

A LOCAL LAW to amend Chapter 235,
Trees, of the Code of the Village of Rye
Brook

BE IT ENACTED by the Board of Trustees of the Village of Rye Brook as follows:

Section 1: Chapter 235 of the Code of the Village of Rye Brook, entitled “Trees”, is amended to read as follows:

§ 235-1 Purpose.

A. The Village of Rye Brook has a vital interest in the planting and preservation of trees within its borders. Trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption and provide other environmental benefits and generally enhance the quality of life within the Village. They control water pollution, purify the air and generate oxygen, aid in mitigating noise and reduce energy consumption by providing shade. Trees increase the beauty and value of all properties in the Village of Rye Brook and provide benefit to wildlife and the ecosystem. The destruction and removal of trees causes increased costs to the Village for drainage control, impairs the value of both improved and unimproved real property, and has deleterious effects on the health and general welfare of the citizens of Rye Brook. This chapter, therefore, establishes standards for the protection of these valuable specimens, and further spells out a workable method of determining under which circumstances a tree may reasonably be removed.

B. Indiscriminate and uncontrolled destruction of trees, including but not limited to clear cutting, deprives the community of all these benefits. The purpose of this chapter is to preserve trees and minimize damage and removal, thereby enhancing the health, property values, safety and general welfare of the habitants of the Village of Rye Brook.

§ 235-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTUAL OR ONGOING EMERGENCY CONDITION

A condition in which severe weather, storms, natural or nonnatural causes severely affect the integrity of a tree and such condition poses an immediate threat to life, property or the general public.

ADVISORY COUNCIL ON ENVIRONMENTAL CONSERVATION

An advisory board consisting of seven (7) members appointed by the Board of Trustees for a term of three (3) official years.

APPLICANT

Any individual, partnership, corporation, municipality or other entity, together with employees, officers, directors, agents, independent contractors or any lessee or contract-vendee of a parcel of

property, who or which owns any real property or portion of real property within the jurisdiction of the Village.

APPROVING AUTHORITY

The Village Engineer, and his or her designee, shall be the approving authority for tree removal permits. ~~If an applicant appeals a decision of the Village Engineer, then the Advisory Council on Environmental Conservation shall be the approving authority for the duration of the appeal.~~

CERTIFIED ARBORIST

A professional, holding certification regulated and maintained with the International Society of Arboriculture (ISA), who manages and maintains trees (generally in an urban environment). This includes planting, pruning, structural support, the treatment of disease, insect, or abiotic disorders, lightning protection, and tree removal.

CLEAR CUTTING

Any removal of 30% or more trees that are each four inches or more in DBH (diameter at breast height) over any five-year period as determined on the basis of trees requiring a tree removal permit on said property.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter or caliper of a tree measured at a point 4 1/2 feet above ground level at the base of the tree on the uphill side.

DESIGNATED TREE

Any tree as defined in this chapter which has a DBH of eight or more inches.

DRIP LINE

An imaginary, roughly circular line extending from the maximum spread of the limbs of a tree to the ground.

INJURY

Any act that may cause a tree to die within a three-year period from the date of the act, including, but not limited to, girdling, soil compaction and storage of materials or equipment around the base of the tree and within the drip line, stripping of bark, setting fires on or near a tree, severe pruning, applying chemicals, or changing the ground level within the drip line.

PRUNING

A method of cutting off leaves or branches within limits in order to remove dead or diseased foliage or branches. Pruning is also used to control or direct growth, increase quality or yield of flowers or fruit and to ensure growth position of main branches to enhance structural strength.

ROOT FLARE

The base of trunk that swells out to become buttress roots entering the soil; root collar usually at or near ground level.

SHRUB

A low-growing woody plant that is naturally smaller than a tree and produces multiple stems instead of a single trunk. Shrubs are either evergreen or deciduous.

SIGNIFICANT TREE(S)

Trees which have a minimum DBH of 30 inches or more. ~~trunk circumference of 30 inches at a point 4 1/2 feet above the natural grade.~~

STREET TREES

Trees on land lying between property lines on either side of all streets, avenues and within the rights-of-way of the Village.

TREE

A living deciduous or coniferous plant with an erect perennial trunk and a definitely formed crown of foliage.

TREE CANOPY

The uppermost layer of vegetation in woodland, or the upper foliage and branches of an individual tree.

TREE PRESERVATION MAP

A plan of the property in question indicating the location, species, DBH and condition of all trees six inches DBH or greater and detailing the methods and practices to be used to provide protection from injury during construction for all trees to be preserved. The plan shall clearly identify all trees as being removed and to remain.

TREE REMOVAL PERMIT

A written authorization to remove a tree(s) pursuant to this chapter.

TREE TOPPING

The severe cutting back of limbs larger than three inches in diameter within the tree's crown to stubs, to such a degree so as to remove the normal canopy and disfigure the tree.

§ 235-3 Spacing and selection of newly planted street trees.

A. The spacing of street trees will be in accordance with the following size classes unless otherwise directed by the approving authority, and the preferred distances between trees are: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by the Engineering Department.

(1) Small trees are defined as having an ultimate height equal to or greater than 13 feet but less than 30 feet.

(2) Medium trees are defined as having an ultimate height equal to or greater than 31 feet but less than 52 feet.

(3) Large trees are defined as having an ultimate height equal to or greater than 52 feet.

B. The approving authority shall have primary responsibility for the selection, planting, care, maintenance, protection and removal of all trees on municipal properties.

§ 235-4 Distance from curbs and sidewalks.

The distance trees may be planted from curbs, curblines or sidewalks will be in accordance with the species size, and the final determination will be made by the approving authority.

§ 235-5 Distance from street corners and hydrants.

No street tree shall generally be planted closer than 30 feet to any street corner, measured from the point of the nearest intersection curbs or curblines. No street tree shall be planted closer than 10 feet to any fire hydrant.

§ 235-6 Distance from utilities.

A. No street trees may be planted over or within three lateral feet (small or medium) or five lateral feet (large) of any underground water line, sewer line, transmission line or other utility.

B. Where street trees are to be planted under utility lines, selections shall be made of a species compatible to be planted under power lines and other utilities. Such species of tree shall not have a mature height exceeding 30 feet.

§ 235-7 Tree removal permit required; trees on municipal property.

No private person, municipal employee or contractor, or employee of a private firm shall purposefully, carelessly or negligently kill, cut, break, injure, trim, change the grade of or otherwise destroy or mortally damage any tree in any public place within the Village without first obtaining a tree removal permit from the approving authority.

§ 235-8 Trees on private improved properties.

On private improved properties:

A. No person or firm shall, without a tree removal permit, purposefully, carelessly or negligently cut down or otherwise destroy any tree which has a DBH of eight inches or greater.

B. No person or firm shall purposefully, carelessly or negligently cause petrochemicals, herbicides or other toxic substances to penetrate into the soil in or about a tree's root system so as to effectively kill any tree which has a DBH of eight inches or more.

C. No person or firm shall, without a tree removal permit and approved preventative measures, undertake construction, alteration, addition, demolition, grading or drive heavy machinery within 25 feet of any tree which has a DBH of eight inches or greater. Approved preventative measures shall be to the satisfaction of the approving authority.

D. Utility trenching within the drip lines of any tree shall be prohibited. Utilities that cannot be routed otherwise shall be tunneled at least two inches to four inches, or as recommended per ISA standards, below the surface to avoid cutting through tree roots.

§ 235-9 Trees on unimproved or developing properties.

On private unimproved or developing properties:

- A. No person or firm shall, without a tree removal permit, purposefully, carelessly or negligently cut down or otherwise destroy any tree which has a DBH of eight inches or greater.
- B. All applicants for subdivision, site plan review, land clearing, major landscaping or other development requiring tree removal shall be required to submit a tree preservation map. Refer to the Appendix at the end of this chapter for minimum guidelines.
- C. Under this chapter, all applicants shall be held responsible for any actions of their contractors or subcontractors, who shall be made familiar with this chapter and with the guidelines located in the Appendix at the end of this chapter.
- D. Utility trenching within the drip lines of any tree shall be prohibited. Utilities that cannot be routed otherwise shall be tunneled at least two inches to four inches, or as recommended per ISA standards, below the surface to avoid cutting through tree roots.

§ 235-10 Responsibilities of property owners; authority of Village to perform work.

- A. Every owner, tenant, occupant and leaseholder of any tree or shrub on private property overhanging any right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp, interfere with utilities or obstruct the view of any street intersection or any traffic control device and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.
- B. All such work shall be supervised and performed by a licensed and insured tree removal contractor.
- C. The Village of Rye Brook shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or interferes with visibility at an intersection.

§ 235-11 Authorization for tree trimming and removal by utility personnel.

In the course of duties involving the service and repair of existing public utility company facilities, employees thereof hereby are authorized and permitted to prune, trim or alter trees within parameters of accepted horticultural practice, provided that said employees remove all debris resulting from such pruning and trimming of trees. If a utility company proposes to remove any tree, permission from the approving authority with proper permitting must be obtained.

§ 235-12 Tree topping.

It shall be unlawful as a normal practice for any person, firm or Village department to top any street tree or other tree on public and private properties. Trees severely damaged by storms or other causes and trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the approving authority.

§ 235-13 Tree removal permit procedure.

A. The approving authority shall have primary responsibility for administering this chapter through the issuance, revocation or denial of tree permits and may consult with the Village Arborist at the applicant's expense.

B. Application for a tree removal permit shall be made, in writing, to the approving authority, on prescribed forms available in the Village office.

C. A tree removal permit shall normally be issued or favored when the following conditions exist:

(1) The location of the tree(s) clearly endangers the health, safety and welfare of the general public, the property owner or the adjoining property owner closest to the tree(s).

(2) The location of the tree(s) prevents the property owner from undertaking a construction or alteration because the location of the tree(s) substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably adjusted to accommodate the tree(s).

(3) The location of the tree(s) prevents compliance with state, county or local standards for sightlines, driveways or intersections.

(4) The tree(s), due to death or advanced age, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain it (them).

D. ~~Any applicant who is denied a tree removal permit decision of the approving authority may be appealed to the Village Board of Trustees Advisory Council on Environmental Conservation of the Village of Rye Brook.~~ The appeal must be submitted, in writing, to the Village Board of Trustees Advisory Council on Environmental Conservation of the Village of Rye Brook within 30 days of the date of the decision.

E. A tree removal permit may be revoked by the approving authority if it should be determined that the permitted work has exceeded the terms and/or scope of the tree permit. Revocation of a tree permit may be appealed in accordance with § 235-14.

F. Prior to the issuance of a tree removal permit, all neighbors within 250 feet from the property line of the subject property, unless modified or waived by the Village Board of Trustees, shall be informed of the tree removal and given the opportunity to comment on the tree removal, in writing, to the approving authority within seven (7) days of the notification.

§ 235-14 Appeal procedure.

The appeal procedure shall be as follows:

~~A. The Advisory Council on Environmental Conservation shall meet no later than 30 days after receipt of an appeal.~~

~~B. Written notification of the time, date and subject matter of the meeting of the Advisory Council on Environmental Conservation shall be provided by the applicant to all adjacent and immediately surrounding property owners at least five days prior to the initial meeting on the matter.~~

A. The Village Board of Trustees shall hear any appeal brought in accordance with § 235-13(D). The appeal will be placed on the next available agenda of the Board of Trustees.

~~C. B.~~ The Village Board of Trustees~~Advisory Council on Environmental Conservation~~, on reviewing an appeal, shall take into consideration the factors set forth in § 235-13C, as well as any evidence presented by the applicant in support of the issuance of a tree removal permit.

~~D. C.~~ The Village Board of Trustees~~Advisory Council on Environmental Conservation~~ may retain a certified arborist, at the applicant's expense, to perform a hazard tree evaluation of any tree which is the subject of an appeal. In the event the Village Board of Trustees ~~Advisory Council~~ determines to retain a certified arborist as set forth above, the applicant shall make payment for the services for the certified arborist in an amount specified by the Village approving authority and paid within the earlier of three weeks of the date in which the decision was made to retain a certified arborist or prior to the date on which the appeal is to be heard by the Village Board of Trustees. Failure to comply with the requirement may prohibit continuation of the appeal from being processed.

~~E. D.~~ Upon its evaluation of the factors set forth in § 235-13C, as well as any evidence presented by the applicant, the Village Board of Trustees ~~Advisory Council on Environmental Conservation~~ may grant the appeal and order the issuance of a tree removal permit; grant the appeal with conditions and order the issuance of a tree removal permit; or reaffirm the determination of the previous approving authority and deny the appeal. Failure to comply with the provisions or conditions of any determination by the Village Board of Trustees ~~Advisory Council on Environmental Conservation~~ shall constitute a violation of this chapter.

~~F. E.~~ All determinations and decisions of the Village Board of Trustees ~~Advisory Council on Environmental Conservation~~ shall be by a majority vote of the total authorized voting power. Minutes of the meetings, together with copies of all determinations and decisions, shall be submitted to the Village Administrator/Clerk within a reasonable time after each meeting.

§ 235-15 Issuance of tree removal permit with conditions.

Any tree removal permit issued pursuant to this chapter may be issued with conditions. Such conditions may be attached as the approving authority deems necessary to ensure compliance with the policies and provisions of this chapter. The approving authority may, as a condition of granting a tree removal permit:

- A. Require reasonable improvements, such as relocation of proposed foundation walls, driveways, surface and subsurface improvements or drainage systems, to preserve a specific tree or forest area.
- B. Require such safeguards as appropriate to minimize the environmental impact of such removal operations.
- C. Require the replanting of an equal or greater number of trees of the same or similar species as those removed, at the approving authority's discretion, based on the size and condition of the trees removed.

D. Prior to the issuance of a permit with conditions, the approving authority may request a bond or cash equivalent in the appropriate amount deemed necessary. Bond or cash equivalent will be returned to applicant upon the satisfactory completion of work inspected to the satisfaction of the approving authority.

§ 235-16 Term of tree removal permits.

A tree removal permit shall not be valid for more than 120 days after approval of an application for same by the approving authority, unless otherwise specified by the approving authority. All permits shall expire upon completion of the work and compliance with the conditions specified therein. Permits may be renewed by the approving authority upon application submitted at least 10 days before the expiration of the permit. Standards for issuance of renewals may be the same as for the issuance of original permits.

§ 235-17 Inspection and indemnification.

A. Any site for which an application has been submitted shall be subject to inspection upon notice to the property owner and applicant at any reasonable time, including weekends and holidays, by the approving authority. The property owner and applicant, by making application for a tree removal permit, shall be deemed to have given consent to such inspection. The property owner and applicant shall indemnify and hold the Village of Rye Brook harmless against any damage or injury that may be caused by or arise out of any entry onto the subject property in connection with the processing of the application, during tree removal or within four months after the completion of the work.

B. The approving authority may enter upon privately owned land for the purpose of inspecting trees located thereon in order to determine if any violation of § 235-8 or § 235-9 exists.

§ 235-18 Restoration.

Removal of any tree shall require the following actions:

A. All persons granted a tree removal permit shall be required to replant a native noninvasive one-and-one-half-inch to three-inch caliper tree on said property.

(1) The number of replacement trees shall be as based on caliper removed as follows:

| | DBH of Tree Removed (inches) | Replanting Requirement |
|--|------------------------------|---|
| | 8 to 12 | No replanting necessary |
| | 13 to 24 | One 1 1/2-inch to 3-inch caliper tree |
| | 25 to 29 | Two 1 1/2-inch to 3-inch caliper trees |
| | 30 and greater | Replant as per Environmental Council's recommendation |

(2) When restoration is determined by the approving authority to be impractical due to lack of proper planting space, a restoration fee may be imposed with funds deposited into the Village's Street Tree Fund. Such fee shall be as determined by the Board of Trustees.

(3) Note: Ornamental trees or shrubs may not be substituted under the restoration requirement.

B. All restoration work shall be completed within six months of granting of a permit. An extension shall be granted by the approving authority between the months of November through February for an additional three months.

C. All restorative work shall be done in accordance with good and acceptable planting and tree surgery practice.

D. All trees that fail to survive as a result of the restoration work required under this section for a period of two calendar years following planting shall be replaced by the owner of the land. Said replacement shall be within 60 days following written demand from the Village for such replacement, or within an extended period of time as may be specified. Should the property owner fail to replace the trees pursuant to demand within the required period of time, the Village has the right to impose penalties as set forth in § 235-23 of this chapter.

E. All tree planting, tree dressing and associated restoration work must be substantially completed within six months from the date of issuance of the decision of the approving authority or Village Board of Trustees~~Environmental Advisory Council~~.

F. Presence of nesting wildlife in trees shall be verified prior to tree removal. A certified arborist shall contact a licensed wildlife rehabilitator to relocate nesting wildlife. Listing of licensed wildlife rehabilitators is available through the New York State Department of Environmental Conservation.

G. The tree trunk, limbs, stump and any roots remaining above grade shall be removed completely to a depth of six inches to eight inches below grade.

H. The disturbed area shall be backfilled, replanted and/or reseeded.

I. The applicant shall remain responsible for the acts of his employees, contractors or subcontractors.

J. Tree removal and restoration shall conform to guidelines set forth in the Appendix at end of this chapter and those promulgated by the approving authority, in consultation with the Village Planning Consultant.

§ 235-19 Removal in cases of immediate threat.

The following activities are permitted without a tree removal permit:

A. Removal of any tree under an actual or ongoing emergency condition when such immediate tree removal is necessary for the protection and preservation of life or property and there is no time to wait for granting of a tree removal permit. Within three days thereof, a detailed hazard tree report from a certified arborist and documented evidence, such as photographs, along with a completed tree removal application shall be submitted to the approving authority setting forth the nature and extent of the immediate threat.

B. When conditions may warrant immediate need for removal of a significant tree, the Village Engineer or his designee may permit such removal without obtaining additional approval of the Village Board of Trustees ~~Advisory Council on Environmental Conservation~~. Such reasoning of action shall be documented.

§ 235-20 Removal of dead or diseased trees.

A. Removal of any dead tree that has been found to be dead by a certified arborist shall be as follows, a permit application shall be completed and a copy of the report shall be submitted for processing.

B. The approving authority shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees within the Village. The approving authority shall notify, in writing, the owners of such trees. Removal shall be done by said owners through the services of a certified arborist, at their own expense, within 30 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the approving authority shall have the authority to remove such trees and charge the cost of removal to the owner. If the charge is not paid within 30 days from the date of the bill, a penalty of 5% of the amount due shall be assessed, and a further penalty of 1% shall be added for each succeeding month or any portion thereof in which the charge is not paid. The Village Clerk/Administrator shall cause, on the next succeeding tax roll, any said unpaid tree removal charges and penalties thereon in excess of 60 days to be added to the Village tax bills. Said tree removal charges and penalties shall constitute a lien on the real property so affected.

§ 235-21 Significant trees.

No significant tree shall be removed without the approval of the approving authority and Village Board of Trustees, ~~and the Advisory Council on Environmental Conservation~~, except when the removal of the significant tree is in conjunction with an approved site plan application pursuant to Chapter ~~249~~ 209 of the Village Code.

§ 235-22 Action upon completion of work.

A. Within 30 days after completion of all tree removals and restoration authorized under a permit issued in accordance with this chapter, the applicant shall notify the approving authority of such completion.

B. Within 30 days of such notification of completion of work, the approving authority shall inspect or cause to be inspected the tree removal site for compliance with all conditions of the permit.

(1) When all tree removal(s) authorized under a permit is deemed to be completed in an acceptable fashion, the approving authority shall close out an open permit.

(2) When tree removals and replanting authorized under permit are deemed not acceptable, the approving authority shall so notify the applicant. The notification of noncompliance shall include a list of all conditions in violation of the terms of the permit and shall specify a time limit for the correction of all items so listed.

§235-23 Advisory Council on Environmental Conservation

A. The Advisory Council on Environmental Conservation shall make recommendations to the Village Board regarding the preservation and replenishing of trees, woods and landscaping in the Village so as to minimize undesirable environmental impact and further beautify the Village in furtherance of the health, safety and welfare of present and future Village residents. The Committee shall also make recommendations to the Village Board regarding proposed shade tree planting, landscaping and other beautification projects to be performed by the Village throughout its various rights-of-way and Village-owned properties, and such other recommendations to the Village Board as it deems appropriate for the preservation and replenishment of trees throughout the Village.

B. The Advisory Council on Environmental Conservation shall meet at such times as it deems appropriate to accomplish the purposes of § 235-23. All such meetings shall be convened on 10 days' notice. All meetings of the Advisory Council on Environmental Conservation shall be open to the public.

C. All determinations and decisions of the Advisory Council on Environmental Conservation shall be by majority vote of the whole Committee. Minutes of the meetings, together with copies of all determinations and decisions, shall be submitted to the Village Administrator/Clerk within a reasonable amount of time following the meeting.

§ 235-23 24 Penalties for offenses.

A. In the event of a violation, the approving authority shall have the authority to propose suitable mitigation in connection with said violation based on formulas listed below, prior to an appearance ticket being issued. If the violator does not agree to proposed mitigation, the approving authority shall request the court to require such and additional measures. Mitigation by the approving authority shall be based on the following formulas: $(DBH \times 0.475)$ or $[(\text{Widest portion of remaining stump}) \times 0.475]$.

B. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this chapter or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this chapter shall be guilty of an offense punishable by a fine of not less than \$500 and not more than \$750 per violation. Each tree removed without a tree removal permit required by this chapter or in violation of any condition attached to a tree removal permit or otherwise in violation of this chapter shall constitute a separate offense. For a second and each subsequent violation within a one-year period, the violator shall be guilty of each separate offense punishable by a fine of not less than \$600 and not more than \$1,000 per violation or a term of imprisonment of not more

than 15 days, or both. In the case of a tree destroyed or removed without a tree removal permit, another tree, or multiple trees equaling the DBH of the tree removed, shall be replanted at the expense of the property owner. Species, DBH and location of trees shall be as specified by the approving authority.

C. Each violation of the provisions of this chapter shall be a separate and distinct offense, and, in the case of a continuing offense, each week's continuance thereof shall be deemed a separate and distinct offense. In addition, the approving authority may request and the court may order or direct a violator to replace any or all trees removed illegally, with a size and type selected by the approving authority. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the approving authority.

D. The Village shall not issue a building permit, temporary certificate of occupancy or certificate of occupancy for any property for which a violation of this chapter has been served, or for which an administrative or judicial proceeding has been commenced under this section, until said violation or proceeding is dismissed or resolved to the satisfaction of the approving authority or court, as is appropriate.

E. The Village shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this chapter and to compel the replacement of any or all trees removed illegally and the restoration of the land affected to its condition prior to the provisions of this chapter.

F. Prior to the issuance of a tree removal permit with conditions, the approving authority may request a bond or cash equivalent in the appropriate amount deemed necessary. The bond or cash equivalent will be returned to applicant upon the satisfactory completion of work inspected to the satisfaction of the approving authority.

§ 235-24 25Enforcement.

The Village Engineer, designee, and Code Enforcement Officer(s) are hereby authorized to issue appearance tickets for violations of this chapter as well as stop-work orders.

§ 235-25 26Disclaimer of liability.

Nothing contained in this chapter shall be deemed to impose any liability upon the Village, its officers, committees or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any area on his property or under his control in such conditions as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, public or place within the Village.

§ 235-26 27Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2: This local law shall take effect immediately upon filing with the Office of the Secretary of State.