S T A T E O F N E W Y O R K

7733

2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. BORELLI -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to permits required for the removal of trees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions b, c, and e of section 18-107 of the administrative code of the city of New York, as added by local law number 3 of the city of New York for the year 2010, are amended to read as follows:

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] NOT TO EXCEED TWO DOLLARS PER SQUARE FOOT ON ALL PROPERTIES. IN CALCULATING SUCH FEE THE DEPARTMENT SHALL USE PARCEL DIMENSIONS ON FILE WITH THE COUNTY CLERK TO DETERMINE THE TOTAL SQUARE FOOTAGE OF THE LOT. 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.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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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.

S 2. This act shall take effect immediately.