

AN ORDINANCE, ESTABLISHING A SHADE TREE COMMISSION; GIVING THE COMMISSION CERTAIN POWERS AND DUTIES; PROVIDING FOR THE IMPOSITION OF MUNICIPAL LIENS OR PENALTIES OR BOTH FOR VIOLATIONS OF SAID ORDINANCE.

BE IT ENACTED AND ORDAINED by the Council of the Borough, and it is hereby enacted and ordained by the Authority of the same and pursuant to the Authority granted by law and amendments thereto, that a new Ordinance entitled “Shade Tree Commission” is hereby added to the Borough Code to read as and contain the following:

Section 1. Commission Established

There is hereby created a borough shade tree commission which shall be known as the “Borough Shade Tree Commission” hereinafter called the “Commission”.

Section 2. Membership and Compensation

The Commission shall be composed of three (3) persons all of whom shall be residents of the Borough. The commission members shall serve without compensation for a term of five years and shall be appointed by the Borough Council.

Section 3. Vacancies

When a vacancy in office occurs the Borough Council may appoint a qualified person to fill the unexpired term.

Section 4. Conduct of Business

The Commission shall report annually to the Borough Council.

Section 5. General Powers

The Commission shall have custody and control of all. The commission may also locate, plant, remove, maintain, and protect trees along borough roads. All newly planted trees shall be at points 10 or more feet from curblines consistent with the Borough right-of-way and weed ordinance.

Section 6. Employees

The Borough Council may make the services of the Borough Solicitor, Engineer, or other employees available to the Commission when necessary.

Section 7. Specific Powers

- A. The Commission may require that the owner or person or entity having control of any tree located in the Borough trim or cut and remove such tree if the same is afflicted with the dutch elm or other disease which threatens to injure or destroy other shade trees in the township, or if the same is obstructing borough roads or right-of-ways or is about to fall and is dangerous. Such trees are hereby declared to be nuisances. Trees shall clear roads by at least 14 feet.
- B. The Commission may with the approval of the Borough Council require that the owner of property adjoining or coincidental with borough roads or right-of-ways plant and maintain shade trees of a type specified by the commission.
- C. The Commission may prohibit any activity which injures shade trees in and upon borough lands, roads and right-of-ways or which injures trees which immediately adjoin the same.
- D. The Commission may purchase and sell or give shade trees to property owners or persons or entities having control of property adjoining roads.
- E. The Commission may disseminate information to the public relative to the care and control of trees and the planting of the same.

Section 8. Necessary Work

The borough may perform the necessary work or authorize others to do so and bill such person or other entity for the same. If such bill remains unpaid for 30 days, the same may be filed and collected as a municipal claim against the property in question. The filing of a lien shall not prevent the imposition of penalties under Section 10 hereof.

Section 9. Prohibited Acts

No person, partnership, corporation, trust or other entity shall without permission or good cause injure or destroy any tree in the custody or control of the commission.

Section 10. Penalties

Any person, partnership, corporation, trust, or other entity who or which fails to comply with or violate or violates any of the provisions of this ordinance or directive issued thereunder or who take part in or aid or abet or assist in any way in such violation whether through action, inaction, negligence or otherwise, shall

be liable upon conviction for each offense in a summary proceeding before any alderman, district magistrate, or justice of the peace pay a fine or penalty to the borough for the use of the shade tree commission in an amount of not less than ten (\$10.00) dollars nor more than three hundred (\$300.00) dollars, or be sentenced to imprisonment in the county prison for a period not exceeding thirty (30) days as provided by law. Each day on which any violation of this ordinance continues, shall constitute a separate offense.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.