

Introduced by Legislator Denenberg  
LOCAL LAW NO. 10 - 2008

A LOCAL LAW TO AMEND SECTION 12-4 OF TITLE B OF  
CHAPTER XII OF CHAPTER 272 OF THE LAWS OF 1939, KNOWN  
AS THE NASSAU COUNTY ADMINISTRATIVE CODE, IN  
RELATION TO TREES ON COUNTY PROPERTY.

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Section 12-4.2 of Title B of Chapter XII Chapter 272 of the Laws of 1939, known as the Nassau County Administrative Code, as amended, is hereby amended to read as follows:

a. Except in cities and in villages of the first and second class all trees, hedges and shrubbery between the property lines on county roads as defined in this title and county roads constructed pursuant to article six of the highway law shall be under the jurisdiction of the Department of Public Works. The County Legislature may by ordinance regulate the planting of such trees, hedges and shrubbery, the care, pruning or removal and the destruction, alteration or degradation of the health or appearance thereof.

b. Such ordinance may also provide for the care, pruning or removal of trees, hedges and shrubbery located on property abutting such roads by the owners or occupants of such abutting property when any such tree or trees, hedges or shrubbery are dangerous to such roads or to persons or vehicles using such roads and may prohibit or otherwise regulate the destruction, alteration or degradation of the health or appearance of such trees, hedges or shrubbery. Such ordinance may provide for notice to the owners of abutting property to care for, prune or remove such dangerous tree or trees, hedges or

shrubby or to replace trees, hedges and shrubby that have been unlawfully destroyed, altered or degraded and that upon failure so to do within a period fixed in such ordinance, that the Department of Public Works may cause such tree or trees, hedges or shrubby to be cared for, pruned or removed or replaced and that the expense thereof may be assessed by the County Legislature upon the abutting property on which such tree or trees, hedges or shrubby were located.

c. Upon completion of any work pursuant to subdivision b of this section the Commissioner of Public Works shall file in the office of the clerk of the County Legislature a statement showing the actual and complete cost thereof as to each particular lot or plot of ground and such part of the cost as was expended from the funds of said department and the items of such expenditures. The County Legislature shall provide for the reimbursement of the funds of the Department of Public Works and the amount of such complete costs as to each particular lot or plot of ground shall be added to and made a part of the annual taxes of the next ensuing fiscal year against such property, and the same shall be collected in and with as part of the annual taxes for such fiscal year, or the County Legislature may direct the County Attorney to sue for and recover the amount of such expense, as appropriate.

§2. This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617, which will not have significant adverse impacts on the environment for the following reasons: 1) the proposed action will not exceed any of the criteria in Section 617.7 (C) of Title 6 NYCRR which sets forth thresholds for determining significant adverse impacts on the environment; and 2) the proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Nassau County Charter and Code.; and 3) the legislation will discourage the destruction, alteration or degradation of the health or appearance of trees, hedges or shrubby in Nassau County which is a beneficial environmental impact.

§3. This local law shall take effect immediately.

