

LOCAL LAW NO. 3 - 2025

BE IT ENACTED BY THE VILLAGE OF GARDEN CITY BOARD OF TRUSTEES AS FOLLOWS:

The Code of the Village of Garden City Chapter 188. Trees, shall be amended as follows:

Section 1. **Section 188-5.** “Penalties for offenses” shall be deleted.

Section 2. A new Article IA. entitled “Planting on Private Property” shall be added as follows:

Section 188-5. Planting on Private Property

Upon submission of the appropriate paperwork, the Chairman, Board of Commissioners of Cultural and Recreational Affairs or his designee may, at the request of the property owner, plant an appropriate size and species of tree on the front lawn of private property. Thereafter, the responsibility for the care, pruning and removal of the tree, if needed, is the sole responsibility of the property owner.

Section 3. **Article II.** “Infested trees and shrubs” shall be revised to read:

“Article II. Infested, Dead, or Dangerous Trees, Shrubs and Bushes”

Section 4. **Section 188-6.** “Infestations prohibited” shall be revised to read as follows:

Section 188-6. Conditions prohibited.

Section 5. The text under current Section 188-6 shall be renumbered as 188-6.A

Section 6. A new Section 188-6.B shall be added as follows:

B. It shall be unlawful for owner, lessee or occupant of any lot or land to permit any dead or dangerous trees, shrubs or bushes, or parts thereof on their property.

Section 7. A new Section 188-6.C shall be added as follows:

C. A dead or dangerous tree is defined as any tree or part thereof on private property in the Village that is either dead, diseased, decayed, damaged or, due to other causes, in such a state that there exists a clear and present danger of said tree or any part thereof falling so that the free, safe, and lawful usage of the land by the public would be impaired or endangered and/or cause a dangerous condition to public land or public right-of-way.

Section 8. The text under current Section 188-7 shall be renumbered as 188-7.A

Section 9. A new Section 188-7.B shall be added as follows:

B. It shall be the duty of any owner, lessee or occupant of any lot or land to remove any dead or dangerous shrubs or bushes, or parts thereof on their property to comply with provisions of Section 188-6.B hereof.

Section 10. A new Section 188-7.1 shall be added as follows:

Section 188-7.1 Permit required.

No person or persons, firm or corporation shall destroy or remove a tree as set forth in Section 188-7 without first obtaining a permit therefore issued by the Chairman, Board of Commissioners of Cultural and Recreational Affairs or his designee.

Section 11. A new Section 188-8.C shall be added as follows:

C. If the person upon whom the notice is served fails, neglects or refuses to remove any dead or dangerous trees, shrubs or bushes, or part thereof, with five days after such service or mailing of such notice, the Chairman, Board of Commissioners of Cultural and Recreational Affairs of the Village or his designee, shall undertake such work and the cost thereof as certified by the Chairman or his designee to the Clerk of the Village and shall thereupon become and be a lien upon the property on which such dead or dangerous trees, shrubs or bushes are located and shall be added to and become and form a part of the taxes to be assessed and levied upon such lot or land and shall bear in interest at the same rate as taxes and collected and enforced in the same manner as taxes.

Section 12. Section 188-10. Definitions. - is hereby amended so that the definition of Tree shall read as follows:

TREE

Any living upright wood plant with its root system, which has at least a trunk of 2 ½ inches in diameter or greater at a height of 4 ½ feet above the ground.

Section 13. Section 188-12 entitled “Protection of Trees” shall be added as follows:

Anyone performing any work in the Village must provide adequate protection to avoid unsafe, hazardous and other conditions which may be potentially detrimental to any Village tree, in accordance with tree protection specifications on file with the Village Department of Parks and Recreation.

Section 14. A new Article IV entitled “Penalties For Offenses” shall be added as follows:

Section 188-13. Penalties for offenses.

- Any violation of the provisions of this Chapter shall render each offender liable to a fine as set forth from time to time by resolution of the Board of Trustees.

- In addition to any fines hereunder, the Village reserves the right to seize, remove and dispose of any planting in violation of this Chapter.

Section 15. In this Chapter, the title “Chairman, Board of Commissioners of Cultural and Recreational Affairs or his designee,” shall replace “Director of Public Works” and “Director.”

Section 16. Effective date

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Municipal Home Rule Law.