

**Chapter 197**  
**TREES AND SHRUBS**

**ARTICLE I**  
**Tree Surgery**

- § 197-1. License required.
- § 197-2. Application; insurance coverage.
- § 197-3. License fee.
- § 197-4. Exception.

**ARTICLE II**  
**Dutch Elm Disease**

- § 197-5. Powers of village authorized by statute.

**ARTICLE III**  
**Damaged and Diseased Trees**

- § 197-6. Maintaining damaged or diseased trees prohibited.
- § 197-7. Duties of land owners.
- § 197-8. Inspection and notice.
- § 197-9. Mandatory compliance.
- § 197-10. Costs.
- § 197-11. Penalties for offenses.

**[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Protection of trees — See Ch. 160, Arts. III, IV and V.

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**ARTICLE I**  
**Tree Surgery**

**[Derived from Section 30A of the General Code of Ordinances]**

**§ 197-1. License required.**

It shall be unlawful for any person, partnership, firm, association or corporation to engage in the business of cutting, trimming, pruning, removing, spraying or otherwise treating trees in any manner whatsoever within the corporate limits of the village without first obtaining a license from the Village Clerk.

**§ 197-2. Application; insurance coverage.**

- A. Said Clerk shall not issue a license for such work until the applicant shall submit and file a duly sworn to application in form authorized and furnished by the Village Clerk, which application shall contain the name and address of the applicant, if an individual, the names and addresses of the partners or associates, if a partnership, firm or association, the names of the officers and addresses if a corporation, and shall file with the Village Clerk an appropriate certificate of an insurance company licensed to do business in the State of New

York certifying that it has duly issued a policy or policies of insurance insuring the applicant against liability for damages arising from personal injuries, including death, sustained as a result of the aforesaid tree work in the amount of \$100,000 for each person and \$300,000 for each accident and against property damage liability in an amount of \$25,000 for each accident and an amount of \$50,000 during the policy period, and that the applicant is duly insured to cover liability prescribed by the Workmen's Compensation Law of the State of New York.

- B. Said insurance company shall furnish the Village Clerk with a thirty-day notice in writing of any termination and expiration of said insurance. If it shall at any time thereafter appear that the said applicant has not appropriately reinstated, extended or renewed the said insurance, then any license issued hereunder shall be automatically canceled without notice to anyone and may not be renewed without payment of a new license fee.

**§ 197-3. License fee. [Amended 4-10-1978 by L.L. No. 5-1978]**

The fee for a license under this section shall be an amount as adopted by resolution of the Board of Trustees and shall be payable upon issuance of the license. The license shall be valid for a period of one year from the date of issuance thereof.

**§ 197-4. Exception.**

The provisions of this article shall not apply to the business of a landscape gardener hired on a seasonal basis and which business includes tree trimming or pruning incidental to the gardening services performed.

**ARTICLE II**

**Dutch Elm Disease**

**[Adopted 12-12-1966 by L.L. No. 1-1966]**

**§ 197-5. Powers of village authorized by statute.**

The village hereby elects in accordance with the authority granted in § 169 of Article 14 of the Agriculture and Markets Law to exercise and enjoy by its appropriate officers and employees the powers and immunities prescribed and granted in §§ 164, 165 and 167 of Article 14 of such law with respect to the dutch elm disease within the limits of the village.

**ARTICLE III**

**Damaged and Diseased Trees**

**[Adopted 12-12-1966 by L.L. No. 2-1966]**

**§ 197-6. Maintaining damaged or diseased trees prohibited.**

It shall be unlawful for any owner, lessee or occupant of land in the Village of Pelham Manor to permit or maintain on such land any tree or branch thereof that is damaged, dead or infected with dutch elm disease or any other highly fatal infectious disease, so as to be a public nuisance or in danger of falling.

**§ 197-7. Duties of land owners.**

In respect of land owned, leased or occupied in the Village of Pelham Manor, it shall be the duty of the owner, lessee and occupant of such land:

- A. To cut down and remove from the village any tree or branch thereof on such land which is dead or so damaged as to be a public nuisance or in danger of falling.
- B. To cut down and remove from the village any tree on such land which is wholly infected with dutch elm disease or with any other highly fatal infectious disease.
- C. To prune from all trees on such land which are infected with dutch elm disease or with any other highly fatal infectious disease, all branches or other wood which are diseased or infected and remove such prunings from the village.

**§ 197-8. Inspection and notice.**

The General Foreman of the Department of Public Works of the Village of Pelham Manor or a qualified tree expert as may be duly authorized by the Board of Trustees of the Village of Pelham Manor may enter upon private property for the inspection of trees and for the purpose of taking specimens therefrom. If such inspection shows that a tree is damaged or dead or is infected with dutch elm disease or any other highly fatal infectious disease so as to be a public nuisance or in danger of falling, the Clerk of the Village of Pelham Manor shall serve written notice upon the owner, lessee or occupant of the land upon which such damaged, dead, infected or diseased trees are located requiring compliance with the provisions of this section within 30 days or any reasonable period of time stated in the notice as the facts and circumstances may warrant after service of such notice. Written notice may be served by either posting such notice in a conspicuous place upon the premises affected or by mailing a copy thereof to the person to whom it is directed at the address of the taxpayer appearing on the last assessment roll of the Village of Pelham Manor.

**§ 197-9. Mandatory compliance.**

If the owner, lessee or occupant of land in the Village of Pelham Manor fails, neglects or refuses to comply with this article, the Clerk of the Village of Pelham Manor shall thereupon take such action and do such things as may be necessary to eliminate the unlawful conditions existing on such land in order to comply with the provisions of this article. The necessary work may be performed by employees of the Village of Pelham Manor under the supervision of the General Foreman of the Department of Public Works or by contracting with duly qualified tree experts or by any other manner which the facts and circumstances may warrant.

**§ 197-10. Costs.**

The General Foreman of the Department of Public Works shall keep an accurate account of the cost of labor and materials used in performing the work undertaken pursuant to the provisions of § 197-9 with respect to each parcel of land on which such labor and materials are used. In each such case the General Foreman of the Department of Public Works shall certify the amount of such cost to the Clerk of the Village of Pelham Manor who shall thereupon cause a

statement of such cost to be mailed to the last known owner of the land and to the lessee and occupant thereof. Unless the amount of such cost is paid within 30 days from the date of such statement, such cost shall be assessed upon the land upon which such work was done.

**§ 197-11. Penalties for offenses. [Amended 5-14-1979 by L.L. No. 1-1979]**

For each violation of this article, the offender shall be subject upon conviction to a penalty of not more than \$250. Each and every day that such violation continues shall constitute a separate offense. In addition, an offender shall be subject for violation of this article to injunction prohibiting and otherwise preventing any continuous violations hereof.