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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~
~~CITY~~ of Dolgeville
~~TOWN~~
Village
Local Law No. 6 of the year 19 80

GOVERNING THE REMOVAL OF DISEASED OR DANGEROUS TREES
WITHIN STREET LINES

A local law (insert title)

Be it enacted by the Board of Trustees of the (Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Dolgeville, Herkimer and Fulton Counties as follows:
~~TOWN~~
Village

Section 1. Legislative Intent. It is hereby declared to be the policy of the Board of Trustees to provide for the safe and unobstructed use of the public streets of the Village of Dolgeville. By this local law, the Board of Trustees seeks to prevent hazardous or dangerous conditions along public streets due to diseased or dangerous trees by requiring owners of land to cut, trim or remove such trees and, upon their default, to cause the same to be done and assess the cost against the real property of such owners.

Section 2. Definitions. For the purpose of this local law the following terms shall have the meanings ascribed to them below. All other words shall have the meaning normally ascribed to them in regular usage.

- a. "Diseased or dangerous tree" shall mean a tree which, owing to disease or other factor, threatens the safety of the users of public streets or obstructs the use thereof.
- b. "Public streets" shall mean streets or other public ways, including the side walks and other areas within the rights of way, which are under the jurisdiction and control of the Board of Trustees pursuant to Section 6-602 of the Village Law. This term shall be specifically limited to those streets and ways not otherwise owned by the Village of Dolgeville in fee.
- c. "Abutting owner" shall mean a property owner whose property line extends to the center of a Village street or way.

Section 3. Enumeration of Powers. The Board of Trustees of the Village of Dolgeville is hereby authorized and empowered, within the limitations of the Constitution and laws of the State of New York, to act as follows:

(a) Declaration of hazardous or unsafe condition. The Board of Trustees by resolution may determine and declare that a particular tree along a public street is a diseased or dangerous tree, constituting a hazardous or unsafe condition, and direct that the same be cut, trimmed or removed.

(b) Notice to abutting property owner. Following a declaration of hazardous or unsafe condition, the Board shall cause a notice to be served,

(If additional space is needed, please attach sheets of the same size as this and number each)

either personally or by certified mail, upon the abutting owner, directing said owner to remedy the condition. Such notice shall specify the particular tree and shall set forth the manner and time, not less than fifteen (15) days from the receipt of notice, within which such work must be completed.

(c) Duty to abate. Any person, being the owner of real property within the Village, shall be required to cut, trim or remove diseased or dangerous trees when ordered to do so by resolution of the Board of Trustees.

(d) Non-compliance with Notice. Whenever a notice has been served upon an abutting owner to cut, trim or remove a diseased or dangerous tree and such owner shall neglect or fail to comply with the requirements of such notice within the time provided therein, the Board of Trustees may cause the work to be done and pay the cost thereof.

(e) Abatement of Condition by Village; Reimbursement of Cost. The Village shall be reimbursed for the cost of work performed or services rendered by direction of the Board of Trustees, as provided in subdivision (d) hereof, by assessment and levy upon the property of the abutting owner whereon such work was performed or services rendered of the actual and complete cost of such work, whether such work shall have been done by employees of the Village or others independently contracted, which charges shall be assessed and collected in the same manner and at the same time as provided by law for the collection of delinquent taxes.

Section 4. Repeal of Inconsistent Laws. Any prior law, rule, regulation or ordinance inconsistent herewith is hereby repealed.

Section 5. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State.