABILITY INSURANCE:

The City shall provide the disability benefit under the New York State Disability Insurance Program for all Administrative Pay Group employees. The City shall be reimbursed for any advance payment of wages and benefits to such employee, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

In no case shall any combination of disability payments and the employee's salary exceed the regular daily compensation of such employee.

After the exhaustion of all sick leave accruals and extensions under this contract, all payments of disability insurance shall go directly to the employee.

Sick leave pay shall be prorated, based on the disability payments received by the City, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

RETIREMENT PLAN:

The Employer will continue contributions to the pension accumulation fund of the New York State Retirement System, pursuant to the provisions of Section 75i (Section 384 & Section 384-d for the Fire Inspector) of the Retirement and Social Security Law.

HEALTH PLAN:

The Employer will participate in the Municipal Employee Benefits Consortium (MEBCO) Alternate Plan and shall pay 75% of the cost of such health insurance premiums for employee and dependent coverage. The contribution will not exceed 4% of the employee's base annual salary. The Employer shall continue to provide full premium payments for retired City employees of the Administrative Pay Group and their dependents during the lifetime of the retired employee.

Effective 8/1/2011, in the case of a line of duty death, the Employer shall continue to provide full premium payments for the deceased members spouse until the spouse is eligible for continuing coverage under Medicare. Dependents are also eligible for continued

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

participation at employer expense for premium payments in the health insurance plan until emancipation, or the attainment of the maximum age for dependent eligibility.

The City shall have the option to make changes in the health insurance plan. If an employee is eligible for individual or family coverage under the health plan the Employer participates in and elects not to receive such coverage (i.e., no coverage or individual only coverage while eligible for family coverage), the Employer will reimburse twenty-five percent (25%) of the Employer's net savings to the employee, pro-rated on a bi-weekly basis. The employee is responsible for providing the Employer with any required certification of eligibility and release documents that the Employer may require.

DENTAL PLAN:

The City shall pay up the same amount per participating employee as permitted in either the CSEA Public Works or the Clerical Unit Agreements, whichever is the more advantageous, prorated from the employee's effective date of coverage, for the purpose of purchasing a dental insurance program covering the employees and/or their dependents. Effective January 1, 2001, that amount is 70% for family plans and 100% for individual plans per year per participating employee.

VISION CARE PLAN:

The Employer will provide the CSEA Employee Benefit Fund Family Vision Plan to all members of the Administrative Pay Group as provided for in the CSEA Public Works or the Clerical Unit Agreements, whichever is the more advantageous.

LIFE INSURANCE:

The employer will provide a term life insurance policy in the amount of 1X salary for all employees in the Administrative Pay Group.

FEDERAL, NYS, WESTCHESTER COUNTY & LOCAL LAWS:

It is the City's intent to comply with any and all applicable Federal, New York State, Westchester County, and Local laws and regulations. If there are any inconsistencies between this statement of the City's generalized benefits and applicable laws, the laws apply and supersede this statement of the generalized benefits.

EXCEPTIONS/PARTIAL INVALIDITY:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

This document is intended to be a guideline of the generalized benefits of members of the Administrative Pay Group. Any individual deviations from the benefits mentioned shall be with written consent of the City Manager. The City Council and City Manager reserve the right to make any changes to these generalized benefits as necessary. These generalized benefits are not intended to replace, modify, or amend any existing programs, policies, practices or agreements between the City and the employees in the Administrative Pay Group. Where a conflict exists between any existing programs, policies, practices or agreements and this document, they shall supersede this document insofar as it is inconsistent with them.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Corporation Counsel

DATE: September 28, 2011

CONTACT: Kristen K. Wilson, Esq.

AGENDA ITEM: Resolution authorizing Corporation Counsel to agree to a settlement proposal relating to the R.B.Conway v. Rye Litigation.

FOR THE MEETING OF:

September 28, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the Corporation Counsel to settle the R.B. Conway litigation on behalf of the City.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City awarded a contract to R.B. Conway to dredge a specified amount of material within a certain area in the federal channel. The contract was based on the permit received by the Army Corps of Engineers and approvals from New York State DEC and Connecticut Dept. of Environmental Protection. R.B. Conway dredged more material than what was permitted by the federal and state permits. The City also believed that R.B. Conway dredged outside the permitted area. R.B. Conway commenced a breach of contract case against the City alleging that the City owes them approximately \$900,000 as a result of dredging more than what the contract required and delay/acceleration damages since the project was delayed by approximately four weeks. The City filed a counter-claim against R.B. Conway for breach of the contract for the two short dumps. A settlement has been reached which would preclude going to trial.



CITY COUNCIL AGENDA

NO. 4A

DEPT.: Finance

DATE: September 28, 2011

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to transfer \$85,000 from contingency to the Fire Department for costs pertaining to damage at the Locust Avenue Fire House from Hurricane Irene.

FOR THE MEETING OF:
September 28, 2011

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for emergency replacement of the utilities at the Locust Avenue Fire House due to damage from the flooding of Hurricane Irene were not anticipated and were not provided for in the adopted 2011 budget by \$85,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$175,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$85,000 from the General Fund Contingent Account to the Fire Department Account.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2011 Beginning balance	\$300,000
02/09/2011 Transfer to Public Works for Storm costs	(50,000)
04/13/2011 Transfer to Sewer/Drain Account for emergency repairs	(25,000)
06/15/2011 Transfer to Engineering Services for design fees	(25,000)
07/13/2011 Transfer to Rye Town Park account	(25,000)
09/28/2011 Transfer to Fire Department account	<u>(85,000)</u>
09/28/2011 Balance	<u>\$90,000</u>



CITY COUNCIL AGENDA

NO. 5

DEPT.: Finance

DATE: September 28, 2011

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Discussion of the revised City of Rye Financial Policy reflecting the new Government Accounting Standard regarding Fund Balance (GASB 54).

FOR THE MEETING OF:

September 28, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

GASB is the Governmental Accounting Standards Board, an independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments. Compliance with GASB's standards is enforced through the laws of some states and when auditors render opinions on the fairness of financial statement presentation in conformity with Generally Accepted Accounting Principals (GAAP).

GASB 54 is the Statement entitled, *Fund Balance Reporting and Governmental Fund Type Definitions*, issued in March of 2009 to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied, and by clarifying the existing governmental fund type definitions.

Under the current standard, fund balance is reported as reserved and unreserved (designated and undesignated). Under the new classification fund balance will be reported as nonspendable, restricted, committed, assigned, and unassigned.

Components of fund balance for governmental funds

FUND BALANCE CATEGORIES	
<p>1. Nonspendable fund balance (inherently nonspendable)</p> <p>a) Portion of net resources that cannot be spent because of their form</p> <p>b) Portion of net resources that cannot be spent because they must be maintained intact</p>	<p>Examples:</p> <p>Consumable inventories Student loans receivable</p> <p>Permanent fund principal</p>
<p>2. Restricted fund balance (externally enforceable limitation on use)</p> <p>a) Limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments</p> <p>b) Limitations imposed by law through constitutional provisions or enabling legislation</p>	<p>Examples:</p> <p>Bond proceeds Permanent fund expendable portion Legal settlements (with restrictions)</p> <p>Transportation funds Budget stabilization</p>
<p>3. Committed fund balance (self-imposed limitations set in place prior to the end of the period)</p> <p>a) Limitation imposed at highest level of decision making that requires formal action at the same level to remove</p>	<p>Examples:</p> <p>Higher education - Tuition funds</p>
<p>4. Assigned fund balance (limitation resulting from intended use)</p> <p>a) Intended use established by highest level of decision making</p> <p>b) Intended use established by body designated for that purpose</p> <p>c) Intended use established by official designated for that purpose</p>	<p>Examples:</p> <p>Working capital</p>
<p>5. Unassigned fund balance (residual net resources)</p> <p>a) Total fund balance in the general fund in excess of nonspendable, restricted, committed and assigned fund balance (i.e., surplus)</p> <p>b) Excess of nonspendable restricted and committed fund balance over total fund balance (i.e., deficit)</p>	<p>Examples:</p> <p>Used in general fund only</p> <p>Deficit fund balances in other governmental fund types</p>



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: September 28, 2011

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Discussion of proposed Tree Ordinance Legislation.

FOR THE MEETING OF:

September 28, 2011

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Environmental Advocacy Group of Rye (EAGR) and the Conservation Commission/Advisory Council have proposed changes to the existing City tree ordinance – Chapter 187 of the Rye City Code.

See attached.

9/9/2011

Dear Mr. Pickup and Mr. Miller,

Back at the City Council meeting on February 9th, 2011, the Environmental Advocacy Group of Rye (EAGR) and the CC/AC presented the Mayor and City Council members with over 127 signatures from Rye residents in support of a tree petition to finally update and strengthen the existing City of Rye tree code (Chapter 187). Specifically, the petition was in support of bringing Rye's tree ordinance in line with those of surrounding Westchester municipalities and incorporating the CCAC's eight point proposal dated November 5th, 2009 (which also has the endorsement of the Planning Commission).

At that meeting, the City Council voted that they were ready to adopt several of the eight points contained in the CC/AC 11/5/09 memo and directed the City Planner to undertake a redrafting of the tree ordinance per these new elements. In the meantime, EAGR has received a number of emails from concerned residents concerning tree removals at 186 Forest Avenue and other locations in Rye.

In light of the obvious backing from numerous Rye residents, members of EAGR and the CC/AC have taken it upon themselves to redraft Chapter 187. We removed some out-of-date language such as the referral to tethering horses to trees, included some language from recently updated tree codes from neighboring municipalities such as Rye Brook and Tuckahoe, and incorporated the eight points from the CCAC memo where appropriate. The significant deletions, edits and changes occur in the following articles:

187-10 We inserted a new article which requires that the tree code be applicable to City-owned property in the same way it is applicable to private property.

187-12 (formerly Article 187-11) The redrafted code requires a permit for removal of any trees with a DBH > 8" anywhere on private property, with a maximum of three permits granted per year.

187-13 C. We inserted content based on the language in the 2010 Tuckahoe tree ordinance that requires replacement trees be planted where and when appropriate.

We have attached our redraft. All changes are highlighted in **BOLD RED**. Also attached is a spreadsheet outlining the elements of various tree codes of neighboring Westchester municipalities. We hope that our efforts will help move this issue along and assure a speedy adoption of a new and improved Chapter 187.

Sincerely,

Melissa Grieco
William Lawyer
Carolyn Cunningham
Jim Nash
Sara Goddard

Rye City Tree Ordinances – Chapter 187

[**HISTORY.** Adopted by the Council of the City of Rye 2-4-1942 as Art. 4 of Ch. 5 of the General Ordinances; amended in its entirety 11-7-1990 by L.L. No. 17-1990. Subsequent amendments noted where applicable.]

ARTICLE I - Findings and Purpose (§ 187-1)

§ 187-1

Findings and purpose.

Preserve and Maintain Trees “to protect the health, safety and general welfare of the City of Rye because trees provide shade, impede soil erosion, aid water absorption, **reduce stormwater runoff**, enhance air **and water** quality, **act as carbon sinks for green house gasses (C02)**, offer a natural barrier to noise, provide a natural habitat for wildlife and add to the aesthetic quality of the community.” **The uncontrolled destruction of trees deprives the community of all these benefits. The purpose of this Local Law is to preserve trees and minimize damage and removal, thereby enhancing the health, property values and general welfare of the residents of the City of Rye. Multiple tree removal (clear-cutting) is a detriment to the aesthetic and ecological character of our community and should be prohibited.**

ARTICLE II - Definitions (§ 187-2)

§ 187-2

Definitions.

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

CITY NATURALIST - The naturalist for the City of Rye **or tree authority (designated authority)** as designated by the City Manager with the consent of the Conservation Commission.
DBH (Diameter Breast Height) – **The diameter of a tree measured at a point 4.5 feet above ground level at the base of the tree on the uphill side.**

INVASIVE SPECIES – **A non-native species that adversely affects the habitats they invade economically, environmentally or ecologically and are listed in the Invasive Plant Atlas of New England (IPANE) as amended. Also refer to <http://plants.usda.gov/> as amended.**

PERSON – Any individual, firm, partnership, association, or corporation or other legal entity.

PROTECTED TREE – **A tree designated by the City with the consent of the owner upon finding that the tree is unique because of the tree’s age, history, special beauty or other characteristics.**

RIGHT-OF-WAY - The strip of land over which facilities such as roads **and sidewalks** are built as identified on the official City Map.

SHRUB – **A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk; a bush.**

TREE - All woody plants having one well-defined stem and a more or less definitely formed crown and attaining a height of at least 15 feet and a diameter of not less than two inches at maturity.

TREE FOREMAN - The labor foreman in charge of trees or such representative designated by the General Foreman of the Department of Public Works.

ARTICLE III Trees on Public Property (§ 187-3 — § 187-10)

[Amended 11-30-2005 by L.L. No. 4-2005]

§ 187-3

Planting of trees.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the Department of Public Works and complying with the following requirements. Such a permit shall be granted only upon the determination by the Tree Foreman, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

A. Trees planted within the limits of any public street, right-of-way, park or other public place shall be of a species and quality approved by the Tree Foreman and shall be planted at least 30 feet apart unless otherwise authorized by the Tree Foreman. Each tree shall measure not less than 2 1/2 inches nursery caliper.

B. Should any tree, shrub or plant planted within the limits of any public street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the Tree Foreman, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

§ 187-4 - Injuries to public trees.

The following acts as to City trees are prohibited: namely, to injure trees by chopping into them, scarring the trunks, driving nails into the trunks or limbs, building fires near trunks or under branches and pouring or depositing substances injurious to growth on soil near trees, including oil, gasoline, tar, creosote, salt or other injurious substances.

§ 187-5 - **Attaching of signs to trees or shrubs.**

No person shall attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub.

§ 187-6 - Permit required for treating public trees.

No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated City trees without first having obtained a permit from the Department of Public Works and approved by the Tree Foreman. No City employee shall treat City trees without first consulting the Tree Foreman.

§ 187-7 - Deposit to guarantee proper work.

Before a permit shall be issued, the applicant must deposit with the Department of Public Works a sum of money equal to the cost of such treatment as a guaranty that said work will be properly done. The Department of Public Works shall pay this money to the Comptroller. This sum of money shall be returned after the work has been inspected by the Tree Foreman, provided that he or she shall certify that said work is up to standard. If it is not properly done, the Tree Foreman shall cause the work to be completed to his or her satisfaction. After the completion of the work, the Tree Foreman shall certify to the Comptroller the cost of completing the work, and the surplus remaining after deducting such cost shall be returned to the applicant.

§ 187-8 - Use of spurs, insulated wires or guy wires.

Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs. Any wires of public utilities passing among the branches of City trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk.

§ 187-9 - Removal of limbs.

When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the Department of Public Works before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Tree Foreman, and where such work is not up to standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

§ 187-10 – Removals on City Property.

The same removal criteria that is set forth in Article IV § 187-11 for private property also applies wholly to City-owned properties including City of Rye parks, Golf Course and Nature Center.

ARTICLE IV - Trees on Private Property (§ 187-11 — § 187-16)

[Amended 12-20-2000 by L.L. No. 18-2000; 11-30-2005 by L.L. No. 4-2005]

§ 187-11 - Prohibited trees.

Property owners and other persons are prohibited from planting invasive species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place.

§ 187-12 - Removal of trees.

No person shall remove a tree with a DBH of eight inches or greater without first obtaining a tree removal permit from the Department of Public Works. Permission for the removal of a maximum of three trees may be granted per person and/or designated property within a 12-month period.

§ 187-13 - Granting of permit; stop orders.

A. - Application for permits must be made by the owner and other person, firm or corporation, if any, actually performing the work, in writing, to the Department of Public Works upon forms prescribed by the City Naturalist, The City Naturalist may adopt rules for obtaining and processing of permits subject to approval by the City Council. The fee for each application shall be set annually by resolution of the City Council before adoption of the budget for the following year, payable upon submission of the application. **The permit fee will be based primarily on the current cost of services rendered by the City and will be in line with that of surrounding municipalities.** Approval of permits shall be made by the City Naturalist. Denial of permits by the City Naturalist may be appealed to the **City Planning Commission** pursuant to the review procedures under this Code. The **City Planning Commission** is authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping. **This assistance shall include persons or bodies such as the Board of Architectural Review to determine the impact of a particular tree removal upon the aesthetics, character, and appearance to a designated property and its surrounding neighborhood. The City Planning Commission will take into consideration such impacts when determining whether to issue a tree removal permit.**

B. Permits for the removal, cutting or destruction of trees may be granted under the following circumstances:

- (1) If the presence of the tree would cause hardship or endanger the public or the person or the property of the owner or of an adjoining owner.
- (2) If a tree is diseased or threatens the health of other trees.
- (3) If a tree substantially interferes with a permitted use of the property.

C. Replacement Trees. (a) An applicant may be required, as a condition to granting the application for a permit, to replace any tree which is the subject of the application under conditions specified in the issued permit. Replacement trees shall be a minimum of 3 inch caliper. Invasive species shall be prohibited. (b) Any person who (a) removes or causes to be removed a tree without first obtaining a required permit, or (b) any person who removes or causes to be removed any public tree, may be required by the City to plant one or more replacement trees. When replacement is determined by the City to be impractical an additional fine may be imposed in accordance with the Penalties for Offenses Article set forth herein. Any such fine will be deposited into the Trees for Rye fund administered by the Friends of Rye Nature Center. (c) All restoration shall be done in accordance with acceptable planting practices. Trees that fail to survive as a result of the restoration work required for a period of two calendar years following planting shall be replaced by the property owner.

D. Stop order. If the City Naturalist or Tree Foreman determines the removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the City Naturalist or Tree Foreman may issue a stop order. Work will not resume until approved corrective measures are undertaken.

§ 187-14 Removal of branches overhanging highways.

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the Tree Foreman is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

§ 187-15 Removal of dead trees.

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public, the Tree Foreman may serve personally or by mail upon the owner of said property a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the City, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

§ 187-16 Prohibited use of City transfer station for trunks and stumps.

It shall be unlawful for any person to place, deposit or dump on the City's transfer station any trunks, limbs or branches of trees in excess of six inches in diameter, and, further, it shall be unlawful to use said transfer station for the deposit of tree stumps.

ARTICLE V Protected Trees (§ 187-17)

§ 187-17 Protected trees.

Trees designated as protected may not be removed unless the City Naturalist determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved. A tree may be designated as protected by the Board of Architectural Review after a public hearing. Such designation may be made because of the tree's age, history, uniqueness or special beauty. No protected tree designation may be made without the written consent of the tree's owner.

ARTICLE VI Responsibilities of City (§ 187-18)

(a) It is the responsibility of the City to plant and maintain public trees. The City may remove any tree which is in an unsafe condition or is harmful to sewers, electric power lines, gas lines, water lines or other public improvements. (b) The City shall not remove, top off, or substantially alter the shape of any living tree in the absence of one of the above conditions. Trees that are severely damaged by storms or other causes, or trees under utility wires or other obstructions where pruning practices are impractical, may be exempted from this provision. (c) Where public trees are to be planted under utility lines, selections shall be made of a species compatible to be planted under power lines and other utilities. This Article does not prohibit the planting of public trees by property owners provided that the General Foreman of the Department of Public Works has reviewed and approved such plantings.

ARTICLE VII Responsibilities of Utility Companies (§ 187-19)

(a) Utilities, or their agents, responsible for maintaining rights of way in the City shall follow the tree maintenance practices established by the National Arbor Day Foundation.

(b) Trimming of habitat shall be in a reasonable manner to protect the health and appearance of the tree. Utilities performing work at street level or below shall take reasonable precautions against inflicting injury to any tree and/or its roots. If a utility proposes to remove any tree, advance permission must be obtained from the General Foreman of the Department of Public Works, except in the event of an emergency when a tree has fallen on a distribution line.

ARTICLE VIII Penalties for Offenses (§ 187-20)

§ 187-20 Penalties for offenses.

A. Any person, firm or corporation violating any of the provisions of this chapter will be required to replace, in kind, each and every tree removed, cut down or destroyed. If the tree was so large and mature that it cannot be replaced, the City Naturalist may require the planting of multiple trees. If multiple trees cannot be planted on the site of the violation, other available planting spaces on public property will be used to accommodate the balance of the penalty. No certificate of occupancy shall be issued for any new construction on property on which occurred any violation of this chapter unless and until the provisions of this subsection have been complied with.

B. In addition to any other penalty, any person, firm or corporation or individual hired by such firm or corporation violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the City in the amount of **\$500** for each and every tree removed, cut down or destroyed in violation of this chapter. **Each week's continued violation of any provision of this Local Law shall constitute an additional violation and may result in fines of up to \$500 per day. Fines will be deposited into the Trees for Rye Fund administered by the Friends of Rye Nature Center.**

C. In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this chapter may be denied the status of a permittee under § 187-12 for a reasonable period of time to ensure future compliance, in the discretion of the City Naturalist, subject to appeal to the City Manager.

ARTICLE IX Enforcement (§ 187-21)

§ 187-21 Enforcement.

The City Naturalist, tree foreman and Building Inspector, with the assistance of the police, shall enforce this chapter.

HISTORY. Adopted by the Council of the City of Rye 2-4-1942 as Art. 4 of Ch. 5 of the General Ordinances; amended in its entirety 11-7-1990 by L.L. No. 17-1990. Subsequent amendments noted where applicable.]

ARTICLE I Findings and Purpose (§ 187-1)

§ 187-1 Findings and purpose.

The preservation and maintenance of trees is necessary to protect the health, safety and general welfare of the City of Rye because trees provide shade, impede soil erosion, aid water absorption, enhance air quality, yield advantageous microclimate effects, offer a natural barrier to noise, provide a natural habitat for wildlife and add to the aesthetic quality of the community.

ARTICLE II Definitions (§ 187-2)

§ 187-2 Definitions.

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

CITY NATURALIST

The naturalist for the City of Rye or such representative as designated by the City Manager with the consent of the Conservation Commission.

RIGHT-OF-WAY

The strip of land over which facilities such as roads are built as identified on the official City Map.

SHRUB

Woody plants with many more or less erect stems.

TREE

All woody plants having one well-defined stem and a more or less definitely formed crown and attaining a height of at least 15 feet and a diameter of not less than two inches at maturity.

TREE FOREMAN

The labor foreman in charge of trees or such representative designated by the Superintendent of Public Works.

ARTICLE III Trees on Public Property (§ 187-3 — § 187-9)

[Amended 11-30-2005 by L.L. No. 4-2005]

§ 187-3 Planting of trees.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the Department of Public Works and complying with the following requirements. Such a permit shall be granted only upon the determination by the Tree Foreman, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

A.

Trees planted within the limits of any public street, right-of-way, park or other public place shall be of a species and quality approved by the Tree Foreman and shall be planted at least 30 feet apart unless

otherwise authorized by the Tree Foreman. Each tree shall measure not less than 2 1/2 inches nursery caliper.

B.

Should any tree, shrub or plant planted within the limits of any public street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the Tree Foreman, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

§ 187-4 Injuries to public trees.

The following acts as to City trees are prohibited: namely, to injure trees by chopping into them, scarring the trunks, driving nails into the trunks or limbs, building fires near trunks or under branches and pouring or depositing substances injurious to growth on soil near trees, including oil, gasoline, tar, creosote, salt or other injurious substances.

§ 187-5 Fastening of animals or attaching of signs to trees or shrubs.

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub.

§ 187-6 Permit required for treating public trees.

No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated City trees without first having obtained a permit from the Department of Public Works and approved by the Tree Foreman. No City employee shall treat City trees without first consulting the Tree Foreman.

§ 187-7 Deposit to guarantee proper work.

Before a permit shall be issued, the applicant must deposit with the Department of Public Works a sum of money equal to the cost of such treatment as a guaranty that said work will be properly done. The Department of Public Works shall pay this money to the Comptroller. This sum of money shall be returned after the work has been inspected by the Tree Foreman, provided that he or she shall certify that said work is up to standard. If it is not properly done, the Tree Foreman shall cause the work to be completed to his or her satisfaction. After the completion of the work, the Tree Foreman shall certify to the Comptroller the cost of completing the work, and the surplus remaining after deducting such cost shall be returned to the applicant.

§ 187-8 Use of spurs, insulated wires or guy wires.

Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs. Any wires of public utilities passing among the branches of City trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk.

§ 187-9 Removal of limbs.

When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the Department of Public Works before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Tree Foreman, and where such work is not up to standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

ARTICLE IV Trees on Private Property (§ 187-10 — § 187-15)

[Amended 12-20-2000 by L.L. No. 18-2000; 11-30-2005 by L.L. No. 4-2005]

§ 187-10 Prohibited trees.

Property owners and other persons are prohibited from planting silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place.

§ 187-11 Removal of trees.

Any property owner applying for subdivision approval whose plans would require the removal of any trees is subject to regulations outlined in Chapter [170](#), Article [IV](#), § [170-15D](#). In addition, no person shall remove a tree greater than eight inches in diameter measured 54 inches from the base of said tree in a required yard adjoining public property or any tree in an historic district without first obtaining a tree removal permit from the Department of Public Works. Dimensions for required yards are established in Chapter [197](#), Article [VIII](#), § [197-86](#). In cases pertaining to required side yards, the one-side minimum yard dimension shall apply.

§ 187-12 Granting of permit; stop orders.

A.

Application for permits must be made by the owner and other person, firm or corporation, if any, actually performing the work, in writing, to the Department of Public Works upon forms prescribed by the City Naturalist. The City Naturalist may adopt rules for obtaining and processing of permits subject to approval by the City Council. The fee for each application shall be set annually by resolution of the City Council before adoption of the budget for the following year, payable upon submission of the application. Approval of permits shall be made by the City Naturalist. Denial of permits by the City Naturalist may be appealed to the Board of Architectural Review pursuant to the review procedures under this Code. The Board of Architectural Review is authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping.

B.

Permits for the removal, cutting or destruction of trees may be granted under the following circumstances:

(1)

If the presence of the tree would cause hardship or endanger the public or the person or the property of the owner or of an adjoining owner.

(2)

If a tree is diseased or threatens the health of other trees.

(3)

If a tree substantially interferes with a permitted use of the property.

C.

Stop order. If the City Naturalist or Tree Foreman determines the removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the City Naturalist or Tree Foreman may issue a stop order. Work will not resume until approved corrective measures are undertaken.

§ 187-13 Removal of branches overhanging highways.

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the Tree Foreman is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

§ 187-14 Removal of dead trees.

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public, the Tree Foreman may serve personally or by mail upon the owner of said property a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the City, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

§ 187-15 Prohibited use of City transfer station for trunks and stumps.

It shall be unlawful for any person to place, deposit or dump on the City's transfer station any trunks, limbs or branches of trees in excess of six inches in diameter, and, further, it shall be unlawful to use said transfer station for the deposit of tree stumps.

ARTICLE V Protected Trees (§ 187-16)

§ 187-16 Protected trees.

Trees designated as protected may not be removed unless the City Naturalist determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved. A tree may be designated as protected by the Board of Architectural Review after a public hearing. Such designation may be made because of the tree's age, history, uniqueness or special beauty. No protected tree designation may be made without the written consent of the tree's owner.

ARTICLE VI Penalties for Offenses (§ 187-17)

§ 187-17 Penalties for offenses.

A.

Any person, firm or corporation violating any of the provisions of this chapter will be required to replace, in kind, each and every tree removed, cut down or destroyed. If the tree was so large and mature that it cannot be replaced, the City Naturalist may require the planting of multiple trees. If multiple trees cannot be planted on the site of the violation, other available planting spaces on public property will be used to accommodate the balance of the penalty. No certificate of occupancy shall be issued for any new construction on property on which occurred any violation of this chapter unless and until the provisions of this subsection have been complied with.

B.

In addition to any other penalty, any person, firm or corporation or individual hired by such firm or corporation violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the City in the amount of \$250 for each and every tree removed, cut down or destroyed in violation of this chapter.

C.

In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this chapter may be denied the status of a permittee under § [187-12](#) for a reasonable period of time to ensure future compliance, in the discretion of the City Naturalist, subject to appeal to the City Manager.

ARTICLE VII Enforcement (§ 187-18)

§ 187-18 Enforcement.

The City Naturalist, tree foreman and Building Inspector, with the assistance of the police, shall enforce this chapter.

Town	Statute Number	Permit Required	Granting Official	Enforcement	Appeal To	Private Trees	Public Trees	Fines & Replacement Required
Bedford	Chap 112 (took 3 yrs to get theirs; on 3d revision)	Yes, for more than 18" dbh, or above certain numbers and locations	Building inspector	"Enforcement officer" designated by Tw'n Bd. 112-3 Advice given by Tree Advisory Bd	ZBA	Any tree on a steep slope needs permit 112-4 (9) or in area of "significant vegetation" on the NRI maps (10) *Any whose removal will have sig. adverse impact on ecol. systems	Need removal permit for any w/i the Common lands or historic district	
Briarcliff	Chap 202	Yes for clearing, those above 7" dbh w/i set back zones		Tree preservation board – advisory to Village Pl Bd		Requires a tree protection plan for subdivisions or site plans	All regs apply to public prot too 202 -3 C	
Cortlandt	Draft law					Requires review of an arborist	Town exempt from current law	
Greenburgh		Required for all trees with DBH >6" on properties greater than 1 acre.	Forestry Officer			Law applies to private properties of 1 acre or greater; vacant lots; subdivisions and site plans.	Doesn't mention public trees	Violators subject to a \$500 fine and/or imprisoned not to exceed 15 days.
Harrison		Yes	Bldg Dept grants tree removal permits	Town Tree Committee		Law applies to private properties of 1 acre or greater.	Doesn't mention public trees	

Town	Statute Number	Permit Required	Granting Official	Enforcement	Appeal To	Private Trees	Public Trees	Fines & Replacement Required
Rye Brook	Chap 235.	Required for removal of trees with DBH of 8" or greater.	Engineering and Public Works Dept.	The Village Engineer, designee, and Code Enforcement Officer(s).	Appeal must be submitted, in writing, to the Village Board of Trustees within 30 days of the date of the decision of the Approval Authority	All tree removals of trees with DBH of 8' or greater are regulated	All tree removals or damages are regulated	Each tree removed w/o permit can be fined from \$500-\$750 for the first offense w/in a 1 yr. period. Each tree removed w/o permit must be replaced with another tree, or multiple trees = the DBH of tree removed, at expense of property owner.
Scarsdale	Chap 281 Good legis intent sec. 11 re removal of GHG etc.	Yes	Village Engineer, for trees > 12" in diam (at ht. 54" from grnd. Need one from Vill. Naturalist	Village Naturalist, Building Inspector	Planning Board Or BAR for Village Naturalist ones.	"Protected" trees: elm beech & Heritage can only be removed if diseased & a hazard. Controls trees >6" dbh, but can take 2 such in a 12 mo. period;		if > 36" must be replaced or if Engineer says so. Sec, 4 E; or if removed with no permit.
Tarrytown	Has ordinance Not On line ?		Has tree warden	Planning Bd.		Specimen tree: 18" diam. And above; can take up to 7 trees in lots 80,000 sq.ft. or larger		

Town	Statute Number	Permit Required	Granting Official	Enforcement	Appeal To	Private Trees	Public Trees	Fines & Replacement Required
Tuckahoe	Chapter 21A	Yes for trees with DBH of 10" or greater	Building Department	Certified Arborist and Building Department	Village Board of Trustees through written notice received by Village Clerk	No person shall knowingly cut down, kill or otherwise destroy a tree on private property except in accordance with the registration and permit requirements set forth in the tree code.	No person shall knowingly remove, break, injure, deface, kill or destroy any public tree or shrub.	\$500 fine for removal without permit. Fines to be deposited in the Tree Preservation Fund. Replacement may be required by the Village.
Yorktown	New Ordin from Dec. 2010	Yes From Engineer or PCom or Zoning	Tree Advisory Commission only reports on Forest Mgmt Plan	Town Engineer		Limited to differing amounts of trees depending on the size of the property	Applies to public and private property	