LOCAL LAW NO.: 6 - 2026

LOCAL LAW AMENDING THE DEWITT TOWN CODE CHAPTER 192, BEING LOCAL LAW NO. 6 OF 2008, AS HAS PREVIOUSLY BEEN AMENDED, TO REPEAL SUBSECTION (C) OF DEWITT TOWN CODE SECTION 192-107 IN ITS ENTIRETY AND ENACT A NEW DEWITT TOWN CODE SECTION 192-107.1 ENTITLED "TREE CLEARING" ESTABLISHING NEW RULES AND REGULATIONS GOVERNING TREE CLEARING IN THE NONRESIDENTIAL ZONING DISTRICT, AS DEFINED HEREIN, WITHIN THE TOWN OF DEWITT

Section 1: The Town of DeWitt Town Code Chapter 192, Section 192-107, Subsection (C), previously amended by Local Law No. 6 of 2008, is hereby repealed in its entirety as of the effective date of this Local Law. Subsections (A) and (B) of Section 192-107 are unaffected by this Local Law and remain in full force and effect.

Section 2: The Town of DeWitt Town Code Chapter 192, being Local Law No. 6 of 2008, as has previously been amended, is hereby further amended to enact a new Chapter 192, Section 107.1 entitled "Tree Clearing" as follows:

§192-107.1 Tree Clearing

A. **Purpose.** The Town Board of the Town of DeWitt believes that the existence of Trees within the Town of DeWitt makes a fundamental contribution to the health, safety and general welfare of the residents of the Town of DeWitt and the community at large and directly relates to the natural, scenic and aesthetic values and physical and visual qualities of the environment which the Town Board is obligated to protect. Trees, in addition to their aesthetic benefits, are essential to riparian habitat, wildlife, energy conservation, temperature moderation and healthy ecology of the area, and help improve air quality and reduce global warming. Trees help to provide shade, impede soil erosion, aid water absorption, and provide necessary screening throughout the Town. Trees contribute to property values of residential and commercial establishments and preserve the natural beauty and appearance of the Town and its historic character.

B. **Intent.** It is the specific legislative intent of this Section to regulate Tree Clearing in the Nonresidential Zoning District, as defined herein, within the Town of DeWitt in order to encourage the protection and preservation of these precious and beneficial natural resources and to discourage and prevent indiscriminate and/or negligent Tree Clearing.

C. **Definitions.** For the purposes of this Section, the following Definitions shall apply:

DEAD TREE

A Tree that no longer has the capacity to live or sustain life, often characterized by a lack of leaves, brittle branches, peeling bark, and the presence of fungal growth.

DIAMETER AT BREAST HEIGHT (DBH)

A standard measurement of the diameter of a Tree trunk made at 4.5 feet above ground level on the uphill side of the Tree.

HAZARDOUS TREE

A Tree that exhibits serious defects, that is, obvious and visible signs that the structural integrity of the Tree is significantly compromised and that it presents an imminent threat to the health and safety of persons, property, power lines or other public utility lines, or places where people gather. Examples of serious defects include, but are not limited to, one or more of the following conditions:

1. Excessive damage by an act of God, usually a weather event such as a windstorm, lightning strike or flooding, with major broken branches, split trunk, large cracks or other defects that cannot be corrected by pruning.

2. Severe cracks in the main stem or in branch unions that penetrate deeply into the wood of the Tree.

3. Advanced decay associated with cracks, branch unions, cavities in the tree or root flares and buttress roots. Evidence of fungal activity, including mushrooms, conks, and brackets growing on root flares, stems or branches can be indicators of advanced decay.

4. Leaning beyond 45 degrees from vertical with evidence of recent root exposure, soil movement or soil mounding.

5. Supported solely by the action of another Tree or object.

NONRESIDENTIAL ZONING DISTRICT

Includes all lots in all zoning districts of the Town except for those lots located in the R-O, R-1, R-1A, and R-2 zoning districts. Also excluded from the definition of "Nonresidential Zoning District" are any lots in any zoning district within the Town used and occupied exclusively by single-family or two-family dwellings.

PRUNING

The selective removal of specific plant parts, such as branches, buds or roots, with the goals of improving plant health, directing new growth, removing damaged wood, and to promote public safety by preventing weak branches from falling and causing injury.

TREE

Any woody plant, having one or more self-supported stem(s) or trunk(s) and numerous branches, with a DBH of three (3) inches or more.

TREE CLEARING

Any intentional felling, cutting, removal or other activity or action, including but not limited to bulldozing, harvesting, chopping, and/or poisoning, whether mechanical or manual, that significantly disturbs and/or completely removes any Tree resulting in the decline or death of any Tree. The removal of Tree stumps and/or roots or the physical removal of a Tree or Trees or parts of a Tree from a property is not required for an action to be considered "Tree Clearing."

Not included in the definition of "Tree Clearing" is the selective removal of Trees as part of a forest management plan approved by the New York State Department of Environmental Conservation; the removal of Dead Trees, or Hazardous Trees; or the Pruning of Trees.

D. **Site Plan Approval and Development Permit Required.** In the Nonresidential Zoning District, Tree Clearing requires:

1. Site Plan Approval by the Planning Board in conjunction with and/or part of a development project, pursuant to Town Code Section 192-122; and

2. Issuance of a Development Permit by the Department.

E. **Penalties for offenses.** The penalties for violations of the provisions of this Section are as follows:

1. Each Tree Cleared in violation of this Section shall constitute a separate and distinct violation.

2. The Department shall stop all Tree Clearing activity on any premises where a violation of this Section has occurred, and the Department shall be prohibited from issuing any certificate of occupancy or additional permits for construction or development at the property or permitting any Tree Clearing activity to resume unless and until there has been complete compliance with the provisions of this Section.

3. Any person committing an offense against the provisions of this Section shall be punishable for each violation by a fine in the amount of $1,000.00 per Tree. In addition, such person shall be required to replace, in kind, each and every Tree Cleared.

4. Unauthorized Tree Clearing performed in anticipation of or in conjunction with a commercial construction and/or development shall result in the 100% increase of all Development Permit fees, Planning Board fees, and Zoning Board of Appeals fees applicable to and related to such commercial construction and/or development.

Section 3: Local Law No. 6 of 2008, following the repeal of Subsection (C) of Section 192-107 of the DeWitt Town Code, as set forth herein, remains in full force and effect except as hereinabove amended.

Section 4: This Local Law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.