

ORDINANCE 2023-_____

**AN ORDINANCE ADDING A NEW CHAPTER 634 TO THE CITY OF
CANANDAIGUA CITY CODE ENTITLED “REMOVAL OF TREES ON PRIVATE
PROPERTY”.**

WHEREAS, the City of Canandaigua is committed to protecting the environment and the City’s natural beauty and assets, in particular the abundance of mature trees in the City; and

WHEREAS, the City has previously adopted its Urban Forestry Ordinance, which regulates and protects public trees and other property from damage or destruction; and

WHEREAS, the City Tree Advisory Board has considered how to protect mature trees on private property while also taking into account public safety and the interests of private property owners; and

WHEREAS, the Tree Advisory Board has provided recommendations to City Council in the form of this ordinance as to how to best achieve these goals; and

WHEREAS, City Council has determined that it is also in the best interest of the City and the general welfare and safety of City residents to ensure that mature trees on private property are maintained and/or removed in accordance with proper practices, while balancing the needs of the private property owner; and

WHEREAS, City Council has determined that these goals can best be achieved through the implementation of a notification requirement prior to the cutting of mature trees on private property;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

SECTION 1: A new Chapter 634 entitled “Removal of Trees on Private Property” is hereby added to the City Code of the City of Canandaigua as follows:

Section 634-1 Purpose and Scope.

A. The purpose of this chapter is to regulate the removal of mature trees on private property, by requiring notification to the City prior to the cutting of mature trees on private property within the City.

B. This Chapter does not apply to trees on public property as regulated in Chapter 633.

Section 634-2 Definitions.

The following terms shall carry the meanings indicated:

MATURE TREE

A tree with a diameter of 9 inches or more measured at 4 ft from the ground.

CUTTING MATURE TREES

Cutting the main axis of the trunk of a mature tree below 10 feet

Section 634-3 Notification Required Prior to Cutting Mature Trees.

- A.** Notification required. No person shall cut a mature tree on private property without first notifying the City Code Enforcement Officer in writing no less than 30 days in advance of the cutting.
- B.** The written notification shall identify: i) the owner's name; ii) the subject property; iii) the identification of the mature tree(s) to be removed (including their species, height, diameter and location); iii) the individual or professional entity performing the cutting; iv) the proposed method of cutting if not performed by a professional entity
- C.** Upon receipt of notification, the Code Enforcement Officer shall mark the date of receipt, shall forward a copy of the notification to the Tree Advisory Board, and shall provide the notifier with a written acknowledgment of receipt of the notification within [5] business days. Such acknowledgment shall state the date of receipt of the notification, and that the proposed cutting of one or more mature trees can take place after 21 days in accordance with the notification, unless the Code Enforcement Officer indicates within 21 days otherwise by registered mail.

Section 634-4 Exemptions.

- A.** This chapter shall not apply to emergency situations, including impending fall of a trees, in which the safety of private persons or public safety are endangered. In those cases the Code Enforcement Officer will be informed within 2 working days after the cutting of the tree.
- B.** This chapter shall not apply to cutting of trees in as far as that is regulated in the Historic District Chapter of the City Code [add]

Section 634-5__ Penalties For Offenses; Enforcement.

- A.** Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding \$250.
- B.** The Code Enforcement Officer is hereby charged with the responsibility for the enforcement of this chapter and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the

invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ____ day of _____, 2023

ATTEST:

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Erin VanDamme

City Clerk