

SARATOGA SPRINGS: CITY CODE, Part II, Chapter 220

Chapter 220. TREES

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[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 125 of the 1970 Code. Section 220-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. III.

Brush, grass and weeds — See Ch. 83.

§ 220-1. Jurisdiction of Department of Public Works.

The Department of Public Works shall have exclusive jurisdiction, authority, control and supervision of all trees, plants and shrubs planted or growing in or upon the public highways and public places of the City of Saratoga Springs and the planting, removal, care, maintenance and protection thereof.

§ 220-2. Permit required.

A. Except upon order of the Department of Public Works, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation without a written permit from the Department of Public Works to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Saratoga Springs or cause, authorize or procure any person to remove, destroy, cut, break, climb or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place.

B. Any person, firm or corporation or officer or employee of a corporation desiring for any lawful purpose to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects or trim any tree, plant or shrub in or upon any public highway or public place shall make application to the Commissioner of Public Works at the Department of Public Works. Such application must state the number and condition of the nearest trees to be trimmed, removed or treated and the kind and condition of the nearest trees upon the adjoining property. If, in the judgment of the Commissioner of Public Works and/or the City Forester, the desired removing, cutting, pruning, treatment or trimming shall appear necessary and the proposed method and

workmanship thereof shall be such as such Commissioner of Public Works and/or the City Forester may approve, the Department of Public Works may thereupon issue a written permit for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of this chapter.

§ 220-3. Prohibited acts.

A. It shall be unlawful for any person, firm or corporation owning or using or having control or charge of gas or other substances deleterious to tree life to allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant in any public highway or public place in such manner as shall kill or destroy or may injure such tree, shrub or plant, either by dripping or seeping or any other manner whatsoever.

B. It shall be unlawful for any person, firm or corporation to attach or keep attached to any tree, plant or shrub in or upon any public highway or public place or to the guard or stake intended for the protection of such tree any rope, wires, chains, signs or other device whatsoever, except for the purpose of protecting it or the public.

§ 220-4. Trimming.

Trees standing in or upon any public highway or public place and on any lot or land adjacent to any public highway or public place and having branches projecting into the public highway or place shall, under the supervision of the Department of Public Works, be kept trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing. The Department of Public Works may, however, allow newly planted trees to remain untrimmed, provided that they do not interfere with persons using the sidewalk or cause any obstruction. In case the owner or owners, occupant or occupants shall neglect or refuse to trim such tree or trees on being notified in writing so to do, it shall be the duty of the Department of Public Works so to do.

§ 220-5. Planting permits.

A. It shall be unlawful for any person, firm or corporation to plant or set out any tree or cause or authorize or procure any person to plant or set out any tree in or upon any part of any public highway or public place without first obtaining from the Department of Public Works a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this chapter.

B. All applications for such permit shall describe the work to be done and the variety, size and precise location of each tree.

§ 220-6. Preservation and removal.

A. The Department of Public Works shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The Department of Public Works, under the power here given, 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 or other public improvements or is affected with any injurious fungus, insect or other pest.

B. The Commissioner of Public Works shall also have the power to order and require property owners in the city to spray or otherwise treat any tree, shrub or plant located on private grounds or property which has become infected or infested by any parasite or insect pest when it shall be necessary, in his opinion, to do so to prevent the breeding or scattering of any parasite or animal pests and to prevent danger therefrom to trees or shrubs planted in the public streets or other public places. The Commissioner of Public Works shall also have the power to order property owners to trim, treat or remove any tree, plant or shrub located on private grounds or property whenever it shall be deemed wise to do so for the protection of other trees, plants or shrubs planted in the public streets or other public places.

C. Notice of an order of the Commissioner of Public Works, as provided for herein, shall be given by publication twice in the official newspaper of the city or by registered mail directed to the owner of property at his last known place of residence.

D. Upon failure of the property owner to spray or otherwise treat any tree or shrub located on private ground which has become infected or infested by any parasite or insect pest, in compliance with an order of the Commissioner of Public Works promulgated in accordance with Subsection B of this section, the Department of Public Works shall enter upon the private ground and spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest and shall assess the cost of doing said work against the property benefited.

§ 220-7. Interference with city employees.

It shall be unlawful for any person or persons or firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference of delay with the Commissioner of Public Works or any of his employees, agents or servants or the City Forester while he is engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants or shrubs in or upon any public highway or public place or upon any private ground as authorized in the previous section.

§ 220-8. Penalties for offenses.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, firm or association, partnership or corporation who himself or itself or by his agent or employee shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.