

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Shoreham will hold a public hearing on the 14th day of May, 2019, at 7:30 P.M., at the Village Hall, 80 Woodville Road, Shoreham, New York, to consider the adoption of a local law as follows:

**LOCAL LAW NO. \_\_\_\_\_ OF 2019**

**A LOCAL LAW AMENDING SECTION 28-7 OF  
VILLAGE CODE CHAPTER 28, TREES AND VEGETATION**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to enable enforcement of Village Code Chapter 28, Trees and Vegetation, in particular establishing the existence of a violation.

SECTION 2. AMENDMENT OF VILLAGE CODE SECTION 28-7.

Village Code § 28-7 is amended to read as follows:\*

§ 28-7. **Enforcement.**

This Chapter 28 may be enforced by the Building Commissioner, Building Inspector or any Village Code Enforcement Officer, each of whom is hereby vested with authority to enforce the provisions of this Chapter 28. [and any enforcement shall include a rebuttable presumption that the person responsible for

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\* Bracketed language is deleted. New language is underlined.

any violation under this Chapter 28 shall include, but not be limited to, the record owner of the occupancy of the subject premises, and any person actually engaged in the unauthorized removal of any tree or vegetation.] In the event of enforcement of this Chapter 28 by reason of a claim of destruction or removal of a tree or trees in violation of this Chapter 28, the following shall apply:

(1) Clearing of any land area including its alteration from its natural state by reason of human and/or mechanical activity shall allow a rebuttable presumption the cleared area contained one or more trees protected by the provisions of this Chapter 28.

(2) Upon the exercise of any such rebuttable presumption there shall also be a rebuttable presumption the tree or trees were live, were not dead or dangerous, no part of any said tree or trees was diseased or dying, the owner or occupant on whose land said clearing has occurred is responsible for the removal or destruction of any tree or trees thereon and the person or persons who removed or destroyed any said trees had the permission of the owner or occupant.

SECTION 3. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: April 9, 2019

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,  
Village Clerk