

ORDINANCE No. 491

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE ESTABLISHING RULES AND REGULATIONS OF THE SHADE TREE COMMISSION, THE PROCEDURE FOR THE PLANTING, TRANSPLANTING AND REMOVAL OF SHADE TREES AND FOR THE ASSESSMENT OF COSTS THEREOF.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. DEFINITIONS. The following words and phrases when used in this Ordinance shall have the meanings hereby ascribed to them, except in those instances where the context clearly indicates a different meaning.

- (1) The word "Commission" shall mean the Shade Tree Commission of the Borough of Monroeville.
- (2) The term "tree" or "shade tree" shall mean any tree, shrub, bush, vine or other woody plant within the right-of-way of any public street or highway located within the Borough of Monroeville.
- (3) The word "Secretary" shall mean the Borough Secretary of the Borough of Monroeville.
- (4) The word "permit" shall mean any permit in writing as issued by the Secretary.
- (5) The word "person" shall mean any natural person, firm, association, partnership or corporation.

Section 2. No tree, shrub or hedge shall be planted in or on or be removed from any highway, park or other public property within the Borough of Monroeville, nor shall any tree, shrub or hedge so situate be pruned, sprayed or its growth in any way interfered with, except by the Shade Tree Commission of the Borough of Monroeville or employees, consultants or contractors of the Borough of Monroeville acting thereunder, or with the written permission of the Shade Tree Commission.

Section 3. No stone, cement or other substance which will impede the passage of water and air to the roots of a tree in or on any highway, park or other public property, shall be placed or maintained unless an open space of at least twelve (12) square feet is left outside and around the trunk of the tree, except with the written permission of the Shade Tree Commission.

Section 4. In the event of accidental damage to or destruction of a tree in or on any highway, park or other public property, report thereof shall be made within forty-eight hours to the Borough Secretary. Repair or replanting necessitated by such damage or destruction shall be done by the Shade Tree Commission. The Shade Tree Commission shall collect the expense of such repairs or replanting from the person or persons responsible for the damage.

Section 5. The cost of planting or transplanting of any trees on any public highway and of suitable guards, curbing or grading for the protection

thereof, when necessary, and of the proper replacing of any pavement or sidewalk necessarily disturbed in the doing of such work, shall be borne by the owner of the real estate adjacent to whose property the planting and work is done. The amount each owner is to pay shall be ascertained and certified by the Commission to Council and to the Borough Treasurer.

Section 6. Where such trees, however, are planted in an area adjacent to a property whereon there is erected a single-family residential building and where such property is a single lot in a recorded plan, and if not in a recorded plan if such property has less than one hundred twenty (120) feet of width along the street upon which it fronts, then in no event shall the cost of more than three of such tree plantings as set forth above be assessed against such property.

Section 7. Upon the filing of the certificate with the Council, the Secretary of the Borough shall cause thirty (30) days written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied with a copy of the certificate.

Section 8. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the Council, and if not paid within the time designated in the notice, a claim may be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

Section 9. Whenever the Commission proposes to plant, transplant or replant shade trees on any street, and further intends to assess the costs thereof against adjacent property owners, notice of the time and place of the meeting at which such work is to be considered shall be given by newspaper published in the Borough once a week for two weeks immediately preceding the time of the meeting. The notice shall specify in detail the streets or portions thereof upon which trees are proposed to be so planted, transplanted or replanted.

Section 10. Where any person desires to plant one or more shade trees within the right-of-way of any public highway within the Borough of Monroeville, he shall first apply for a permit for such planting from the Commission, setting forth the exact locations and types and sizes of trees to be planted. The Commission may grant or deny such permit, or grant the same under such terms or conditions as it may deem necessary and proper in order to effectuate a desirable, pleasant and uniform planting of trees along such public highway. The Commission in its discretion may, as a condition precedent to the issuance of the permit, require the applicant to file a bond satisfactory to the Commission, or to deposit security satisfactory to it, to guarantee the compliance by the applicant with the terms and conditions upon which such permit is issued.

Section 11. No person shall plant any shade tree within the right-of-way lines of any street or highway in the Borough of Monroeville except upon the specific request of the Commission, unless and until such a permit therefor is granted. Such planting shall thereupon conform strictly to the terms, conditions and specifications set forth in such permit. The Commission may refuse a permit to plant any species of tree which in its opinion is not suited to the location, or which, because of susceptibility to disease, is a threat to other trees or shrubbery in the vicinity.

Section 12. No person shall, without first obtaining a permit therefor, cut, break, climb with spurs, injure in any manner, or remove any shade tree; or cut down or interfere in any way with the main roots of any shade tree; or spray any shade tree with any chemical or insecticide; or place any rope, guy wire, cable, sign, poster, or any other fixture on any shade tree or guard for any shade tree; or injure, misuse or remove any device placed to protect any shade tree.

Section 13. In connection with any building operation or the performance of any work whatsoever in the Borough in the vicinity of any shade tree, before any work shall be commenced, guards shall be placed at all shade trees which might be affected by such work so as effectually to prevent injury to them.

Section 14. No person shall pour salt water, oil or any other material at any place in such a manner that injury might result to any shade tree.

Section 15. No person shall, without first having obtained a permit therefor, attach any electric wire, insulator or any device for the holding of an electric wire to any shade tree.

Section 16. Every person having any wire charged with electricity running along or through a public highway shall securely fasten such wire or place an adequate shield thereon, so that such wire shall not come into contact with any shade tree so as not to injure the same.

Section 17. It shall be the duty of the Borough Manager to administer this Ordinance, provide for the maintenance of trees planted by the Borough, and to issue all permits on behalf of the Commission, consistent with policies, decisions or instructions of the Commission. It shall be the further duty of the Borough Manager and the Chief of Police to enforce the regulations herein contained pertaining to the care and damage of trees.

Section 18. This Ordinance shall not be construed to apply in any manner to trees planted upon private property nor shall any permit be required for the planting of such trees. However, the Shade Tree Commission shall have authority to require the removal of trees located on private property where such trees are, in the opinion of the Shade Tree Commission, improperly overhanging within a street right-of-way line, or are damaged or diseased to such an extent as to be a threat to persons, property or other trees. Where such trees are not removed by the property owner within ten (10) days after notice to do so, the Shade Tree Commission may cause the same to be removed as public nuisances, and assess and lien the cost of such removal against the said property in the manner and form provided by law.

Section 19. Any person violating any of the provisions of this Ordinance, upon conviction thereof in a summary proceeding before the Mayor or any justice of the peace of the Borough of Monroeville, shall be fined a sum not exceeding One hundred (\$100.00) Dollars recoverable with costs; and in default of payment of such fine and costs, to imprisonment for a period not exceeding thirty (30) days.

Section 20. The Shade Tree Commission shall have the power to make reasonable rules and regulations, consistent with the terms of this Ordinance, in order to carry out the provisions hereof.

Section 21. Any ordinance or part of ordinance conflicting with any of the provisions of this Ordinance, is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 9 day of September, 1965.

BOROUGH OF MONROEVILLE

S/Frank A. Witt
President of Council

ATTEST:

S/ Carrol F. Pickens
Secretary

EXAMINED AND APPROVED this 10th day of September, 1965

S/ John J. Duncan
Mayor