

1. **Legislative Findings:** In recognition of the important role that the urban forest plays in the health of the community, The City of Hudson has adopted this Tree Ordinance. Trees provide a vital ecological resource for the well-being of the community and therefore require preservation efforts. Trees stabilize the soil on slopes thereby preventing siltation, erosion and flooding; they control water pollution; they purify the air and generate oxygen; they mitigate noise; their shade reduces energy consumption and encourage people to recreate out of doors; they provide habitat and food for birds and animals; and their colorful seasonal characteristics enrich our total environment.

Trees are economically beneficial in attracting new industry, residents and visitors. Healthy trees of the right size and species enhance the value and marketability of property and promote the stability of neighborhoods.

This Chapter of the Hudson City Code establishes the policies and regulations regarding removal and replacement of trees and standards of the planting, maintaining, protecting and growing of the urban forest in the City of Hudson.

2. **Legislative Intent:**

The purpose of this ordinance is to preserve trees, minimize damage and removal, and encourage planting of trees, thereby enhancing the health, safety and general welfare of the inhabitants of the City of Hudson.

- A. Create a Tree Board to establish regulations governing the planting, maintenance, and removal of trees and shrubs in the public streets, rights-of-way, parks and other municipally owned property in the City of Hudson;
- B. Preserve and encourage the planting of green foliage on city streets and public property; and
- C. Replace trees that must be removed from public property because of disease or lack of development.
- D. Require all new construction/renovation projects coming before the Planning Board, the Historic Preservation Commission and/or the Code Enforcement Department to include existing tree (above 3" caliper) layout and a Tree Removal permit with a Mitigation Plan approved by the Hudson Tree Board.

3. Definitions.

Adjacent Property Owner - The person, firm, entity, or corporation owning property bordering a city street. The adjacent property owner to a public tree shall be the owner of property located on a perpendicular with the street line through the center of the tree four feet above the edge of pavement of a roadway.

Applicant - Any individual, partnership, corporation, other entity, together with employees, officers, directors, agents which owns any real property or portion of real property within the

jurisdiction of the City or any independent contractors, agent or any lessee or contract-vendee of the owner of parcel of property real property within the jurisdiction of the City.

Approved Street Trees - A list of Recommended street trees for the City of Hudson as approved by the Hudson Tree Board

Caliper - The diameter of a tree trunk, taken six inches aboveground for up to and including four-inch caliper size, and the diameter at breast height for larger trees.

Diameter Breast Height (DBH) - Tree trunk diameter measured in inches with a calipers at six inches from grade in the case of trees measuring four inches or less in diameter; and at a height 4 1/2 feet above grade when the tree trunk is larger than four inches.

Dripline - A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Public Trees — Any trees, shrubs, bushes and all woody vegetation on land lying within a public street, public park or right-of-way within the City, including any tree or shrub which overhangs any highway, street, sidewalk or public place.

3. Hudson Tree Board (HTB)

- A. **Establishment.** There is hereby created and established a Tree Board consisting of seven members to be appointed by the Common Council. There shall be at least one Tree Board member from each of the five city Wards; at least one of whom shall be either professionally trained or experienced in the field of municipal arboriculture; one of whom shall be a member of the Common Council; one of whom shall be a member of the Conservation Advisory Council; one of whom shall be a member of the Planning Department or other appropriate city department; and one of who shall be a member of the Department of Public Works. All members of the board shall be residents of the City of Hudson. All members shall be voting members. All members of the Board shall serve without pay.
- B. **Term of Members.** Of the members of the Board who are first appointed pursuant to this ordinance, two shall be designated to serve for terms of two years; two shall be designated to serve for terms of three years; and three shall be designated to serve for terms of four years. Thereafter, the term of office shall be three years.
- C. **Vacancies.**
 - (1) If a Committee member does not serve the full term for reasons other than the expiration of the term, then the Common Council shall appoint a successor, to serve for the unexpired term.
 - (2) If a Committee member misses six consecutive meetings, the position will be deemed vacant.
- D. **Removal of Members.** The Common Council shall have the right to review the conduct, acts, and decisions of the Tree Board and of its individual commissioners. Common Council shall have the power to remove members as, in its sole discretion, may be necessary.

Commented [CP1]: What about Mayoral appointment as well?

- E. **Meetings.** The Board shall hold regular and special meetings open to the public and to adopt rules and regulations not inconsistent with this ordinance for the conduct of the meeting and business of the Board. The Board shall file a copy of the rules and regulations, and any amendments thereto, with the City Clerk.
- F. **Voting.** All determinations, decisions, and recommendations by the Board shall be by majority vote of the Members present at the meeting in which the determination, decision, or recommendation is voted on.

Commented [CP2]: Do we want to set a minimum number of meetings? I.e. 6x per year?

4.Powers and Duties Of the Hudson Tree Board. The Tree Board shall have the following powers and duties :

- A. To study problems and needs of the City in connection with the tree planting program and to make recommendations to the Commissioner of Public Works as to type and kind of trees to be planted by the City;
- B. To maintain and update as necessary the tree inventory database set forth in the City of Hudson Community Forestry Management Plan;
- C. To assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of trees in the City;
- D. To make recommendations to the Common Council as to desirable legislation concerning the tree program and activities for the municipality such as certification as "Tree City, USA";
- E. To review and process all Tree Planting Permit applications, Tree Removal Permit applications and the accompanying Mitigation Plans.
- F. A special or emergency meeting may be convened by either the Chairperson or any five members on two days' notice. All meetings of the Tree Board shall be open to the public.
- G. To assist with funding applications and development of associated programs that are consistent with this ordinance.
- H. To review and decide on all removal and planting applications
- I. To work with homeowners in appropriate tree/site selections
- J. To provide recommendation as requested to the Hudson Planning Board on the review of site plans for renovation and construction and binding caveats for existing trees on site and minimum tree replacement criteria.
- K. To study, investigate, develop and/or update the City's written plan for caring, preserving, pruning, topping, replanting, removing or disposing of trees and shrubs in parks, along streets, and in other public areas.
- L. To maintain reference materials relating to trees and shrubs.
- M. To provide an inventory of the location of street trees and determining areas where such trees could exist but are absent.
- N. To provide recommendations to the Commissioner of Public Works regarding the control of trees in public places.
- O. To provide a long-range plan every five years for the City relating to street trees and shrubs.

Commented [CP3]: I believe that this is where the database came from but that needs to be verified.

5. Review by Common Council.

A. The Common Council shall have the right to review the conduct, acts and decisions of the Hudson Tree Board and of its individual members and remove same in accordance with Section 3(D) of this Ordinance.

B. Any person who is aggrieved by any decision of the Hudson Tree Board may appeal the decision within 10 days of the filing of the decision with the office of the City Clerk. The appeal shall be heard by the Common Council within 30 days of the filing of the appeal in the office of the City Clerk. Common Council shall make and file its decisions with the City Clerk within 10 days of its hearing.

Commented [CRP4]: Consider review by a Standing Committee of the Common Council rather than the entire Council.

6. Tree Removal, Alteration, or Pruning Permit Required

A. Except as pursuant to a Notice issued by the Commissioner of Public Works in accordance with C22-2 of the City Charter or in the case imminent danger to health and safety, no person shall, without first obtaining a permit from the Hudson Tree Board, remove, cut, top, prune, destroy or injure (tree cutting) any park tree, public tree, roadside tree, street tree or any tree growing in or on an easement or other public place.

Commented [CP5]: Permits are going to need to go through a City Department. I.e. Board approves the Permit and Building Department issues?

B. Tree Removal Permit Applications may be submitted by a property owner, leasee or tenant, or a certified insured Arborist contracted by the property owner, lease or tenant.

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

D. A Hudson Tree Removal Permit Application must be filed with the Hudson Tree Board for:

- i. Each tree the applicant wishes to remove that is in the public right of way (street and sidewalk trees);
- ii. Each tree the applicant wishes to remove that may be on private land but shades the public right of way and is above 3" caliper;
- iii. All trees above a 3" caliper on any new construction/renovation projects coming before the Planning Board, the Historic Preservation Commission and/or the Code Enforcement Department.
- iv. All privately owned parking lots before repaving and any new privately owned parking areas accommodating 4 or more vehicles.

E. Permit Fee. Tree Removal Application fees are \$15 per application, payable to the City of Hudson Tree Maintenance and Planting Fund, at the time of meeting with the Hudson Tree Board. Fees may be waived by the Hudson Tree Board for cases of diseased trees, trees imposing danger, invasive species trees or applicant financial circumstances.

7. Tree Removal and Pruning in the public places. Removal of Trees in public places must adhere to the following requirements:

A. Removal of trees in public places by private residents shall, with some exceptions that may be granted by the Hudson Tree Board, be done by a certified insured Arborist registered with the City of Hudson Code Enforcement Department.

Commented [CP6]: What exceptions are contemplated here? These should be specifically listed.

B. All debris shall be removed to an appropriate location and not left in the public right of way.

C. The trunk, trunks, shoots or stump of any tree or shrub shall be severed at or

below ground level or grade only and no part thereof shall be permitted to protrude above such level or grade. and the Applicant shall attempt to remediate the root area well enough for a shrub or ground cover to thrive.

D. Tree Pruning in public places. Except as performed by the Department of Public Works or as required by Section C22-22 of the City Charter, the following requirements apply to the pruning of public trees:

- i. pruning of public trees by are prohibited except of **minor** pruning for the health of the tree, to facilitate pedestrian passage, clear sight lines for vehicular traffic.
- ii. Pruning of any limb above a 2" caliper shall be done a certified insured Arborist registered with the City of Hudson Code Enforcement Department.
- iii. Climbing in any street tree or park tree is forbidden.

Commented [CRP7]: This should be defined.

8. Removal of dead and diseased trees from private property.

Private property owners have the duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to person or property of others. The Hudson Tree Board shall recommend to the Code Enforcement Officer to provide the property owner with written notification that a tree or shrub should be removed for the reasons stated above. Owners shall, at their own expense, remove such trees. Owners shall have 15 days after the date of service of the notice to inform the Code Officer as to when the tree shall be removed. Owners shall have no more than 30 days after informing the Code Officer to remove such trees unless the Code Officer indicates otherwise in writing. If owners fail to comply with such provisions, the City shall remove such trees and charge the cost of removal to the property owner upon notice and hearing. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

9. **Compliance.** The property owner shall be responsible for any lease, tenant, or third-party contractor's compliance with all applicable and relevant tree management guidelines, including, without limitation, the American National Standard A300 (Part 5) Management practices "Tree and Development: A Technical Guide to Preservation of Trees During Land Development" (Matheny and Clark), "Protection and Care of Urban Forest" (NJDEP Division of Parks and Forestry), "Evaluation of Hazard Trees in Urban Areas" (Matheny and Clark), "Urban Tree Risk Management" (USDA Forest Service), all as may be changed or supplemented from time to time.

10. **Registration of Arborists.** Any arborist performing work on behalf of a property owner pursuant to the requirements of this Ordinance shall register with the City of Hudson Code Enforcement annually, submitting proof of certification, insurance and **\$50** registration fee made out the City of Hudson Code Enforcement.

Commented [CP8]: Are we requiring that all work be performed by an arborist? If so, that will limit contractor options for residents.

11. Tree Planting Permits.

A. Any person wishing to plant a tree in a public place must submit a Street Tree Planting Application to the Hudson Department of Public Works and to the Hudson Tree Board. Application must include:

- i. the exact planting location desired;
 - ii. the existence, or not, of overhead wires;
 - iii. the adjacent property owner and contact information; therefore;
 - iv. who will be doing the planting, self, nursery, contractor; and may include;
 - v. 1-3 preferred trees from the List of Recommended Street Trees for the City of Hudson
- B. Tree Planting Permit shall be sent to the Department of Public Works for an opinion as to site appropriateness, and
- C. All Applicants are required to call call Dig Safe NY (811) and initiate a dig ticket prior to the planting of any tree or shrub pursuant to this ordinance.

Tree Restoration and/or Mitigation

1. Property owners who have any tree removed are required to replace the tree with a new one of equal caliper (trunk) size, or a combination of multiple trees adding up to the caliper size of the tree removed, or they may make a \$350 contribution to the Hudson Tree Maintenance and Planting Fund which is used to supplement public tree replacement in The City of Hudson. This fee may be waived by the HTB in the case of trees presenting danger, or disease, or some invasive species of trees, or applicant's financial circumstances.
2. Property owners who are seeking building permits for new construction or renovation must:
 - a. Supply a site plan for the existing trees over 4" caliper, a tree protection plan for the construction phase, usually including fencing around the entire dripline of a tree, no heavy equipment driving over the root area compacting the soil and no disturbance of soil at all within the dripline;
 - b. Supply an overlay of that plan marking the trees to be removed, describing trees by species and caliper size, (the HTP can help with tree ID and measurement);
 - c. Supply the HTB with a mitigation plan including how the tree loss will be replaced with multiple tree plantings at the end of construction, noted by size and species.
 - i. Notifying the HTB early in the permitting process is recommended; the HTB aims to educate and aid decision making and planning while maintaining a strong tree canopy in the City.
3. A tree Restoration/Mitigation plan certification, defined as the self-affidavit certification submitted by the tree removal contractor or a landscape contractor for the implementation of the tree restoration plan submitted as part

of the tree removal permit application. The tree removal contractor shall certify that the tree restoration plan will be fully implemented as submitted.

C. The applicant, be that the property owner or their contactor, will be held responsible for the implementation of the Restoration/Mitigation plan.

4. The HTB will have leeway to consider payment to the Hudson Tree Maintenance and Planting Fund in part or in lieu of a new tree planting plan.

Commented [CP9]: Consider limited to projects that are under review by the Planning Board or tree removal over a certain number. See i.e. 106-5

Enforcement, Violation and Penalties

1. The City of Hudson Code Enforcement Department shall have the authority to enter onto any property in the City of Hudson and to issue a stop-work order to any person in violation of this article.
2. Violations of this article shall be punishable by a fine of no more than \$1,000.
3. Exceptions to fines and penalties may be made for emergency tree removal as deemed appropriate by the Common Council,
4. The Common Council shall revoke the registration of any tree removal contractor who has submitted a fraudulent tree removal permit application or a false certification.

Prohibited actions

1. No person or utility shall plant, spray, fertilize, treat, prune, remove, cut above ground, disturb the root system or otherwise disturb any public tree or shrub on any village street, park or public place without a permit.
2. Further, no person shall fasten or attach to any tree any sign, poster, bill, notice or advertisement of any kind.
3. No person or utility shall cause or permit any brine, oil, gasoline, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a tree which could injure such tree.