

Chapter 220

SHADE TREES

§ 220-1. Shade Tree Commission established.

There is hereby established a commission consisting of seven residents of the City to be known as the "Shade Tree Commission" under the provisions of 53 P.S. § 38801 et seq.¹

§ 220-2. Appointment of Commission members; term.

The Mayor is hereby authorized and directed to appoint seven residents of the City as Commissioners, three of whom shall serve a term of three years, two of whom shall serve for a term of two years and two of whom shall serve a term of one year. Successors to the original appointments to the Commission shall serve a term of three years.

§ 220-3. Jurisdiction of Commission.

- A. The Shade Tree Commission shall have full custody and control of the shade trees within the rights-of-way of public streets and highways and in all public areas within the City limits, including trees on private properties, insofar as their limbs and branches may overhang public streets, highways and other public areas.
- B. The Shade Tree Commission shall maintain an accurate street tree inventory of all trees under its jurisdiction and present it to the City on an annual basis. At a minimum, all trees in the inventory will be identified by street address, species of tree, and categorization of: good, fair, poor, or hazardous.
- C. A hazardous tree is one that, due to the tree's condition, there is a reasonable risk that all or part of the tree may fall or break off and cause a threat to life; property; use of public street; stormwater systems; or the uninterrupted provision of public utilities and services.

§ 220-4. Rule changes.

The Shade Tree Commission, with approval of Council, shall have the power to amend any of the rules and regulations as set forth in this chapter if, in the opinion of the Commission, public policy or arboricultural requirements shall indicate the advisability of making a change or changes from these established rules.

1. Editor's Note: 53 P.S. §§ 38801 to 38810 were repealed by 2014, March 19, P.L. 52, No. 22, §§ 357 to 361, effective 5-19-2014.

§ 220-5. Notice to property owners.

It shall be the policy of the Shade Tree Commission to cooperate with the public and property owners insofar as possible at all times, and no planting or removal of any plant materials of a public nature shall be undertaken without notifying the property owners in advance. This shall not include such minor items of work as pruning, bracing, bolting or spraying, which may be of a seasonal nature or which may be done by reason of immediate danger to the safety of the public or for proper protection of the trees or shrubs.

§ 220-6. Permit required.

No person, firm or corporation shall, without a permit issued by the Shade Tree Commission, plant, prune, bolt, spray, brace or paint or remove any tree from within the limits of any public right-of-way street, highway, park, parkway or public playground within the City limits, nor shall they cut or interfere with the main roots in any way, nor place or affix any poster or any other fixture on any tree or tree guard, so located, nor remove any device placed to protect same, nor shall they park an automobile nor pile any harsh or heavy materials against, nor shall they hang anything from any tree within the limits of any public right-of-way, street, highway, parkway or public playground within the City limits.

§ 220-7. Free passage of air and water to roots; clear trunk space.

No person, firm or corporation shall place or hereafter maintain upon the ground within the right-of-way of any public street, lane, alley, park or public playground, any stone, concrete, brick, mastic paving, gravel or any other substance which might impede the free passage of air and water to the roots of any tree without leaving a clear space of at least 12 square feet surrounding the trunk of the tree.

§ 220-8. Adequate guards.

Any person, firm or corporation or its agents or representatives in charge of the erection, repair or demolition of any structure or the excavation for the same, where trees within the public rights-of-way, streets, highways, parks, parkways or public playgrounds within the City limits might be affected, shall not proceed with such work until they place adequate guards around all trees that may be so affected.

§ 220-9. Liability for damages.

Any person, firm or employee of any corporation, who shall injure in any manner any living tree within the public rights-of-way, streets, highways or any public property within the City limits, shall be liable for damages and penalties as set forth in § 220-22.

§ 220-10. Height clearance.

No person, firm or corporation or its agents or representatives shall maintain any trees overhanging the traveled or used portion of any public rights-of-way, streets or highways, unless the same shall have an adequate clearance of 10 feet over sidewalks and 14 feet over streets or highways, wet or dry, to permit pedestrian and/or vehicular traffic.

§ 220-11. Abatement of nuisances and dangerous conditions.

Upon the recommendation of the Shade Tree Commission, City Council shall direct the Code Enforcement Officer to require the owner or occupant of property having any trees which are or which appear to threaten to be a public nuisance or danger to children, traffic or the public, to remove or prune the same so as to abate the actual or threatened nuisance or dangerous condition and, on failure of the property owner or occupant to do so after reasonable notice, the Code Enforcement Officer may cause the same to be done with percentage and costs added as hereinafter provided.

§ 220-12. Criteria for removal of trees.

Only such trees identified as hazardous in the Shade Tree Commission Tree Inventory or because of a change or revision in the planting plans by the City for trees shall be removed.

§ 220-13. Species.

Only such trees shall be planted within the rights-of-way of public streets and highways and in all public areas within the City limits, including trees on private properties, insofar as their limbs and branches may overhang public streets, highways and other public areas as shall meet with the approval of the Shade Tree Commission.

§ 220-14. Planting diameter and height.

All trees to be planted within the public rights-of-way, streets, highways or upon public property within the City, including trees on private properties, insofar as their limbs and branches may overhang public streets, highways and other public areas shall be the diameter and height specified by the Shade Tree Commission.

§ 220-15. Planting location and spacing.

All trees in public streets and highways of the City, including trees on private properties, insofar as their limbs and branches may overhang public streets, highways and other public areas shall be planted in the center strip between the curb and the sidewalk, unless otherwise specified or allowed by the Shade Tree Commission, and shall be spaced at a distance approved by the Shade Tree Commission.

§ 220-16. Planting holes.

All trees shall be planted in holes at a diameter and depth as directed by the Shade Tree Commission.

§ 220-17. Work to be performed in accordance with accepted practice.

All work in connection with planting, pruning, spraying, bolting or painting shall be done and performed in accordance with best accepted arboricultural or horticultural practice, including sterilization of shears, pruning saws, etc., after being used on diseased trees.

§ 220-18. Tree removal.

When trees are removed they shall be cut as close to the ground as conditions will permit.

§ 220-19. Exceptions.

The foregoing provisions of this chapter shall not apply where they materially interfere with lawful and public improvements, maintenance or repair of public playgrounds by the City, its authorized agents and employees or by the county, state and federal government.

§ 220-20. Workmens' compensation.

No person, firm or corporation nor any employee thereof shall be employed by the City or its Shade Tree Commission in connection with any of the work covered or contemplated under the provisions of this chapter unless he, she, it or they have furnished to the City Clerk proof of carriage of satisfactory workmens' compensation insurance so as to afford proper protection to the City and the Commission.

§ 220-21. Bond or insurance; waiver.

Any person, firm or corporation or employee thereof granted a permit to remove, spray, bolt, brace or prune any tree, shrub, evergreen or ground cover, grass excepted, within the public rights-of-way or on public property within the City shall post a bond or furnish evidence of the same to the City Clerk in an amount and form to be approved by the City Clerk or the Mayor, or shall have taken out or take out and maintain satisfactory public liability and property damage insurance as follows:

- A. Public liability insurance in the amount of \$500,000 for injuries including accidental death to any one person and subject to the same limit for each person in the amount of not less than \$1,000,000 on account of one accident.
- B. Property damage insurance in an amount of not less than \$100,000 to any one property and subject to the same limit for each property in an amount not less than \$300,000 aggregate for one accident.

§ 220-22. Violations and penalties.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction by summary conviction or by proceedings by summons before any District Justice, be fined not more than \$750 for any single violation of this chapter and, in default of payment thereof, shall be imprisoned for not more than 30 days, or the City may elect to collect such judgments and costs by execution or other process as provided by law.
- B. In lieu of or in addition to the penalty hereinabove provided, the City, at its option, may require the person, firm or corporation so injuring or removing any trees in violation of this chapter to cause the same to be replaced or the damage caused thereby corrected and, in default thereof, may cause the replacement or correction to be made or done and all costs thereof to be collected by suit in assumpsit or the filing with record costs and percentage added as provided by law.