

Chapter 927 of Codified Ordinances pertaining to Trimming and Planting of City Trees  
Resolution 1992-143

Whereas, in order to prevent damage to city trees from unauthorized or improper cutting and trimming it is necessary to implement control measures which will enable the City to properly protect and supervise such activity; and

Whereas, controls are also necessary to ensure that any private planting of a tree within a City right-of-way does not pose a hazard to safety of motorists or pedestrians, or that such tree is incompatible species of tree, or undesirable from the standpoint that it will cause damage to sidewalks, curbs, streets, utilities, or other trees.

Now, therefore, be it resolved by the City Council of Niagara Falls, New York that a new Chapter 927 of the Codified Ordinances, entitled Chapter 927 of Codified Ordinances pertaining to “Trimming and Planting of City Trees” is hereby adopted, to read as follows:

**CHAPTER 927 TRIMMING AND PLANTING OF CITY TREES**

927.01	Trimming of City Trees; Permit Required	927.05	Work to be done in Proper Manner
927.02	Permit Required	927.06	Working Without Permit;
927.03	Planting Trees		Administrative Sanctions
927.04	Permit Possession and	927.07	Suits for Damages
	Exhibition; Stopping Work	927.99	Penalty

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**927.01 TRIMMING CITY TREES; PERMIT REQUIRED.**

No person shall cut or trim any city tree unless he shall have obtained a permit therefor in accordance with the provisions of this chapter. For purposes of this ordinance, the term “city tree” shall mean any tree located in any right-of-way in the City, or any tree which is otherwise the property of the City.

**927.02 PERMIT REQUIRED.**

(a) The Director of Parks may issue a permit to trim a city tree described in Section 927.01 upon the filing of a written application therefor with said Director or his designee. The application shall state the name and address of the applicant, the location and description of the city tree or trees to be trimmed, the proposed extent of trimming and the necessity therefor, and the name and address of the person, firm or corporation employed to do the work.

(b) The Director of Parks may issue a permit to any utility company furnishing electric, telephone, telecommunications or cable to trim city trees for the purpose of installing, replacing, repairing or maintaining any electric, telephone, telecommunications or cable line in any street, lane, alley, or right-of-way upon application therefor. The Director of Parks may further permit any such utility company to file for a blanket permit at the beginning of each calendar year, provided said company furnishes him with a list of all work sites prior to the commencement thereof.

**927.03 PLANTING TREES; PERMIT REQUIRED.**

(a) No person shall plant any tree within any City right-of-way, unless he shall have obtained a permit therefor in accordance with the provisions of this chapter.

(b) The Director of Parks may issue a permit authorizing the applicant to plant a tree within a city right-of-way upon the filing of a written application therefor. The application shall state the name and address of the applicant, the proposed type of tree and location thereof, and the name and address of the person, firm or corporation planting the tree.

#### 927.04 PERMIT POSSESSION AND EXHIBITION; STOPPING WORK.

(a) Any person receiving a permit as provided in this chapter shall cause the same to be kept at all times on site in the possession of the person in charge of the work; who shall exhibit the same upon demand to the Director of Park or his designee, or to any police officer in the City.

(b) In the event that a permit is not exhibited after demand has been made, the Director of Parks, his designee or any police officer shall order all further work to stop. Said order may be made orally or in writing, and may include a directive to the person in charge of the job to take designated measure to ensure the safety of the public. No person shall otherwise continue to work on the site until said order is rescinded. Said order may only be rescinded by the Director of Parks when a permit is exhibited or issued.

(c) Whenever in the opinion of the Director of Parks work under a permit issued hereunder is not being performed to the satisfaction of the City's Forester, he may orally or in writing order all further work to be stopped or suspended until the condition in violation has been remedied.

#### 927.05 WORK TO BE DONE IN PROPER MANNER.

Every person receiving a permit to trim a city tree shall cause such work to be done in a proper and workmanlike manner, in accordance with the National Arborist Association (NAA) standards, and the to the satisfaction of City Forester.

#### 927.06 WORKING WITHOUT PERMIT: ADMINISTRATIVE SANCTIONS.

(a) In addition to the fees prescribed in this chapter, no permit required hereunder shall be issued where work was commenced without authorization by the Director of Parks unless a one hundred dollar (\$100.00) penalty is paid.

(b) The Director of Park may further refuse to issue a permit under this chapter where any person, firm or corporation employed to do work has been found by him to have commenced work without the permit required under this chapter on at least three separate occasions within the preceding year. Such disability on the part of such person, firm or corporation shall not extend beyond six (6) months from the last such occasion where work without a permit was performed.

#### 927.07 SUITS FOR DAMAGES.

Nothing in this chapter shall preclude the Corporation Counsel from instituting appropriate legal action under the real property actions and proceeding law of the State of New York to recover the costs of damage to any tree or trees from any person, firm or corporation responsible for such damage, regardless of whether the appropriate permit was issued.

#### 927.99 PENALTY

Any person who violates the provisions of Sections 927.01, 927.02 or 927.04 shall be guilty of a violation and shall be fined no less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisoned for no more than fifteen (15) days, or both such fine and imprisonment.