

Local Law No. 1 of the year 2026

Village of Bergen, County of Genesee

A LOCAL LAW ADOPTED FOR A TREE ORDINANCE

SECTION 1. PURPOSE AND INTENT.

It is the purpose and intent of the law to enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Village of Bergen herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

SECTION 2. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above the root system or around the trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the Village of Bergen.

Public tree – any tree or woody vegetation on village-owned or village-maintained property or rights-of-way.

Top or Topping – The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

SECTION 3. AUTHORITY AND POWER

- A. Delegation of authority and responsibility.** The Village Administrator and/or their designee, hereinafter referred to as the "Administrator", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer lines, or any tree that is affected by fungus, insect, or other pest disease.

- B. Coordination among village departments.** All village departments will coordinate as necessary with the Administrator and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, right-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Administrator.

SECTION 4. TREE BOARD.

The Village of Bergen hereby creates a "Tree Advisory Board," herein referred to as the Tree Board.

- A. Duties.** The Board shall act in an advisory capacity to the Village Administrator and shall:
1. Coordinate and promote Arbor Day activities;
 2. Support public awareness and education programs relating to trees;
 3. Maintain reference materials relating to trees & shrubs
 4. Review village concerns relating to tree care;
 5. Assist with the annual application to renew the Tree City USA designation;
 6. Recommend a list of tree species for planting on city property, and list of prohibited species;
 7. Serve as a resource to the Administrator in an advisory capacity to identify trees for immediate removal
 8. Identify where no or few trees are present in the right-of-way, and requesting the planting of new trees by the Administrator, including specifying varieties and locations, and
 9. Other duties that may be assigned by the Village Board of Trustees
- B. Membership.** The Tree Board shall consist of five members approved by the Village Board of Trustees. Members of the Tree Board will serve without compensation.
- C. Term of office.** Tree Board members shall be appointed for three-year terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Village Board of Trustees.
- D. Meetings.** The Tree Board shall meet a minimum of four times each year. All meetings shall be open to the public.

SECTION 5. TREE PLANTING AND CARE STANDARDS.

- A. Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility standards.
- C. Preferred species list.** The Administrator shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Administrator.

- D. Planting distances.** The Administrator shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- E. Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official village tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

SECTION 6. PROHIBITION AGAINST HARMING PUBLIC TREES.

- A. It shall be unlawful for any person, firm, or corporation to damage, remove, to cause the damage or removal of a tree on public property without written permission from the Administrator.
- B. It shall be unlawful for any person, firm or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Administrator.
- D. Any person, firm, corporation, or village department performing construction near any public tree(s) shall consult with the Administrator and shall employ appropriate measures to protect the trees(s), according to procedures contained in the Best Management Practices (BMP’s) for “Managing Trees During Construction” published by the International Society of Arboriculture.
- E. Each violation of this section as determined and notified by the Administrator shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the trees(s) removed or damaged in violation of this section.

SECTION 7. ADJACENT OWNER RESPONSIBILITY.

- A. The owner of land adjacent to any village street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- B. No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Administrator shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

SECTION 8. CERTAIN TREES DECLARED A NUISANCE.

- A. Any tree, or limb thereof, on private property determined by the Administrator to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens

public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.

SECTION 9. VIOLATIONS AND PENALTY.

Any person, firm or corporation violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

SECTION 10. APPEALS

Appeals to decision by the Administrator or the Tree Board, or penalties imposed after violations of this ordinance, shall be heard by the Village Board of Trustees.

SECTION 11. SAVINGS AND REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 12. SEVERABILITY

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE

This Local law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

I certify that this law was adopted by the Board of Trustees of the Village of Bergen, New York on the 11th day of February 11, 2026.

Signature

Title