

Chapter 281:
TREES, GRASS, BRUSH and WEEDS

Article I

Trees

Draft 2 5/15/08

Draft 3 5/21/08

Draft 4 5/27/08

Draft 5 5/30/08

§ 281-1. Legislative intent.

The preservation and maintenance of trees is necessary to protect the health, safety, environment, ecosystems and general welfare of the inhabitants of the Village of Scarsdale. 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. The destruction and damage of trees and the indiscriminate and excessive cutting of trees cause barren and unsightly conditions, create surface drainage problems, increase municipal costs to control drainage, impair the value of real property and adversely affect the character of the community. This chapter seeks to address these conditions.

§ 281-2. Definitions

A. Terms as used in this chapter shall have the meanings:

1. DEPARTMENT — Village Engineer, or designee
2. DISTRIBUTION LINE — An electric line having a voltage of less than 69 kilovolts.
3. EMERGENCY- A serious situation or occurrence that happens unexpectedly and demands

immediate action.

4. ENTITY — Any corporation, limited liability company, partnership, limited partnership or other non municipal enterprise recognized by the State of New York or its agents and contractors.
5. INJURY TO TREES – any action, during the course of permitted or non-permitted work that causes significant damage to a tree that causes or will inevitably cause death of the tree.
6. NON PUBLIC PROPERTY – any lands not owned by the Village of Scarsdale.
7. PUBLIC PROPERTY – lands owned by the Village of Scarsdale, which includes right-of-ways (ROW), parks, open space and Village facilities.
8. REPLACEMENT TREE – any tree planted by order of the permit, not to be smaller than three (3) inches in diameter.
9. RIGHT-OF-WAY (ROW) — Generally the space owned by the Village extending approximately 13' feet from each curb line, but may include specific lands under an agreement or definition of law.
10. ROW ACCESS – An easement or other document, whether granted by a public corporation or a private property owner, which provides access to a second party to perform those activities granted in such agreement or by function of law. As used in this chapter, a grantor of a ROW shall include the present property owner if the ROW had been granted by a predecessor in interest.
11. LANDSCAPE PLAN - a design for the exterior landscape of a property that includes the size, type and location of trees, shrubs and other natural elements and may include related grading, tree removal and tree preservation measures which is reviewed and

approved by a Land Use Board.

12. LAND USE BOARDS – independent bodies that make decisions in regard to land use in the Village under the enabling authority given by the State of New York. These include; the Board of Architectural Review, (BAR); Zoning Board of Appeals (ZBA); and the Planning Board.

13. PROTECTED TREE – Trees designated as protected may not be removed unless the Village Engineer determines, because of their condition, that they are a danger to persons or property or that they are diseased and cannot be saved. The following trees are protected:

- A. The American elm tree.
- B. Replacement trees of smaller than 6" diameter.
- C. Trees that have been identified as such on a site plan, zoning variance, subdivision plan, special permit or landscape plan by a Land Use Board.

14. TREE — Any woody plant of a species which grows at maturity to an overall height of 10 feet or more, has a single trunk or multiple trunks which are, in combination, a sum of six inches in diameter as measured 4 1/2 feet above the ground.

15. TREE REMOVAL PERMIT- Permit issued by the Village Engineer in conformance with a plan submitted by an applicant and approved by the Village Engineer, or designee.

16. TREE EXPERT- certified by a recognized program of higher education or a governmental agency as a tree care expert.

17. VILLAGE ENGINEER – a person employed by the Village of Scarsdale, is certified and licensed by the State of New York as a Professional Engineer or Licensed Architect, and who's responsibilities as a Village employee include reviewing plans for various projects on public and private land within the jurisdiction of the Village of Scarsdale.

§ 281-3. Prohibited Acts, Removal of Trees on Non Public Property

- A. No person shall permit and no person, firm or corporation shall purposely, carelessly or negligently cut down, kill, or commit any injury which will lead to the eventual destruction of any tree exceeding six inches in diameter measured at a height of four and one half (4.5) feet from the ground on non public property; within five (5) feet of any property line; or more than 3 trees in a 12 month period, unless said person is in possession of a Tree Removal Permit issued pursuant to this chapter.
- B. Activities permitted as of right on non public property shall include:
- (1) Removal of 3 trees or less on a single lot in any 12 month period, provided they are not protected trees, not within 5 feet of any property line and, further, provided that replacement tree(s) are planted.
 - (2) The removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property including adjoining parcels.
 - (3) Removal of a tree that is dead, dying, hazardous, or diseased as determined by a Tree Expert.
- C. Notwithstanding any other provision of this chapter any property owner, developer or person who has applied for and received a permit involving an approved subdivision, approved site plan, wetland permit, special permit, or any permit that requires the removal of tree(s) on any non public property shall in addition to strict compliance with any terms of such approved subdivision, approved site plan, wetland permit, special permits, or any permit that requires the removal of tree(s), make an application to the Village Engineer for a Tree Removal Permit. There shall be no site disturbance and the status quo shall be maintained until such time as a Tree Removal Permit is granted or denied and the appeal process is completed. The Village Engineer, or designee, may grant or deny such application for a Tree Removal Permit on

such terms and conditions as he may prescribe, it being understood that there must be full compliance with any approved subdivision, approved site plan, wetland permit, special permit or other development approval required by the Land Use Boards. In no event shall a Tree Removal Permit be issued for the removal of any tree specifically designated to be saved by the Planning Board, Board of Appeals or Board of Architectural Review, unless said tree is determined to be dead, dying, diseased or hazardous to life or property.

§ 281-4. Tree Expert.

- A. The Village shall employ or retain a Tree Expert as defined herein. The Tree Expert shall advise the Village in regard to the planting, growing, preservation of any tree on public and non public property as may be necessary to maintain a balance in the protection of the public health and safety and the removal, pruning and treatment of any tree on public and non-public property.

§ 281-5. Permits.

- A. Permits for the removal of trees may be granted by the Village Engineer, or designee, under the following circumstances:
- (1) If the presence of a tree causes hardship or endangers the public health and safety and a property owner submits a report from a Tree Expert attesting to a hardship, or endangerment.
 - (2) If a tree substantially interferes with a permitted use of a property and is specifically identified for removal in a wetland permit, special permit, subdivision plan, site plan or BAR approved landscape plan.
 - (3) A tree that is infested with fungi, caterpillars, insects, worms, maggots, parasites, larvae,

grubs of lepidopterists insects as certified by a Tree Expert, or other qualified person as defined in 281-2 A (10) herein.

(4) A the tree is located near improvements, especially if the tree is located within three (3) feet of an existing sidewalk, driveway or private roadway; the tree is located within ten (10) feet of an existing dry well, or other subsurface improvement; the tree is within ten (10) feet of any other existing permanent structure or improvement.

(5) The tree is to be removed as a result of storm damage, accident or any other condition that causes undo hardship to the applicant.

B. The determination of the Village Engineer, or designee, shall be final for the removal of any tree after considering all reports, species of the tree, the degree of injury, level of infestation, likelihood of survival and the impact to the general welfare and the environment. The Village Engineer in his review of all reports and any inspections, if necessary, shall give heightened consideration as to whether the trees are hazardous to life or property, interfere with a permitted use of the property, or whether replacement trees are proposed by the applicant. The Village Engineer shall have the right to grant immediate approval for the removal of said tree or trees, waiving all notices as required under this chapter, in the event of an emergency provided that all other requirements of this chapter are complied with in full.

C. In the event that the existing conditions on a lot make planting of replacement trees not feasible, the applicant may be required to make a payment to a Tree Preservation Fund in an amount that would reimburse the Village for the cost of purchasing and planting any such replacement tree or trees.

D. Applications.

(1) All applications for permits shall be made in writing upon forms prescribed by the Village Engineer.

(2) The Village Engineer may require the applicant to submit plans showing existing and proposed contours at two-foot intervals on a map or plan at a scale no smaller than one

inch equals 40 feet; existing trees, specifying types and sizes; trees to be removed and the reasons for removing said trees. The plans must detail all replacement trees and specify the planting location, size, species and type. In situations where the existing trees are so large and mature that they cannot be replaced in kind, multiple trees may be planted or, if applicable, as required by any approved subdivision plan, site plan, special permit, wetlands permit or BAR landscaping plan.

- (3) The Village Engineer may require additional information in plans that include design of all tree protection measures including but not limited to protective fencing, tree wells and any other appurtance that is deemed to be pertinent in reviewing and application.
- (4) Where extensive tree removal is planned as part of an approved subdivision plan, site plan, special permit, wetlands permit, or BAR landscaping plan, the Village Engineer may require that a Tree Expert, as defined herein, be retained by the applicant to supervise the orderly removals in a manner that assures compliance with any permit or approved plans.
- (5) An applicant may be required to furnish the Village with a performance bond or a cash deposit in an amount determined by the Village Engineer in a form to be approved by the Village Attorney sufficient to cover 100% of the planting and restoration work to be completed after the removal of any tree pursuant to plans that are required to accompany all applications. Cash shall be deposited in a trust account as established by the Village Treasurer. The performance bond or cash deposit shall remain in effect for a period of two growing seasons after the issuance of a Certificate of Occupancy (CO), or where a CO is not required after final inspection and approval by the Village Engineer.
- (6) The Village Engineer, within 90 days from the date an application is submitted in final form, shall issue a permit or denial to the applicant.
- (7) The Village Engineer may issue a Stop Work Order against any approved Tree Removal permit, if the work performed is not proceeding in accordance with the requirements of

the permit, or in an orderly and diligent manner.

- (8) An application fee shall be set by resolution of the Village Board in an amount that would cover Village costs for the administration and enforcement of this Chapter. The Village Manager, as appropriate, shall recommend to the Village Board fees under this Chapter.

§ 281-6. Restoration and replacement.

- A. All persons who remove trees or cause trees to be removed with or without a Tree Removal Permit shall restore the area by backfilling all holes and by creating an acceptable grade and covering. Any tree damaged for any reason during construction or development of a property, or removed in violation of an approved subdivision plan, site plan, special permit, wetland permit or landscape plan shall forfeit all or a portion of any escrow deposit, or bond in an amount determined by the Village Engineer. Trees shall be replaced in kind or, where existing trees are so large and mature that they cannot be replaced, multiple trees shall be planted. Minor tree damage shall be treated in accordance with accepted tree surgery and best practices. In situations where replacement trees are not feasible, payment to the Village pursuant to 281-5 (c) herein shall be made.
- B. Tree stumps shall be removed except where the Village Engineer determines that the stumps are to be left for aesthetic purposes, to prevent soil erosion, or for other reasons. After the replacement of any tree, removal of all debris in the disturbed area shall be made immediately. The property where such planting is done must be left in a neat and orderly condition in accordance with good and acceptable planting and tree surgery practice.
- C. All tree planting, tree dressing and associated restoration work must be substantially completed within one year from the date of issuance of the Tree Removal Permit, except that the Permit may be extended by the Village Engineer for a period not to exceed six months. Under all circumstances the performance bond or cash escrow held by the Village shall continue in full force and effect until there has been full compliance and approval by the

Village Engineer of all restoration work. In the event that the planting and restoration work is not substantially completed within one year of the date of issuance of a permit, and no extension has been granted, the Village Engineer shall consider the work and permit to be abandoned and declare the performance bond, and/or the escrow deposit in default and the proceeds from the bond or cash deposit shall be transferred to the Tree Preservation Fund to complete all required planting and restoration work pursuant to the permit.

- D. All newly planted trees which fail to survive following planting season shall be replaced by the permit holder at the expense of the permit holder. Said replacement shall be within 60 days following written notice from the Village Engineer, or designee, within the period of time as may be specified. Should the permit holder fail to replace the trees pursuant to the notice and within the required period of time, the Village Engineer or designee shall serve a court appearance ticket and/or declare the bond and/or escrow deposit in default and apply the proceeds to the Tree Preservation Fund.

§ 281-7. Certificate of occupancy.

A final Certificate of Occupancy for any open building permit shall not be issued by the Building Inspector until all tree planting, tree dressing and associated restoration is to be completed to the satisfaction of the Village Engineer, except that between October 31 and April 1 the permit holder may obtain a Temporary Certificate of Occupancy. All planting and restoration work in this instance must be completed to the satisfaction of the Village Engineer on or before the first day of the following May. The escrow cash deposit and performance bond shall continue in full force and effect until the planting and restoration work has been completed and the planting has survived two full growing seasons. Should the permit holder fail to complete the restoration work on or before May 1, the Village Engineer shall declare said performance bond or escrow in default and apply the proceeds from the bond or escrow to the Tree Preservation Fund.

§ 281-8 Enforcement; Penalties for Offenses.

- A. The terms of this Chapter shall be enforced by the Village Engineer and the Building Department except where such enforcement may be vested in the laws of the State of New York.
- B. Any person violating any of the provisions of this chapter shall be guilty of a violation and shall be fined not less than \$250 and/or imprisoned for a period not to exceed 15 days. Each day the violation continues shall constitute a separate offense. No building, demolition, or excavation permit may be issued, and if previously issued shall be revoked, until such violation is cured in accordance with § 281-6 herein.
- C. In addition thereto, any person violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the Village in the amount of \$100 for each day the violation continues for every tree.
- D. In addition thereto any person shall replace each tree removed, killed or destroyed in accordance with the provisions this chapter.

Article II

Distribution Lines

281-9: Distribution Lines, Right of Ways

- A. Legislative findings and intent. The Village of Scarsdale wishes to promote the reliable delivery by public utilities of electric power to residents and businesses within the Village. The Village recognizes that tree limbs may interrupt such reliable delivery if they become entangled with electric lines and therefore public utilities must, from time to time, cut and/or remove trees. The Village also wishes to recognize and preserve the benefits of trees to the community, including without limitation, flood mitigation, water purification, reduced soil erosion, removal of carbon dioxide from the air, providing protection from the elements and reduced use of fossil fuels for heating and air conditioning and preservation of neighborhood character. Removal of trees may lead to soil erosion, stormwater runoff and related drainage

problems which, if not regulated locally, would be deleterious to the environment and adversely impact all property in the Village.

- B. Any tree work in the Village right of way by a public utility, or its agent, including trimming and/or removal of trees must comply with nationally recognized standards and, further, that when tree removal is necessary, reasonable efforts are to be made to mitigate the loss of trees and any resulting threat by such removal by replanting, or such other actions that are necessary to protect the public health, safety, environment and general welfare.
- C. Utilities or their agents responsible for maintaining ROWs in the Village shall follow the tree maintenance practices for utilities established by The National Arbor Day Foundation as amended from time to time, unless otherwise authorized in writing by a Tree Expert under such terms and conditions as may be specified. Nothing in this chapter prevents a public utility from contracting with a private entity to perform tree maintenance, as long as such tree maintenance conforms to the standards established by The National Arbor Day Foundation and provisions of this Article II.
- D. Except for tree pruning and trimming permitted by Subsection B above, no utility or its agents or contractors shall cut, top or remove a tree on a Village ROW, unless such tree poses a danger to a distribution line. A certification by a Tree Expert that such tree(s) are diseased or dying, or with respect to a healthy tree, such tree is so entangled with a distribution line that pruning and maintenance practices cannot reasonably be expected to prevent such tree from falling on or otherwise interfering with the distribution line is to be filed with the Village Engineer before any work takes place. Notwithstanding any provisions of this Article II, an entity may trim, top or remove a tree on a ROW if it has fallen on a distribution line or, in the judgment of the utility, is in imminent danger of doing so.
- E. Except for tree pruning and trimming maintenance practices permitted by this Article II, any public utility or other entity removing a tree on a ROW or trimming to such a degree that would constitute removal, including if done on an emergency basis pursuant to paragraph 281-9 C,

shall replant a replacement tree for each such tree removed and take such action as shall be determined by the utilities consulting Tree Expert so that no adverse environmental effects including, but not limited to, drainage and soil erosion, impact the Village or adjacent property owners. All replacement trees shall be native trees for this region as designated either by the County of Westchester Department of Planning, or in the New York City Parks Department "Native Species Planting Guide for New York City and Vicinity"; or in Cullina, "Native trees, Shrubs and Vines."

§ 281-10. Enforcement Penalties: Utilities and ROW's

- A. The Village Engineer may issue such regulations and forms as it deems appropriate for the administration of this Article II and may issue stop-work orders for violations.
- B. If any provision of this section is violated by any utility or its agent, the Village may in any court of competent jurisdiction, seek injunctive relief restraining any violation of this section and/or compel the restoration described under the violation. If any provision of this section is violated, the Village may also seek civil monetary damages in any court of competent jurisdiction. Any violation of this section shall also be punishable by a fine, as determined by the Village Court, of not less than \$250 per tree and/or 15 days in jail.

ARTICLE III

Infestations

§ 281-11. Unlawful to Allow Infestations. [Amended 12-31-1963]

It shall be unlawful for the owner of any land in the Village to maintain or permit to remain thereon any tree, shrub or bush, or part thereof, which is infested with fungi, caterpillars, insects, worms, maggots, parasites, larvae or grubs of lepidopterist insects or other animals which cause destruction of or damage to trees, shrubs or bushes and spread by passing to other trees, shrubs

or bushes, thereby causing destruction of or damage to property of others and becoming a public nuisance.

§ 281-12. Duty of owners to destroy. [Amended 12-31-1963]

It shall be the duty of the owner of any land in the Village to destroy all fungi, caterpillars, insects, worms, maggots, parasites, larvae or grubs of lepidopterist insects or other creeping segmented animals which infest any tree, shrub or bush or part thereof, on such land or to destroy the infested tree, shrub or bush, or part thereof.

§ 281-13. Penalties for Offenses. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

Any person committing an offense against any provision of this Article III shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE IV

Poisonous, Harmful Weeds and Plants

§ 281-14. Unlawful to Allow Weeds to Remain.

It shall be unlawful for the owner of any land in the Village to maintain or permit to remain thereon any ragweed, poison ivy or other poisonous or harmful weed or plant.

§ 281-15. Duty of Owners to Destroy.

It shall be the duty of the owner of any land in the Village to destroy any poison ivy, ragweed or other poisonous or harmful weed or plant thereon.

§ 281-16. Action by Village. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

In case any owner of land in the Village fails to comply with the provisions of this Article IV, the Village ~~Clerk~~ Engineer shall cause to be served upon him, by mail, a written notice requiring such owner to comply with such provisions.

§ 281-17. Penalties for Offenses. [Added 3-14-1989 by L.L. No. 6-1989]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250, or by imprisonment for a term not exceeding 15 days, or both. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE V

Planting and Protection of Trees, Shrubs and Plants in Public Places

§ 281-18. Findings and Purpose.

The preservation and protection of shrubs and plants is necessary to protect the health, safety and general welfare of the Village of Scarsdale. Trees, shrubs and plants provide necessary shade, green space and aesthetic appeal, impede soil erosion, and aid water absorption, provide other environmental benefits and generally enhance the quality of life within the Village.

§ 281-19. Planting in Public Places.

No person shall plant any tree, shrub or plant within limits of any Public ROW street, park or other public place without first securing a written permit from the Village Engineer, or license agreement from the Village and complying with the following conditions and requirements: the permit shall be granted only upon a determination by the Village Engineer after consulting with the Director of Public Works, that such planting will not create a traffic hazard or other visual obstruction, pursuant to Chapter 294 of this Code, and will not interfere with the use of such street, park or other public place and that such planting will enhance the beauty and appearance of the street, park or other public place and the surrounding area.

- A. Trees planted within the limits of any Public Right-of-Way, park or other public place shall be of a quality approved by the Village Engineer and shall be planted at least 30 feet apart unless otherwise authorized by the Village Engineer. Each such tree shall measure not less than three inches measured at 4.5 feet from the ground.
- B. Should any tree, shrub or plant planted within the limits of any public ROW, park or other public place pursuant to any such permit, in the opinion of the Village Engineer, interfere at any time with the use of such street, park or other public place by the public or detract from the beauty and appearance of the public ROW, park or other public place or the surrounding area, the Village Engineer shall mail a notice in writing to the permittee or his successor in ownership of the abutting premises to remove such tree, shrub or plant and to restore such public ROW, park or other public place to its original condition within 15 days of the mailing of the notice, and such permittee or owner shall comply with such notice within 10 days. If such permittee or owner shall fail to comply with such notice, the Village Engineer may cause the tree, shrub or plant to be removed, and the street, park or other public place to be restored to its original condition at the expense of such permittee or owner. Any cost incurred by the Village in the performance of such work involving the removal of any such tree, plant or shrub in any park or public place shall upon notice from the Village of Scarsdale pay such amount in full within 30 days of the date of such invoice. In the event of non-payment by the owner of the property or building, such costs will be assessed to a lien on the property owner of the

parcel. **[Amended 3-14-1989 by L.L. No. 6-1989]**

- C. Any tree, shrub or plant planted within the limits of any street, park or other public place pursuant to such a permit or license agreement shall be maintained by the owner of the abutting premises, and the Village shall not be responsible for any damage caused to or by such tree, shrub or plant.

§ 281-20. Removal, Cutting and Trimming in Public Places. [Amended 1-14-2003 by L.L. No. 4-2003]

No person shall remove, kill, cut, break or trim any tree, shrub or plant in any right-of-way, park or other public place in the Village or remove any device set for the protection of any such tree, shrub or plant, without first securing a written permit from the Village Engineer, and complying with such specifications as the Village Engineer, may prescribe.

§ 281-21. Interference in Public Places.

No person shall, without first securing a written permit from the Village Engineer cause any wire or insulator or any device for the holding of any electric wire to be attached to any tree in any street, park or other public place or cause any wire or other conductor charged with electricity to come in contact with any such tree or place or maintain any pole or post in such a manner as to interfere with any tree or shrub in any street, park or other public place.

§ 281-22. Fastening Animals and Signs in Public Places. *Editor's Note: For provisions relating to signs, see Ch. 247, Signs.*

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any street, park or other public place or allow any animal under his control to injure any such tree or shrub.

§ 281-23. Obstructing Nutrients to Roots in Public Places.

No person shall place or maintain on the ground in any street, park or other public place any stone, excess soil or other substance in such manner as may obstruct the free access of air or water to the roots of any tree therein without first securing a written permit from the Village Engineer.

§ 281-24. Deleterious Substances about Roots in Public Places.

No person shall cause any brine, oil, gas, gasoline, liquid dye or other substance deleterious to tree life to pass onto or into the soil about the roots of any tree in any street, park or other public place.

§ 281-25. Protected Trees.

Trees designated as protected may not be removed unless the Village Engineer determines, because of their condition, that they are a danger to persons or property or that they are diseased and cannot be saved. The following trees are protected:

- A. The American elm tree.
- B. Replacement trees of smaller than 6" diameter.
- C. Trees that have been identified as such on a site plan, zoning variance, subdivision plan, special permit or landscape plan by a Land Use Board.

§ 281-26. Penalties for Offenses.

- A. Any person, firm or corporation violating any of the provisions of this Article V shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250, or by imprisonment for a term not exceeding 15 days, or both.
- B. In addition to any other penalty, any person, firm or corporation or individual connected with

such firm or corporation violating any provision of this article shall be subject to a civil penalty enforceable and collectible by the Village in the amount of \$500 for each and every tree removed, cut down or destroyed in violation of this article.

Article IV

Severability

§ 281-27. Other Laws; Severability.

- A. Article II Distribution Lines of this chapter is subject to any provision of New York State law expressly preempting local municipal regulation with respect to distribution lines. Nothing in this chapter repeals or supersedes any other Village law or regulation or modifies any outstanding franchise agreement between the Village and any entity.
- B. If any provision of this Law shall be declared unenforceable in a final and non appealable order of a court of competent jurisdiction that shall not affect the validity of the remaining provisions of this chapter, and the remaining provisions of this chapter shall remain in full force and effect.