

RESOLUTION #95-18

PL #65-18

By Alderman Smith, Seconded by Alderman George

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 21, ARTICLE III, AND
CHAPTER 22, ARTICLE VI, SECTION 22-141, TO AMEND REQUIREMENTS FOR THE TREE BOARD
AND TREE PLANTING AND REMOVAL RULES AND REGULATIONS**

RESOLVED, that the City of Olean Code of Ordinances Chapter 21, Article III is hereby amended as follows:

**ARTICLE III
TREES AND SHRUBS**

Sec. 21-56 Tree board established.

- (a) The mayor, with the approval of the common council, shall appoint a tree board consisting of five members, two of whom shall be sitting members of the Common Council, one of whom shall be the Mayor, one of whom shall be the Director of Public Works, and the remaining member shall be a resident of the City. The president of the common council shall be an ex officio member of the tree board. The term of the common council members appointed shall be for two years. The term of the other members shall be three years. All terms shall expire on December 31. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of that person's term.
- (b) The members of the tree board shall serve without compensation.
- (c) It shall be the responsibility of the tree board to administer the tree ordinances and to recommend to the Common Council such proceedings, acts, or actions as will support the City tree program. It shall be the responsibility of the board to study, investigate, counsel, update, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented by annual report to the common council. The board, when requested by the common council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work.

Sec. 21-57 Permit to plant trees or shrubs required.

- (a) No trees or shrubbery shall be planted by abutting landowners nor any trees removed, between the street line and curblin within the City, without receiving a permit in writing from the Department of Public Works approved by the Common Council.
- (b) The permit, if granted, may specify such reasonable terms and conditions to be required for the proposed action, as may be determined by the Common Council and the following provisions:

Tree Planting Specifications and Selections

- Use street grade trees following “American Standard Nursery Stock (ANSI 60.1)
- No damage to trunk or leaders
- No girdling roots
- Strong central leaders on trees (no co-dominant stems or included bark)
- Caliper to be 1.5”-3” for B&B and 1.5”-2.5” for bare root trees
- Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>
- Proper judgment shall be used in tree placement by City Forester following the proceeding standards

Spacing Requirements for Street Trees

- 30’ minimum spacing between trees
- 15’ minimum spacing from utility/light poles, fire hydrants
- 45’ minimum distance from corner with traffic signal present
- 30’ minimum distance from all other corners
- 5’ minimum distance from any driveway, 3’ minimum distance from any sidewalk
- 5’ minimum distance from underground utility lines, water service boxes, etc.

Site Requirements for Street Trees (Applies within City right-of-way)

- 4’ minimum subway width between curb and sidewalk for planting of any tree with root barriers; 5’ minimum subway width without root barriers
- Tree may be planted behind sidewalk, within right-of-way, provided proper spacing requirements are followed
- Tree pits should have roughly 35 square feet of surface area such as 6’x6’, 5’x7’, or 4’x8’ unless structural soil is used under surrounding paved area
- No raised planters for trees
- Trees may be planted under wires to mature at 25’ or less
- Impacts on sight distances should be considered

Private Tree Planting Standards

- Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>
- Impacts shall be considered on sight distances
- Trees shall be a minimum of 10 feet from a property line
- There shall be no underground utilities within five feet of any proposed tree
- 15’ minimum spacing from utility/light poles, fire hydrants
- 5’ minimum distance from any driveway, 3’ minimum distance from any sidewalk
- Trees shall not be planted in front of building entrances

Park Tree Planting Standards:

- Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>
- Impacts shall be considered on sight distances
- The trees shall be a minimum of 10 feet from a property line
- There shall be no underground utilities within five feet of any proposed tree'
- 15' minimum distance spacing from utility/light poles, fire hydrants
- 5' minimum distance from any driveway, 3' minimum distance from any sidewalk
- Trees shall not be planted in front of building entrances

(c) Any person aggrieved by the action of the common council on application for a permit may apply to the common council, within 15 days of the issuance of such permit or its denial, for a hearing which shall be held not less than two nor more than four weeks from the date of request for hearing. Notice of public hearing shall be given to the applicant by mail and shall be published once in the Olean Times Herald.

(d) At the time of the hearing, the common council shall hear all persons wishing to be heard on the application. In its decision on the application for a permit, the common council may take into account and consider the effects of the proposed action on the environment; the neighboring properties; and the safety, health, and welfare of the residents of the community generally.

Sec. 21-58 Tree trimming—Required of property owners.

All persons owning property in the City abutting upon any street and upon which there are shade trees along such street shall clean out the dead limbs and otherwise trim such trees so that the same will not become dangerous to, obstruct, or interfere with public travel or pedestrians.

Sec. 21-59 Same—Notice.

All persons required by notice from the director of public works to trim trees, as required under this article, must proceed to do so within 10 days after receiving such notice.

Sec. 21-60 Same—Failure to do so.

In case of failure to trim trees, as required under this article, the director of public works is hereby authorized to do so, and the expense thereof shall be collected from the owner or occupant in the usual or ordinary way by suit and shall become a lien upon the premises.

Sec. 21-61 Same—Permit required by utilities.

Unless acting under a contract with the City, or unless there be a bona fide emergency, no tree shall be trimmed by any utility company without such utility company's having obtained a permit from the common council of the City. Utility companies desiring to obtain such permit may make application to the common council which shall contain its plan for the trimming and/or topping of trees. The permit shall be for a term of one year and may contain such reasonable conditions pertaining to the health and welfare of the citizens of the City as may be deemed

appropriate to the circumstances. The common council shall act upon each permit application within 60 days of its receipt.

Sec. 21-62 Tree Removal – Required of property owners.

If any person owning property in the City abutting upon any street and upon which there is a tree which has been deemed by the Tree Board to be dangerous to, obstructing, or interfering with public travel or pedestrians, shall have thirty (30) days to EITHER have the tree removed by an insured contractor OR pay to the City of Olean one half (1/ 2) of the total cost for the City of Olean to remove said tree. If the tree has not been properly removed or the City not paid within thirty (30) days, the City of Olean will cause to have the tree removed and one half (1/2) of the total cost shall be collected from the owner in the usual or ordinary way by suit and shall become a lien upon the premises.

Sec. 21-63 Tree Removal – Not required by tree board.

If any person owning property in the City abutting upon any street and upon which there is a tree who desires to remove a tree in this right-of-way must request permission from and obtain required approvals from the Tree Board. In the event that the Tree Board denies such request for approval to remove a tree in the right-of-way, the property owner may appeal the decision to the Common Council within fifteen (15) days of the rendered decision of the Tree Board, and the Common Council will review said appeal by their next regularly scheduled meeting.. Approval to remove the tree granted by the Tree Board (or Common Council, upon appeal) does not exempt the property owner from obtaining necessary permits from the Department of Public Works. A licensed contractor must perform the work required to remove the tree, and removal of a tree not deemed required for the public welfare or safety by the Tree Board will be done solely at the property owner's expense.

Sec. 21-64 Poplar trees prohibited.

[Code 1971, § 26-28]

No poplar trees shall be placed in the subways of the City, and all poplar trees are hereby declared to be a nuisance and shall be removed by the owners thereof upon 15 days' notice from the director of public works.

Sec. 21-64 through Sec. 21-80. **(Reserved)**

BE IT FURTHER RESOLVED, that Chapter 22, Article VI, Section 22-141 is hereby amended as follows:

Sec. 22-141 Landscaping.

- (a) Adequate site landscaping may be required of the subdivider on any lands developed in the city. The common council shall notify the subdivider after the sketch plan has been reviewed if a specific landscaping plan is required. When required, the landscaping plan shall designate plant species and locations.

- (b) Street shade trees shall be provided along all new streets. Trees shall be planted to meet Chapter 21, Article II, Section 21-57 requirements for tree planting, so as not to interfere with utilities, roadways, sidewalks, sight distances, or street lights.
- (c) At least one tree shall be planted within each lot in a subdivision. Trees planted within private lots shall be outside the road or utility rights-of-way and easements, in accordance with the following provisions:
 - (1) Impacts shall be considered on sight distances.
 - (2) The trees shall be a minimum of 10 feet from a property line.
 - (3) There shall be no underground utilities within five feet of any proposed tree.

RESOLVED, that this Resolution is hereby effective immediately.

Approved: September 11, 2018