

CHAPTER 25

TREES

Part 1

Shade Tree Commission

- §101. Purpose**
- §102. Definitions**
- §103. Composition**
- §104. Custody and Control of Shade Trees**
- §105. Annual Report**
- §106. Pruning and Removal of Trees**
- §107. Permit and Fees**
- §108. Tree Damage**
- §109. Payment of Damages**
- §110. Planting of Trees**
- §111. Trees on Private Property**
- §112. Trees Affecting Health and Safety**
- §113. Prohibitive Planting**
- §114. Violations and Penalties**
- §115. Recommended Trees**

Part 1

Shade Tree Commission

§101. Purpose.

The purpose of this Part is to establish a Shade Tree Commission, set up rules and regulations for the control of the shade trees in the Borough, define permit fees, procedures and establish the penalties thereof. (Ordinance 429, July 5, 1988)

§102. Definitions.

The following words and phrases shall have the meaning hereby ascribed to them except in those instances where the context already indicates a different meaning.

BOROUGH STREET — The legal right-of-way as defined by Borough Ordinance which consists of a cartway and two sidewalk areas.

COMMISSION — The Shade Tree Commission of the Borough of Fountain Hill.

PERSON — Any natural person, firms, associations, partnerships or corporations.

PLANTING STRIP — The grass area which exists between the curb and sidewalk on any Borough Street where applicable.

PRUNING — The act of cutting back, topping or removal of any part of a shade tree which is two inches or greater in diameter.

SHADE TREE — Any tree, shrub or other woody plant within the right-of-way of any public street in the Borough of Fountain Hill, or that part of any tree, shrub or other woody plant which extends within the lines of any public street.

(Ordinance 429, July 5, 1988)

§103. Composition.

1. The Commission shall be composed of three residents of the Borough of Fountain Hill appointed by the Mayor with the consent of Borough Council shall serve without compensation. Of the initial Commission appointed by the Mayor, one member shall be appointed for a term of three years; one for a term of four years; and one for a term of five years. Vacancies in the office of Commissioner before the expiration of a designated term may be filled by the Mayor for the unexpired term. Ex-officio members of the Shade Tree Commission shall be the Mayor, the Executive Secretary and one member of Borough Council to be designated by the President of Council.

TREES

2. Organization of the Board – The Commission shall elect from its own membership a chairman who shall serve an annual term and who may succeed himself. For the conduct of any meeting and the taking of any action, a quorum shall not be less than a majority of the voting members of the Commission. The ex-officio members shall not have a vote in Shade Tree Commission issues. The Commission shall keep full records of its business.

(Ordinance 429, July 5, 1988)

§104. Custody and Control of Shade Trees.

The Commission shall have exclusive custody and control of the shade trees in the Borough, and is authorized to plant, remove and protect shade trees on the public highways of the Borough. It may employ and pay such superintendents, engineers, foresters, tree surgeons, or other assistants as the proper performance of the duties developing upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the Borough. It may also make, publish and enforce regulations for the prohibition, trimming or removal of any shade tree which may constitute an obstruction or nuisance upon the highways of the Borough. No such regulations shall be in force until they have been approved by the Council and until they have been published at least once in not more than two newspapers of the general circulation published in the Borough, and if no newspapers are published in the Borough then in such newspapers circulating the Borough. (Ordinance 429, July 5, 1988)

§105. Annual Report.

The Commission shall annually report to the Mayor its transactions for the last fiscal year of the Borough. (Ordinance 429, July 5, 1988)

§106. Pruning and Removal of Trees.

Any person who wishes to prune or remove any shade tree in the planting strip shall make application to the Borough Secretary of the Borough of Fountain Hill, who shall refer the request to the Shade Tree Commission. The Commission or its subordinate shall make a final determination within a reasonable time whether such a request is appropriate and notify the owner accordingly of their findings. (Ordinance 429, July 5, 1988)

§107. Permit and Fees.

After receiving approval from the Shade Tree Commission, the persons shall secure a permit from the Borough Secretary. This permit shall describe the work to be done, the

location of the property and the type and size of the tree involved. The permit fee shall be \$5 per tree pruned and/or removed. (Ordinance 429, July 5, 1988)

§108. Tree Damage.

No person shall plant, cut down or remove any shade trees under the jurisdiction of the Shade Tree Commission, or fasten any sign, wire, rope or other materials to, around or through any such shade tree, or deposit, place, store or maintain any stone, brick, sand, concrete or other material which may impeded the free passage of water, air or fertilizer to the roots of any such shade tree, unless he shall first obtain permission from the Shade Tree Commission to do so. Exception: newly planted trees may be guyed to provide stability during the first growing season. (Ordinance 429, July 5, 1988)

§109. Payment of Damages.

In the event of a shade tree being damaged, the Shade Tree Commission may make a charge for repairs to the tree, plus the devaluation of the tree against the person causing the damage to the said tree. In the event of a shade tree being destroyed by any person, the Shade Tree Commission may make a charge for the appraised value of the tree, plus the cost of removal and replacement thereof, against the person causing the destruction of said tree. (Ordinance 429, July 5, 1988)

§110. Planting of Trees.

Any shade tree which is proposed to be planted in the planting strip shall be chosen from the official planting tree list, which is kept on file at Borough Hall. (Ordinance 429, July 5, 1988)

§111. Trees on Private Property.

The owner of the property shall trim branches from any shade trees overhanging the streets and highways of the Borough so that they will not obstruct the light from any street light, and so that there shall be a clear height of 14 feet above the surface of the street and 10 feet over the sidewalk. If any property owner shall neglect or refuse to trim any shade tree as required by this Section, upon notice in writing by the Commission within the time limits specified in such notice, the Commission may cause such trimming to be done at the expense of the owner. (Ordinance 429, July 5, 1988)

§112. Trees Affecting Health and Safety.

When any tree along the streets or highways of the Borough or growing on private property but overhanging any street or highway, in the opinion of the Commission, endangers the life, health, safety or property of the public, or is affected by any contagious dis-

TREES

ease or insect infestation, it shall be within the discretion of the Commission to determine what remedy is necessary and whether or not such tree must be removed. The owner of the property shall be notified in writing of the existence of the danger, disease or insect infestation and shall be given reasonable time for removal of the same. If a dangerous, diseased or infested tree is not removed or corrected within the allotted time by the property owner, the Commission shall cause the matter to be corrected or the tree removed, and the costs thereof shall be assessed to the owner of the property. (Ordinance 429, July 5, 1988)

§113. Prohibitive Planting.

No shade tree shall be planted on any street or highway of the Borough where curbs have not been constructed. Where no curb exists, footage should be specified stating footage behind proposed curbline where trees may be planted. In no case shall this distance be less than 12 feet. The location of the proposed curbline shall be determined solely by the Borough's designated Engineer. Further, no trees shall be planted, either new or by replacement of an existing tree, in the grass area between the curb and sidewalk. (Ordinance 429, July 5, 1988)

§114. Violations and Penalties.

Any person violating any provisions of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$300 for each and every offense, to be collected as other fines and costs are by law collectible or shall be imprisoned for not more than one day for each \$10 of unpaid balance of the fine and costs. Each day during which any person violates any provisions of this Part shall constitute a separate offense. (Ordinance 429, July 5, 1988)

§115. Recommended Trees.

List of trees approved and recommended by the Fountain Hill Shade Commission: List is kept on file in the Office of the Borough Secretary. (Ordinance 429, July 5, 1988)