

CHAPTER 1026
Trees

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|---------|---|---------|---|
| 1026.01 | Shade tree defined. | 1026.05 | Planting of trees as recommended by Commission. |
| 1026.02 | Rules and regulations for shade tree work. | 1026.06 | Trimming trees by public utilities. |
| 1026.03 | Payment of costs. | 1026.07 | Replacement of trees. |
| 1026.04 | Removal of diseased or dangerous shade trees. | 1026.09 | Penalty. |

CROSS REFERENCES

- Prohibition and removal of nuisances - see Borough Code §1202(4), (5)
(53 P.S. §46202(4), (5))
- Authority for planting shade trees - see Borough Code §1202(63) (53 P.S. §46202(63))
- Tax for care of shade trees - see Borough Code §1302(3) (53 P.S. §46302(3))
- Shade trees - see Borough Code §§2721 et seq., 2741 et seq. (53 P.S. §§47721 et seq., 47741 et seq.)
- Shade Tree Commission - see ADM. Ch. 274
- Vegetation - see H. & S. Ch. 1888

1026.01 SHADE TREE DEFINED.

As used in this chapter, "shade tree" means any tree located in and along the streets, highways, alleys and roads of the Borough or within the paved cartway of any street, highway, road or alley of the Borough.
(Ord. 770. Passed 6-7-76.)

1026.02 RULES AND REGULATIONS FOR SHADE TREE WORK.

No person shall perform any work upon any shade tree, including, but not limited to, the planting, removal, maintenance and/or protection thereof, without first having obtained a permit therefor from the Shade Tree Commission, for which no fee shall be charged, and without conforming strictly to all of the following rules and regulations:

- (a) Such work shall be performed under the supervision of the Shade Tree Commission or its authorized agent and shall conform to any and all standards specified by the Commission, in addition to those set forth in this chapter. The person desiring to perform such work shall notify the Commission in advance of the time and place where the work is to be done.
- (b) All work of planting and maintenance shall be done at the proper season of the year, as determined by the Commission.
- (c) Planting and maintenance of shade trees shall be done under the direct supervision of a competent tree surgeon. Qualifications of tree surgeons shall be subject to review by the Commission.

- (d) Any person engaging in maintenance work on shade trees shall paint, with a proper protective agent, all limbs cut which are more than two inches in diameter.
- (e) Any person engaging in maintenance work on shade trees shall remove all dead limbs from any tree on which such maintenance work is being done.
- (f) Any person working on the planting, maintenance or removal of any shade tree shall maintain proper danger signals and barricades to protect the public from bodily injury or property damage. Prior permission shall be obtained from the Chief of Police before undertaking any work that would be accompanied by obstruction of any street or alley in the Borough.
- (g) Any person doing work of any kind on any shade tree shall, at his own expense, remove all brush, limbs and other refuse or debris resulting from or caused by such work.
- (h) Any person doing work of any kind on any shade tree, which work results in or causes damage to any curb, sidewalk, street or alley in the Borough, shall, at his own expense, restore or replace such damaged curb, sidewalk, street or alley in as good a condition as it was in prior to the commencement of such tree work.
- (i) Any person engaging in work on any shade tree shall provide certificates of insurance, cancellable only on notice to the Borough, protecting the Borough against any and all claims for damages resulting from or caused by the performance of such tree work. Such insurance shall be in amounts of fifty thousand dollars (\$50,000) for bodily injury to one person, one hundred thousand dollars (\$100,000) for bodily injury to all persons, and ten thousand dollars (\$10,000) for property damage for each incident or accident.
- (j) The Commission shall have authority to prescribe species of shade trees that may be planted on public property and rights of way within the Borough, and no person shall plant any shade tree in any such location without prior approval of the Commission.

(Ord. 484. Passed 12-24-63.)

1026.03 PAYMENT OF COSTS.

All costs of planting, transplanting or removing any shade tree or providing necessary and suitable guards, curbing and grading for the protection of any such shade tree and of replacing any curb, pavement, sidewalk or street damaged by the execution of such work, shall be paid for by the owner of the real estate on, in front of or alongside of which such shade tree is located or the owner of the area where such work is done. However, in the case of a shade tree located within the actual paved, traveled cartway of any street, road, highway or alley of the Borough, the owner of the real estate in front of or alongside of which such shade tree is located or the owner of the area where such work is done, shall be required to pay one-half of the cost of such work with the balance to be paid by the Borough, but in each and every such instance the Shade Tree Commission shall be the sole judge of the applicability of this exception.

(Ord. 770. Passed 6-7-76.)

1026.04 REMOVAL OF DISEASED OR DANGEROUS SHADE TREES.

Whenever the Shade Tree Commission determines that any shade tree is diseased or is otherwise dangerous to the public, it may direct the owner of the real estate in front or

alongside of which such tree is located to remove such tree at his sole expense. If, within thirty days of receipt of written notice from the Commission to do so, any property owner fails to remove any such tree, the Borough may cause such work to be done and may collect the cost thereof from such property owner as provided by law.

(Ord. 484. Passed 12-24-63.)

1026.05 PLANTING OF TREES AS RECOMMENDED BY COMMISSION.

Whenever the Shade Tree Commission determines that it is in the public interest to plant shade trees on any street in the Borough, it shall so recommend to Council. If such recommendation is approved by Council, the Commission shall have authority to proceed in accordance with statutory procedures to require planting of such shade trees at the sole expense of abutting property owners.

(Ord. 484. Passed 12-24-63.)

1026.06 TRIMMING TREES BY PUBLIC UTILITIES.

Every public utility operating within the Borough shall have the right and privilege to trim any and all trees along their respective rights of way and/or pole lines erected upon any street, alley or public place in the Borough, subject to all conditions set forth in this chapter.

(Ord. 484. Passed 12-24-63.)

1026.07 REPLACEMENT OF TREES.

Whenever any person cuts down or removes a shade tree, he or she shall replace the removed tree with a shade tree deemed suitable and approved in writing by the Shade Tree Commission not later than:

- (a) Thirty days after removal of the original tree, if the removal occurred between April 1 and October 31; or
- (b) May 1, if the removal occurred between the preceding November 1 and March 31. (Ord. 972. Passed 4-20-87.)

1026.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)