

Chapter 391, TREES AND SHRUBS

[HISTORY: Adopted 6-5-1978 by Ord. No. 89-78 (Ch. 20, Art. VII, §§ 20-126 through 20-143, of the 1970 Code). Amended 4-16-07 by Ord. No. 13A-2007]

GENERAL REFERENCES

- Parks and recreation -- See Ch. 301.
- Streets and sidewalks -- See Ch. 355.
- Subdivision of land -- See Ch. 360.
- Zoning -- See Ch. 410.

§ 391-1. Definitions.

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

STREET TREES -- Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

PUBLIC TREES -- Any woody plant, located on municipal property, having at least one well-defined trunk and at least 2 ½ inches in diameter measured at a height of six inches above the natural grade and having a clearly defined ground.

§ 391-2. Shade Tree Commission-created. [Amended on 2-12-16 by Ord. No. 16-06]

There is hereby created a City Shade Tree Commission for the City of Binghamton, County of Broome, State of New York. Said Commission shall consist of seven (7) members, who are residents or work in the City, three (3) who shall be appointed by the Binghamton City Council Parks and Recreation Committee and three (3) who shall be appointed by the Mayor of the City of Binghamton, and one (1) who shall be the Commissioner of Parks and Recreation or his/her designee.

§ 391-3. Term of office of Commission members; high school member; vacancies.

- A. The term of office of the seven persons shall be three years, except that the term of two of the members appointed to the original Commission shall be for only one year and the term of two members of the original Commission shall be for two years. A high school student for a two-year term shall be appointed by the Chairperson of the Shade Tree Commission and approved by the Mayor of the City of Binghamton.
- B. The term of office of the seven appointed persons shall begin on January 1, 2008.
- C. The Director of Planning, Housing and Community Development or a designee of will serve as an ex-officio member. The Director of Parks and Recreation or a designee of will serve as an ex-officio member.
- D. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the City Council Parks and Recreation Committee or the Mayor of the City of Binghamton, as the case may be, for the unexpired portion of the term.

§ 391-4. Compensation of Commission members.

The members of the Shade Tree Commission, including ex officio members, shall receive no compensation for their services pursuant to this chapter, but they may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 391-5. Duties and responsibilities of Commission.

The Shade Tree Commission shall have the following duties and responsibilities:

- A. To study the problems and determine the needs of the City of Binghamton, County of Broome, State of New York, in connection with its tree planting program.

- B. To assist the Parks and Recreation Department with the type and kind of trees to be planted upon such municipal property.
- C. To assist the Parks and Recreation Department of the City of Binghamton, County of Broome, State of New York and citizens of the City in the dissemination of news and information regarding selection, planting and maintenance of trees within the corporate limits
- D. To provide regular and special meetings at which the subject of trees, insofar as it relates to the City, may be discussed by members of the Commission, officers and personnel of the City and all others interested in the tree program.
- E. Upon request, to act as an advisory committee for City Council, the Planning Commission and the Zoning Board of Appeals.

§ 391-6. Commission operation; quorum.

The Shade Tree Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 391-7. Spacing of street trees; nuisance trees prohibited.

- A. The spacing of street trees will be as follows, no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designed or approved by the City of Binghamton Parks and Recreation Department.
- B. No nuisance trees such as Aspen, Box Elder, Catalpa, Cottonwood, Gingko (females only), Horse Chestnut, Silver Maple, and Willow and the like shall be planted in the City of Binghamton.

§ 391-8. Distance of trees from street corners and fireplugs.

No street tree or public tree shall be planted closer than 35 feet to any street corner, measured from the point of the nearest intersecting curbs or curblines. No street tree or public tree shall be planted closer than 10 feet to any fireplug.

§ 391-9. Distance of trees from utilities.

No street trees or public trees may be planted over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

§ 391-10. Public tree care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenue lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City of Binghamton Parks and Recreation Department may remove or cause or order to be removed any tree or part thereof 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; or is affected with an injurious fungus, insect or other pest.

§ 391-11. Pruning corner clearance.

Every owner of any tree on private property overhanging any street right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

§ 391-12. Removal of dead or diseased trees.

The City of Binghamton Parks and Recreation Department shall have the right to cause the removal of any dead or diseased street trees, public trees, or trees on private property within the City when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within the City. The Parks Department or the Code Enforcement Department shall notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the property tax notice.

§ 391-13. Removal of stumps.

All stumps of 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.

§ 391-14. Removal of healthy street trees restricted.

In order to protect the City's investment in time and resources in the street tree program, it shall be unlawful to remove any healthy street tree or public tree without prior approval of the City of Binghamton Parks and Recreation Department.

§ 391-15. Interference with authority of tree program.

It shall be unlawful for any person to prevent, delay or interfere with agents of the City tree program while they are engaged in and about planting, cultivating, mulching, pruning, spraying or removing any street trees, as authorized in this chapter.

§ 391-16.

Any violation of Sec. 391-14 and Sec. 391-15 will result in a fine of not less than fifty dollars per event nor more than one hundred and fifty dollars per event.