

**VILLAGE OF UPPER NYACK
PROPOSED LOCAL LAW ____ of 2021**

A Local Law deleting Article III, Section 6.5 “Tree Maintenance and Management Operations” from the 1962 Zoning Ordinance of the Village of Upper Nyack (adopted by Local Law 2 of 2004 and amended by Local Law 8 of 2004, Local Law 1 of 2006, and Local Law 7 of 2006) and enacting regulations pertaining to the preservation and removal of trees within the Village of Upper Nyack.

BE IT ENACTED by the Board of Trustees of the Village of Upper Nyack as follows:

SECTION 1. TITLE.

This Local Law shall be known and may be cited as the TREE PRESERVATION LAW of the Village of Upper Nyack.

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.

1. The Board of Trustees of the Village of Upper Nyack has determined that both the existing character of the community and the control of erosion are highly dependent on maintaining the wooded landscape and hereby enacts this Local Law for the following purposes:
 - 1.1. To control and regulate indiscriminate and excessive removal, cutting and destruction of Significant Trees in order to regulate and prevent conditions which result in increased surface runoff, soil erosion, and pollution of surface waters including, but not limited to, the Hudson River, and to require the planting of replacement trees where removal of Significant Trees is reasonably necessary, in order to prevent the above-referenced environmental harms.
 - 1.2. To preserve an important attribute of the Village by encouraging owners of existing developed lands and developers to reduce the removal of canopy trees and mature trees when making improvements to real property.
 - 1.3. To maintain the stability and value of real property in the Village by preserving existing Significant Trees and woodland aesthetics, and to protect and enhance the aesthetics and views of the Village from the Hudson River.
 - 1.4. To ensure the continuation of the wooded character of the Village.

SECTION 3. REGULATIONS.

ARTICLE 1. Definitions.

- 1.1. Definitions. Unless the context shall otherwise clearly require, the terms, phrases, words and their derivatives used in this Local Law shall have the meanings ascribed to them below, or, if not defined below, the same meaning as those defined in the Zoning

Law. Except where specifically defined herein or in the Zoning Law, all words used in this Local Law shall carry their customary and dictionary meanings.

1.1.1.CODE ENFORCEMENT OFFICIAL: The duly appointed Code Enforcement Official of the Village of Upper Nyack.

1.1.2. CROWN THINNING: The selective pruning of branches throughout the canopy of a Significant Tree to reduce wind resistance and allow light penetration, which may be considered as necessary forestry practice for the purpose of exemption from this Local Law.

1.1.3.DIAMETER AT BREAST HEIGHT (DBH): The trunk diameter of a tree as measured from a point that is 4.5 feet above the ground.

1.1.4. DRIPLINE: A line on the ground surrounding the trunk of a Tree that conforms to the widest extent of the Tree's canopy.

1.1.5. EMERGENCY SITUATION: A condition which presents an immediate, significant threat to life, health or property.

1.1.6. ISA CERTIFIED ARBORIST: An arborist certified by the International Society of Arboriculture.

1.1.7. LOT: A parcel of land established by a map or subdivision plat filed in the Office of the Rockland County Clerk, or as otherwise permitted by law, not divided by a street, to be separately owned, used or developed.

1.1.8. NYS DEC: New York State Department of Environmental Conservation.

1.1.9.PRUNING: - The removal of dead or living parts from a Tree in a manner that maintains or increases the Tree's health, vigor and form.

1.1.9.1.RISK REDUCTION PRUNING: Pruning to reduce risk from structural failure, by shortening or removing branches with excessive end weight or decay.

1.1.9.2.MAINTENANCE PRUNING: The removal of dead, dying, diseased, weakly attached, or low-vigor branches from the crown of a Tree, or the removal of branches from a Tree for the purposes of achieving clearance areas under the Tree or for aesthetic purposes.

1.1.9.3.VISTA PRUNING: Pruning to open up a view.

1.1.10. SIGNIFICANT STAND OF TREES: Five or more Trees of the same or similar species clustered to form the same Dripline.

- 1.1.11. SIGNIFICANT TREE: Any living, woody plant with a DBH that is equal to or exceeds 12 inches, or, if any portion of the proposed Tree is located on a Steep Slope, within 100 feet of the Hudson River, or within a federal, state or locally regulated wetland a DBH that is equal to or exceeds 8 inches.
- 1.1.12. STEEP SLOPE: A portion of a Lot with an average gradient of twenty percent (20%) or more, extending over any horizontal length of at least fifty feet (50') and extending over a horizontal width of at least fifty feet (50').
- 1.1.13. TOPPING: The removal of a Tree's leafy crown, creating stubs of the large vertical leader stems, which shall be considered as Tree Removal under this Local Law if performed on a Significant Tree or a Tree in a Significant Stand of Trees.
- 1.1.14. TREE: Any living, woody plant which has a DBH of six (6) inches or more.
- 1.1.15. TREE REMOVAL: The (a) destruction, removal or substantial injury of a Significant Tree or any Tree in a Significant Stand of Trees through cutting, poisoning or changing the soil elevation surrounding the trunk and Dripline in a manner to have an adverse effect on the health of the Tree, or (b) failure to prevent the destruction, removal or substantial injury of any Significant Tree or Tree in a Significant Stand of Trees designated to be preserved by the Planning Board on an approved subdivision plat and/or site plan during construction activities.
- 1.1.16. VILLAGE FORESTER: An ISA Certified Arborist appointed by the Board of Trustees to serve as Village Forester, or, if no person is so appointed, the Village Engineer.
- 1.1.17. ZONING LAW: The Zoning Ordinance of the Village of Upper Nyack as amended from time to time.

ARTICLE 2. Tree Removal Permit Required.

- 2.1. Tree Removal Permit Required. With the exception of the exemptions set forth in SECTION 3, ARTICLE 3 of this Local Law, no person shall do or cause to be done by others, either purposely or negligently, Tree Removal upon a Lot(s) within the Village of Upper Nyack without a Tree Removal Permit. Application may be made by the Lot owner or agent, such as a licensed tree removal contractor, provided however that any such application shall be signed by the Lot Owner or shall be accompanied by an affidavit of authorization from the Lot Owner.
- 2.2. Approval Authority and Standards.
- 2.2.1. CODE ENFORCEMENT OFFICIAL. A Tree Removal Permit may be issued by the Code Enforcement Official as set forth in this SECTION 3, ARTICLE 2.2.1.

- 2.2.1.1.*Standards and Criteria.* The Code Enforcement Official shall have jurisdiction over applications that meet one or more of the following:
- 2.2.1.1.1. Tree Removal of an otherwise healthy Tree where the Tree(s) to be removed causes or threatens to cause structural damage to buildings, foundations or retaining walls in the reasonable judgment of a professional engineer or the Village Forester;
 - 2.2.1.1.2. Tree Removal where the Tree(s) to be removed are dead or dying as determined by the Village Forester;
 - 2.2.1.1.3. Tree Removal of an otherwise healthy tree where the Tree(s) to be removed are a prohibited or regulated invasive species as determined by the NYS DEC;
 - 2.2.1.1.4. Tree Removal of an otherwise healthy tree where, in the reasonable judgment of a professional engineer, the location of an existing Significant Tree or all or any portion of the Trees in a Significant Stand of Trees negatively impacts an existing septic field or sewer line or other underground utility line; or
 - 2.2.1.1.5. Tree Removal of an otherwise healthy tree where the Village Forester expressly finds that the proposed Tree Removal will not result in or cause, increase or aggravate any or all of the following conditions: impaired growth or development of the remaining Trees or shrubs on the Lot of the applicant or upon adjacent Lot(s), soil erosion, sedimentation or dust, drainage or sewerage problems, or dangerous or hazardous conditions.
- 2.2.1.2. Under this SECTION 3, ARTICLE 2.2.1. no more than two (2) Significant Trees or Trees within a Significant Stand of Trees with a DBH of 13 inches or smaller if they are in a healthy condition or of any size if they are determined to be dead or dying by the Village Forester, and three (3) additional Significant Trees or Trees within a Significant Stand of Trees that are determined to be dead or dying by the Village Forester on any Lot may be removed from any Lot in a two (2) year period. Any application that exceeds this threshold shall be referred to and reviewed and decided by the Planning Board.
- 2.2.2. PLANNING BOARD. A Tree Removal Permit may be issued by the Planning Board as set forth in this SECTION 3, ARTICLE 2.2.2 for all applications referred to it pursuant to SECTION 3, ARTICLE 2.2.1.2.
- 2.2.2.1. *Standards and Criteria.* A permit for Tree Removal may only be granted by the Planning Board for one or more of the following reasons:

- 2.2.2.1.1.1. Where the Tree(s) to be removed are dead or dying as determined by the Village Forester;
- 2.2.2.1.1.2. Where the location of an existing Significant Tree(s) or a Significant Stand of Trees provides no alternative but to place a structure outside the permitted building setbacks;
- 2.2.2.1.1.3. Where no other reasonable alternative exists for the placement of a building, building addition, structure, sewer line, driveway, deck or patio, but in the vicinity of an existing Significant Tree or Significant Stand of Trees;
- 2.2.2.1.1.4. Where, in the reasonable judgment of a professional engineer, the location of an existing Significant Tree or all or any portion of the Trees in a Significant Stand of Trees is likely to negatively impact the provision of underground utility services to the buildings on the Lot and there are no reasonable alternatives to relocate such utility services to avoid the Tree Removal.
- 2.2.2.1.1.5. Where the Tree(s) to be removed are a prohibited or regulated invasive species as determined by the NYS DEC.
- 2.2.2.1.1.6. Upon the express finding by the Village Forester that the proposed Tree Removal will not result in or cause, increase or aggravate any or all of the following conditions: impaired growth or development of the remaining Trees or shrubs on the Lot of the applicant or upon adjacent Lot(s), soil erosion, sedimentation or dust, drainage or sewerage problems, or dangerous or hazardous conditions; or
- 2.2.2.1.1.7. Where the Tree Removal is deemed by the Planning Board to be necessary to achieve the greatest benefit to the Village, as outlined in SECTION 2 above, or the applicant has otherwise shown good cause to support the requested Tree Removal and the Planning Board finds that the requested Tree Removal will not negatively impact the Village or compromise the goals or intent of this Local Law.

2.3. Application and Decision.

2.3.1. APPLICATION REQUIREMENTS

- 2.3.1.1. All applications for a Tree Removal Permit shall be: (i) in writing on forms prescribed by the Code Enforcement Official, (ii) accompanied by a letter from an ISA Certified Arborist describing the species, size and condition of the Trees subject to the Tree Removal, (iii) submitted with a fee in an amount set by resolution of the Village Board of Trustees; and (iv) include such other

information reasonably required by the Code Enforcement Official. All applications shall be filed with the Code Enforcement Official or in an office or with an official of the Village as the Code Enforcement Official may designate. Applications that require review and approval by the Planning Board pursuant to SECTION 3, ARTICLE 2.2.2 hereof shall also include a site plan of the subject Lot prepared by a qualified professional identifying all of the Significant Trees or Trees within a Significant Stand of Trees located on the Lot by species and DBH and clearly identifying the Trees proposed for Tree Removal, a tree replacement plan which shall include the location, species and planted DBH of all proposed replacement trees and such other information as the Planning Board may require.

- 2.3.1.2. Upon receipt of a complete Tree Removal Permit application, the Code Enforcement Official shall refer the application to the Village Forester who shall inspect the Trees that are the subject of the application. Such inspection shall occur within seven (7) business days of the Village Forester's receipt of the application unless weather conditions make it impractical or impossible to conduct such inspection within that timeframe or the applicant does not make the property available for such inspection within that timeframe, in which case the period for inspection shall be extended for a reasonable period of time under the circumstances. Within seven (7) business days of the date of the inspection, the Village Forester shall provide a written report on a form acceptable to the Code Enforcement Official summarizing the condition of the Trees to be removed to the Code Enforcement Official.

Upon receipt of the Village Forester's report, the Code Enforcement Official shall either process the application pursuant to SECTION 3, ARTICLE 2.2.1. (or process that portion that falls within the thresholds of SECTION 3, ARTICLE 2.2.1.2) or refer the application (or portion of the application that exceeds the thresholds of SECTION 3, ARTICLE 2.2.1.2) to the Planning Board for review pursuant to SECTION 3, ARTICLE 2.2.2.

2.3.2. PLANNING BOARD REVIEW; PUBLIC HEARING PERMITTED; NOTICE OF MEETINGS AND HEARING.

- 2.3.2.1. The Planning Board may but shall not be required to hold a public hearing on all applications that have been referred to it by the Code Enforcement Official. In addition to any other notice required by law, notice of the review of a Tree Removal Permit application at a meeting of the Planning Board shall be given as follows:

- 2.3.2.1.1. Newspaper: The Planning Board shall cause notice of a meeting at which a Tree Removal Permit application will be reviewed and a summary of the substance of such application to be published in the official newspaper of the Village at least five (5) days before the date of such meeting.

2.3.2.1.2. Notice Signs: The Applicant shall post one or more notice signs provided by the Planning Board clerk on the Lot which is the subject of said application at least five (5) days prior to the Planning Board meeting at which the application will be reviewed and must maintain the posted sign(s) in place until the Planning Board has rendered its final decision on the application. The sign(s) shall be erected not more than 10 feet from each boundary of the Lot that abuts a public street and must be conspicuous to the public. The bottom edge of each sign so erected shall be positioned no less than approximately 14 inches and no more than approximately 36 inches above the ground. If the subject property abuts more than one road, additional signs shall be posted facing each public street on which the property abuts. If the property does not abut a public street, one or more signs shall be posted in locations approved by the Code Enforcement Official that can readily be seen by the public. Any sign erected under this provision must be removed within 10 days after the Planning Board has rendered its final decision approving or denying said application.

2.3.2.1.3. Mailing: If the Planning Board elects to hold a public hearing on an application for a Tree Removal Permit, then in addition to providing notice of such hearing according to the requirements set forth in SECTION 3, ARTICLE 2.3.2.1.1 and 2.3.2.1.2, the applicant shall cause notice of a public hearing and a summary of the substance of the application to be sent to all owners of property located within 200 feet of the subject Lot as set forth on the most recent final assessment roll of the Village of Upper Nyack (or if such adjoining property is located in the Village of Nyack, the assessment roll of the Town of Orangetown or, if located in the Town of Clarkstown on the official assessment roll of the Town of Clarkstown), and to such other persons as the Planning Board or Code Enforcement Official may direct in writing. Such notice shall be sent by U.S. First Class Mail at least 5 days before the hearing (no mailing shall be required if no public hearing is held). At least two (2) business days prior to the commencement of the public hearing, the Applicant shall file proof of mailing of such notice with the Planning Board clerk, which shall consist of: (i) a completed United States Postal Service Certificate of Mailing; (ii) an affidavit of mailing stating the date the notice was mailed and the names and addresses of the persons served with the notice; and (iii) all envelopes that were returned to the Applicant as undeliverable prior to the hearing.

2.3.3. FEES. All applications shall be accompanied by the required fee as set forth in a fee schedule adopted by the Board of Trustees. All application fees are in addition to any required professional review escrow fees and environmental review fees pursuant to the Zoning Law and/or the New York State Environmental Quality Review Act as applicable.

2.3.4. DECISION.

2.3.4.1. Timing.

2.3.4.1.1. *Code Enforcement Official.* The Code Enforcement Official shall act on any Tree Removal Permit application with all due speed. Failure to act on an application within thirty (30) days of the submission of all required and requested information and payment of the application fee shall be deemed an approval and, thereafter, the Tree Removal Permit shall be issued unless: (a) the applicant consents to an extension of time, (b) weather conditions after the application is submitted make inspection for purposes of approval impossible or impractical, or (c) reasonable access to the Lot is not made available to the Code Enforcement Official or Village Forester. In the event any of the conditions in this SECTION 3, ARTICLE 2.3.4.1.1.(a), (b) or (c) exists, the time within which the Code Enforcement Official must act shall be extended, in the case of (a) to the extended date agreed to by the applicant and in the case of (b) and (c) one day for each day that such condition(s) continue in effect.

2.3.4.1.2. *Planning Board.* Where a Tree Removal Permit application is submitted as part of an application for major subdivision, minor subdivision or site plan approval, the time for approval shall be governed by the timing requirements applicable to major subdivisions, minor subdivisions or site plans. For all other Tree Removal Permit Applications, the Planning Board shall take action on such application within 62 days of the date that a complete application is presented to the Planning Board at a meeting thereof, or, if a public hearing is held on such application, within 62 days of the date that the public hearing on such application is concluded. The decision shall be filed in the office of the Village Clerk and a copy thereof shall be mailed to the applicant.

2.3.4.1.3. *Voting Requirements for Planning Board.* Except where a greater vote is otherwise required by law, every motion or resolution of the Planning Board on a Tree Removal Permit application shall require for its adoption the affirmative vote of a majority of all the members of the Planning Board as fully constituted regardless of vacancies or absences. If an affirmative vote of a majority of all members of the Planning Board is not attained on a motion or resolution, the application is deemed denied.

2.3.4.2. Consultation.

2.3.4.2.1. The Code Enforcement Official or Planning Board may obtain the advice and assistance of the Village Engineer, the Village Forester or any other departments and agencies of government that will or may become involved in the Lot by reason of the proposed Tree Removal or third-

party consultants prior to rendering a decision on any Tree Removal Permit application.

2.3.4.2.2. Any professional review fees incurred as a result of a consultation by the approving authority under this SECTION 3, ARTICLE 2.3.4.2. shall be paid by the applicant as provided for and subject to the limitations set forth in the Zoning Law. Such fees shall be in addition to any application fees.

2.3.4.3. Conditions.

2.3.4.3.1. Every Tree Removal Permit shall be subject to the following protective measures: (a) no material or temporary soil deposits shall be placed within the Dripline of any existing Significant Tree to be preserved; and (b) except where engaged for approved Tree Removal, no equipment shall be operated within six (6) feet of the drip line of any Significant Tree(s) nor shall such equipment be operated at any time in such manner as to break, tear, bruise, decorticate or otherwise injure any living or dormant Significant Tree.

2.3.4.3.2. As a condition to the grant of any Tree Removal Permit by the Planning Board, it shall require the applicant to plant replacement trees at a ratio of two (2) new trees each with a minimum DBH of two- and one-half inches (2.5 inches) for each Significant Tree or Tree within a Significant Stand of Trees removed unless the applicant can show good cause as to why such replanting is not reasonably feasible or why such replanting would not be consistent with the Legislative Intent and Purpose of this Local Law. If replacement trees are required, the Planning Board may also require that a maintenance security be posted guaranteeing the maintenance of said replacement trees for a period of up to three (3) years. The Planning Board and the Code Enforcement Official shall have the power to affix such other and further conditions on a Tree Removal Permit as such approval authority deems reasonable and appropriate to ensure compliance with the legislative intent and standards of this Local Law.

2.3.4.4. Duration.

2.3.4.4.1. A Tree Removal Permit granted as a part of a site plan application shall be valid for the duration of the site plan approval and shall expire when the site plan approval expires.

2.3.4.4.2. A Tree Removal Permit granted as a part of a subdivision application shall be valid for a period of one (1) year following the filing of the subdivision plat in the Office of the Rockland County Clerk. If no subdivision plat is filed in the Office of the Rockland County Clerk, then

the Tree Removal Permit shall expire when the subdivision approval expires.

2.3.4.4.3. All other Tree Removal Permits shall be valid for a period of one (1) year from the date that they are issued by the Code Enforcement Official in the case of a Tree Removal Permit granted pursuant to subsection 2.2.1 of this SECTION 3, ARTICLE 2, or granted by the Planning Board in the case of a Tree Removal Permit granted pursuant to subsection 2.2.2 of this SECTION 3, ARTICLE 2. The Code Enforcement Official or Planning Board may extend the duration of a Tree Removal Permit that it grants for up to one (1) year upon written request of the applicant for good cause shown. No public hearing shall be required on a request to extend an approval that has been previously granted.

2.3.4.5. Inspection of Removal Upon Completion. Following the completion of any Tree Removal pursuant to a permit issued pursuant to this Local Law, the applicant shall notify the Code Enforcement Official of such completion in writing. The Code Enforcement Official or the Village Forester may inspect the premises upon which the Tree Removal occurred to confirm that such removal was completed in accordance with the approval granted pursuant to this Local Law.

2.3.5. APPEAL TO THE PLANNING BOARD.

2.3.5.1. Appeal to the Planning Board.

2.3.5.1.1. Any person aggrieved by a decision of the Code Enforcement Official made pursuant to subsection 2.2.1 of this SECTION 3, ARTICLE 2 may appeal the decision to the Planning Board within 30 days of the date the decision is issued in accordance with the procedures that apply to applications to the Planning Board pursuant to subsections 2.2.2 and 2.3 of this SECTION 3, ARTICLE 2.

2.3.5.1.2. The Planning Board may reverse or affirm wholly or partly, or may modify the Code Enforcement Official's decision appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made on the application by the Code Enforcement Official, and to that end, shall have all the powers of the Code Enforcement Official pursuant to this Local Law to make a decision on the application.

2.3.5.2. Article 78 Proceeding. Any person or persons aggrieved by a decision of the Planning Board pursuant to this SECTION 3, ARTICLE 2 may apply to the New York State Supreme Court, Rockland County for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding

shall be instituted within 30 days after the filing of a decision of the Planning Board in the office of the Village Clerk.

ARTICLE 3. Exemptions.

3.1. Exempt Activities. Notwithstanding the provisions of SECTION 3, ARTICLE 2 above, the following activities shall not require a Tree Removal Permit prior to any Tree Removal:

3.1.1. Tree Removal directed by municipal, county, state or federal authority pursuant to law.

3.1.2. Risk Reduction Pruning, Maintenance Pruning or Vista Pruning of a Significant Tree(s) or Tree in a Significant Stand of Trees in a manner that is not harmful to the health of the Tree. However, Topping is not an exempt activity and Topping of a Significant or otherwise regulated Tree shall be evaluated as Tree Removal pursuant to the terms and requirements of this Local Law.

3.1.3. Tree Removal within the right of way by utility companies for maintenance of utility wires or pipelines.

3.1.4. Tree Removal where the Tree(s) to be removed causes a reasonably imminent peril to the safety of life or property, as determined by an ISA Certified Arborist provided that within 48 hours of such removal the party removing the Tree files an application for a Tree Removal Permit pursuant to SECTION 3, ARTICLE 2.3.1.1 along with a written determination of the ISA Certified Arborist confirming that the Tree Removal was reasonably necessary to avoid imminent peril to the safety of life or property. The Village Forester may inspect the Lot upon which any Tree was removed pursuant to this provision.

3.1.5. Tree Removal in an Emergency Situation as defined in SECTION 3, ARTICLE 1.1.5. of this Local Law, provided that within 48 hours of such emergency removal the party removing the Tree files an application for a Tree Removal Permit pursuant to SECTION 3, ARTICLE 2.3.1.1 along with a written narrative and/or photographs establishing that the Tree Removal on an emergency basis was reasonably necessary. The Village Forester may inspect the Lot upon which any Tree was removed pursuant to this provision.

3.1.6. Crown Thinning as defined in SECTION 3, ARTICLE 1.1.2 of this Local Law.

ARTICLE 4. Enforcement, Costs and Penalties.

4.1. Enforcement.

4.1.1. Enforcement authority of this Local Law is vested in the Code Enforcement Official, any Code Enforcement Officer of the Village, and the Village Engineer

who may issue Stop-Work Orders, Notices of Violations and Appearance Tickets for violation of this Local Law.

4.1.2. The owner of record of any Lot on which a Significant Tree(s) or Tree(s) within a Significant Stand of Trees is removed in violation of the terms of this Local Law or is removed in violation of conditions attached to a Tree Removal Permit, or any person removing or in the process of removing such Trees, shall be guilty of an offense which may be punishable by a fine of not more than \$500.00, by imprisonment for not more than 15 days, by a direction or order of a court directing the violator to restore the property and to replace removed Trees by comparable Trees according to a plan approved by the Planning Board, or by all of the above. Each Significant Tree or Tree in a Significant Stand of Trees removed without a Tree Removal Permit or in violation of the conditions attached to a Tree Removal Permit shall constitute a separate offense. When such restoration is directed, no site plan approval, subdivision approval, building permit, certificate of compliance, certificate of occupancy, variance, or any other permit shall be issued by any Village agency until such replacement has been completed and approved by the Planning Board.

4.1.3. The foregoing provisions for enforcement of the regulations in this Local Law are not exclusive but are in addition to any and all laws applicable thereto, including the right of the Village to seek injunctive relief to prevent the violation of this Local Law from a court of competent jurisdiction.

SECTION 4. AUTHORITY

This Local Law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law.

SECTION 5. SEPARABILITY

Should any section, sentence or provision of this Local Law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this Local Law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

SECTION 6. RELATIONSHIP TO OTHER PROVISIONS.

Except where otherwise expressly provided, this Local Law shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, lots or land, provided that where this Local Law imposes greater restriction upon the use of buildings, structures, lots or land, the provisions of this Local Law shall control.

SECTION 7. EFFECTIVE DATE AND REPEAL OF PRIOR LOCAL LAW.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State. Upon such effective date, Local Law 2 of 2004 and any amendments thereto shall be repealed.

Tree Preservation- Local Law __ Of 2021 Final