

A LOCAL LAW to amend *Lake Success Code* Chapter 99 entitled “Tree Preservation.”

Section One. *Lake Success Code* §99-2 entitled “Definitions; word usage” subparagraph “A” is hereby amended by the addition of the following:

PUBLIC RIGHT OF WAY

The unpaved portion of a public street which abuts private property and lies between the public street and private property.

Section Two. *Lake Success Code* §99-8 entitled “Required removal” is hereby amended to read as follows:

- A. The maintenance and care of any tree growing within a public right of way shall be the responsibility of the private property owner whose property abuts the public right of way. Maintenance of trees shall include all necessary trimming, pruning and removal of trees as required by the Superintendent of the Building Department.

Maintenance shall also include the trimming or removal of any tree or bush that obstructs the line of sight of a person accessing a public street, as determined by the Superintendent of the Building Department.

- B. Any tree growing on private real property or within a public right of way which is endangering or, in the opinion of the Superintendent of the Building Department constitutes a danger to the public, public street or to a public place, or which in any way endangers the usefulness of a public sewer or public utility, shall be removed or trimmed by the owner of real property within 14 days of receiving notice from the Building Department, unless the danger is imminent, in which case the work shall be completed within one business day of receiving notice. In the event that the owner fails to remove or trim such tree within said time, the Superintendent of the Building Department may then arrange for the removal or trimming of said tree and assess the cost thereof against the property owner.
- C. Nothing herein shall limit the authority of the Superintendent of the Building Department to remove or alter any tree that is growing on public or private property or a public right of way if he deems it necessary to protect the health, safety and welfare of the Village residents.

- D. The Golf Course Superintendent has the authority to remove or alter any tree that is growing on the Village Golf Course if he deems it necessary to protect the health, safety and welfare of the Village residents.
- E. No new trees shall be planted within the public right of way unless authorized by the Superintendent of the Building Department.

Section Three. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the courts order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Four. This local law shall take effect immediately upon filing with the Secretary of State.