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

8197

I N S E N A T E

September 21, 2016

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to biodiversity in planting projects

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

Section 1. Section 96-b of the general municipal law, as added by chapter 686 of the laws of 1978, is amended to read as follows:

S 96-b. Tree conservation. 1. The legislature hereby finds that there is a direct relationship between the planting of trees, shrubs and associated vegetation in sufficient number in populated areas and the health, safety, and welfare of communities, and as related to the natural, scenic, and aesthetic values of trees and the physical and visual qualities of the environment which municipalities are authorized to protect. Trees and such vegetation abate noise, provide welcome shade to people, preserve the balance of oxygen in the air by removing carbon dioxide and fostering air quality, and add color and verdure to human construction. They also stabilize the soil and control water pollution by preventing soil erosion and flooding, yield advantageous microclimatic effects, and provide a natural habitat for wildlife. The destructive and indiscriminate removal of trees and related vegetation causes increased municipal costs for proper drainage control, impairs the benefits of occupancy of existing residential properties and impairs the stability and value of both improved and unimproved real property in the area of destruction, and adversely affects the health, safety, and general welfare of the inhabitants of the state. HOWEVER, WHEN TREE REMOVAL IS NECESSARY TO STOP THE SPREAD OF INVASIVE SPECIES IT IS CRUCIAL THAT MUNICIPALITIES REPLANT LOST TREES AND VEGETATION, WHILE MAINTAINING BIODIVERSITY IN PLANTING PROJECTS TO AVOID FUTURE LOSS. BIODIVERSITY ENSURES RESISTANCE AGAINST MASS SUSCEPTIBILITY TO INVASIVE SPECIES.

2. In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws or regulations or by local laws and regulations, the local legislative body of any county, city, town or

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

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village is hereby empowered to provide for the protection and conservation of trees and related vegetation. Such legislative body may require appropriate conditions applicable to any activity involving the removal or destruction of trees or the substantial alteration of grade level around trees may include, where appropriate, requirements that the activity be done as specified in an approved landscape plan and that the removed trees be replaced by the planting of the same or alternate species of trees, and may provide, in connection therewith, required plantings for screening purposes. Such regulations, special conditions and restrictions, adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose. The municipality may require the posting of a performance bond to assure compliance with this section. All charges and expenses incurred under this section by a town shall be a charge upon the taxable property of that part of the town outside any incorporated village.

3. WHEN A MUNICIPALITY, PARKS DEPARTMENT, HIGHWAY DEPARTMENT, OR OTHER LOCAL ENTITY UNDERTAKES A TREE PLANTING PROJECT IN PUBLIC LOCATIONS, THEY SHALL SELECT AND PLANT BIOLOGICALLY DIVERSE TYPES OF TREES. TO SATISFY SUFFICIENT BIODIVERSITY, THE MUNICIPALITY SHALL FOLLOW THE 10-20-30 PRINCIPLE WHEN THE MUNICIPALITY IS PLANTING NEW TREES OR REPLANTING IN AN AREA. THE 10-20-30 PRINCIPLE STATES THAT A TREE POPULATION SHALL INCLUDE NO MORE THAN TEN PERCENT OF ANY ONE SPECIES, TWENTY PERCENT OF ANY ONE GENUS, OR THIRTY PERCENT OF ANY ONE FAMILY. THIS PERCENTAGE SHALL BE MEASURED BY THE TREE POPULATION AS A WHOLE, NOT BY ANY ONE PLANTING PROJECT SOLELY.

S 2. This act shall take effect January 1, 2019 or on the two hundred seventieth day after it shall have become a law, whichever is later.