

Ordinance # 272

TREE REGULATIONS:

AN ORDINANCE OF THE BOROUGH OF MILESBERG, establishing regulations for trees in the borough and establishing penalties thereof:

Now therefore be it enacted and ordained, by the Council of the Borough of Milesburg and it is hereby enacted and ordained by authority of the same as follows:

Chapter 1026:

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

Cross References:

Prohibition and removal of nuisances - see Borough Code Sec. 1202 (4), (5) 53 P.S. Sec. 46202 (4), (5).

Authority for planting of shade trees - see Borough Code Sec. 1202 (63) 53P.S. Sect. 46202 (63)

Tax for card of shade trees - see Borough Code Sect. 1302 (3) 53 P.S. Sect. 46302 (3)

Shade trees - see Borough Code Sec. 2721 et seq., 2741 et seq. (53 P.S. Sect. 47721 et seq. 47741 et seq.)

Shade Tree Committee- 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.

1026.02 RULES & 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 Committee, 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 Committee or its authorized agent and shall conform to any and all standards specified by the Committee, in addition to those set forth in this chapter. The person desiring to perform such work shall notify the Committee 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 Committee.

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 the review by the Committee.

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 Code Enforcement Officer 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, cancelable 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 (\$100,000) for bodily injury to all persons, and ten thousand dollars (\$10,000) for property damage for each incident or accident.

J) The Committee 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 proper approval of the Committee.

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 Committee shall be the sole judge of the applicability of this exception.

1026.04 REMOVAL OF DISEASED OR DANGEROUS SHADE TREES

Whenever the Shade Tree Committee 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 any may collect the cost thereof from such property owner as provided by law.

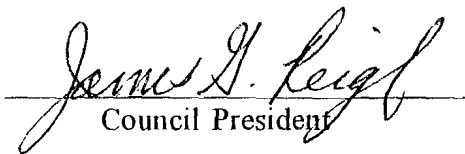
1026.05 **PLANTING OF TREES AS RECOMMENDED BY COMMITTEE**
Whenever the Shade Tree Committee determines that it is in the public interest to plant shade trees on any street in the Borough, it shall so recommend to Council. If such recommendations approved by Council, the Committee shall have authority to proceed in accordance with statutory procedures to require planting of such shade trees.

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.

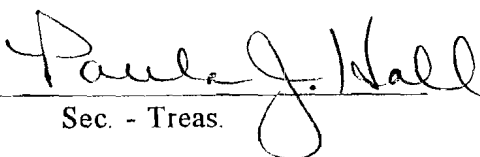
1026.07 **REPLACEMENT OF TREES**
Whenever any person cuts down or removes a shade tree, he or she shall replace the removed tree with a shade tree deemed suitable and approved in writing by the Shade Tree Committee not later than:
a) Thirty days after removal of the original tree, if the removal occurred between April 1 and October 31; or
b) May 1, if the removal occurred between the preceding November 1 and March 31.

1026.99 **PENALTY**
Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than \$25.00 nor more than \$300.00, together with costs of prosecution, and in default of such fine and costs to imprisonment for a period not to exceed thirty (30) days. Each day's continuance of a violation after notification shall constitute a separate offense.

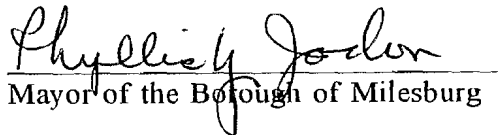
BE IT ORDAINED, that this ordinance be adopted this 10th day of May, 1999 by the Council of the Borough of Milesburg.


Council President

ATTEST:


Sec. - Treas.

AND NOW, to wit this 10th day of May, 1999 the within and above ordinance is approved.


Mayor of the Borough of Milesburg