

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2010**

No. 3

Introduced by Council Members Foster, Dickens, Gonzalez, James, Lappin, Mark-Viverito, Mealy, Palma, Nelson, Dromm, Crowley, Ferreras, Gennaro, Reyna and Vacca

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to replacement of trees.

Be it enacted by the Council as follows:

Section 1. Section 18-107 of the administrative code of the city of New York is amended to read as follows:

§ 18-107 Replacement of trees [removed during construction]. *a.* Any [individual, firm or corporation] *person* that intends to remove [during construction] any tree that is within the jurisdiction of the commissioner, shall [post a bond with the commissioner to insure that within thirty days after the completion of construction all trees removed, destroyed or severely damaged shall be replaced at the expense of the permittee. **The total caliper of all trees planted in the course of restoration shall in no event be less than the total caliper of all trees removed. Replacement shall be made with 2 1/2 to 6 inch caliper trees and/or directed by the department horticultural officer.** The replacement shall be made in the spring or fall season, as determined by such horticultural officer. The amount of the bond as determined by the commissioner shall be sufficient to cover the cost of replacement.] *obtain a permit from the department prior to such removal.*

b. The department shall charge a fee for each permit issued pursuant to this section, which shall be sufficient to cover the cost of replacing any tree proposed to be removed. In applying for a permit pursuant to this section, a person shall specify whether such person intends to plant replacement trees as directed by the department or have the department plant replacement trees. If replacement trees are to be planted by the person applying for the permit and are planted as directed by the department, then the department shall return such fee to such person upon completion of such planting. In all other cases, the department shall retain such fee for purposes of planting replacement trees.

c. Upon determining that a person may be issued a permit pursuant to this section, the department shall inform such person in writing of the fee required, the number and size of the replacement trees to be planted, the method used in making these calculations, and the period of time prescribed by subdivision d or f of this section during which replacement trees shall be planted. Such information shall be provided to such person not more than ninety days following the filing of a completed application for such permit.

d. The location of replacement tree planting and the timing of such planting shall be as determined by the department horticultural officer, provided, however, that such replacement shall be made within sixty days after the project is completed or in the next ensuing spring or fall season after the project is completed or earlier as agreed by such person and the department. To the extent practicable, replacement trees shall be planted within the same community district from which the trees that were the subject of the permit were removed.

e. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to rules governing the fee to be paid to the department and any method used to calculate the number and size of the replacement trees required to be planted, provided that such replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed. In promulgating such rules, the department shall substantially comply with guidelines set forth by the international society of arboriculture.

f. The provisions of this section shall apply to all city agencies, including the department, provided, however, that (i) no city agency or city contractor or subcontractor shall be required to pay a fee to the department, (ii) a tree site plan shall be developed by the department in consultation with the responsible city agency or agencies regarding the location of replacement trees prior to issuance of the permit, and (iii) replacement of trees by any city agency or city contractor or subcontractor shall be made not more than eighteen months from the date the project is completed.

§ 2. This local law shall take effect one hundred eighty days after it shall have become a law, except that the department of parks and recreation shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onMarch 3, 2010..... and approved by the Mayor onMarch 18, 2010.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 3 of 2010, Council Int. No. 4-A) contains the correct text and was passed by the New York City Council on March 3, 2010, approved by the Mayor on March 18, 2010 and returned to the City Clerk on March 18, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.