

### **Chapter 3**

#### **Part B: *Regulating Trees (Planting & Removal)*** **(OR3-1988)**

##### **100.00 Definitions:**

100.10 As used in this ordinance the following terms shall have the meanings indicated:

100.11 PARK TREES – Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the borough or to which the public has free access as a park.

100.12 STREET TREES – Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the borough, and that have been planted by the Borough.

##### **200.00 Borough Tree Committee:**

200.10 *Refer to Chapter 3 – Part A*

200.20 There is hereby created and established a Borough Tree Committee for the Borough of Saegertown, Pennsylvania, which shall consist of three (3) members, citizens and residents of this borough, who shall be appointed by the Borough Council.

200.30 Term of Office:

200.31 The terms of the three (3) persons to be appointed to the Borough Tree Committee by the Borough Council shall be three (3) years.

200.32 In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

200.40 Compensation of Members:

200.41 Members of the Committee shall serve without compensation.

200.50 Duties and Responsibilities of Committee:

200.51 It shall be the responsibility of the Committee along with the Borough Manager, to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

200.52 Such plan will be presented annually to the Borough Council and, upon its acceptance and approval, shall constitute the official Comprehensive Borough Tree Plan for the Borough of Saegertown, Pennsylvania.

200.53 The Committee, when requested by the Borough Council, shall consider, investigate, make findings on, report upon and recommend any special matter or question coming within the scope of its work.

200.60 Administration of Committee:

200.61 The committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings.

200.62 A majority of the members shall be a quorum for the transaction of business.

**300.00 Authorized Species of Street Tree:**

300.10 The following list constitutes the official street trees species for Saegertown, Pennsylvania. No species other than those included in this list may be planted as street trees without written permission of the Borough Tree Committee.

- Elm, Chinese
- Linden, Small leaf
- Maple, Columnar
- Maple, Hard
- Maple, Red
- Maple, Stanlen
- Oak, Red
- Plane, Oriental
- Katsura (added R05-2009)
- Golden Rain Tree (added R05-2009)
- Sweetgum Tree (added R05-2009)
- Schubert Cherry (added R05-2009)
- Flowering Crab (added R05-2009)
- Sunburst Locust (added R05-2009)
- Flowering Dogwood (added R05-2009)
- Ivory Silk Japanese Tree Lilac (added R05-2015)
- Cleveland Select Pear (added R05-2015)

300.11 This list may be amended from time to time upon recommendation of the Committee and approval of the Borough Council.

300.20 Added by Resolution (R05-2009) (R05-2015)

300.21 Those trees listed that bear fruit shall be required to have the permission of the homeowner to plant in front of the homeowner's property.

300.22 The fruit trees are identified as:  
Oriental Plane  
Autumn Brilliance Serviceberry  
Schubert Cherry  
Flowering Crab  
Cleveland Select Pear

**400.00 Planting Requirements:**

400.10 Street trees may be planted no closer together than thirty (30) to forty (40) feet.

400.20 The distance trees may be planted from Curbs or curb lines and sidewalks will be no closer than two (2) feet.

400.30 No Street tree shall be planted closer than thirty-five (35) feet from any street corner, measuring from the point of the nearest intersection, curb or curbing.

400.31 No street tree shall be planted closer than ten (10) feet from and fireplugs. No street tree other than those species listed in Section 300.10 may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

**500.00 Public Tree Care:**

500.10 The borough shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as maybe necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

500.20 The borough may remove or cause or order to be removed any tree or part thereof which is an unsafe condition or which, by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest.

500.30 This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said tree is with written approval of the Borough Tree Committee.

500.40 "Borough Trees" (street trees) that are between the Sidewalk and the street on the west side of the railroad tracks, shall not be damaged by nails, screws, saws, wires, sap collection devices or by any other device.

- 500.50 Temporary signs may only be placed on Borough Trees if they meet sign requirement under zoning requirements, and they do not damage the tree.
- 500.51 Temporary signs placed on trees must be removed within 48 hours of being placed on the tree.
- 510.00 Street Trees:
- 510.10 Street trees are the ONLY trees the Borough will maintain. The Borough is responsible for planting, removing and maintaining street trees.
- 510.11 Residents may be permitted to plant, remove or maintain street trees at their own expense, only with permission from Borough Council.
- 600.00 Tree Topping:**
- 600.10 It shall be unlawful as a normal practice for any person, firm or borough department to top any street tree, park tree or other tree on public property.
- 600.11 “Topping” is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.
- 600.12 Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted at the determination of the Borough Tree Committee.
- 700.00 Pruning: Corner Clearance:**
- 700.10 Every owner of any tree overhanging any street or right-of-way within the borough shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk.
- 700.11 Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.
- 700.12 The borough shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.
- 800.00 Removal of Dead or Diseased Trees:**
- 800.10 The Borough shall have the right to cause the removal of any dead or diseased trees on private property within the borough when such trees constitute a hazard

to life and property or harbor insects or disease which constitutes a potential threat to other trees within the borough.

800.11 The Borough Tree Committee or Borough Manager will notify in writing the owners of such trees.

800.12 Removal shall be done by said owners at their own expense within thirty (30) days after the date of service of notice.

800.13 In the event of failure of owners to comply with such provisions, the borough shall have the authority to remove such trees and charge the cost of removal on the owner's monthly water and refuse bill.

**900.00 Removal of Stumps:**

900.10 All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

900.20 Any stump on private property within 20 feet of a property line must be removed at the expense of the property owner within 90 days of removal of any tree.

900.30 Any person removing a tree from private property shall be responsible for removing all debris and brush accumulated from the removal of said tree.

**1000.00 Interference with Committee:**

1000.10 It shall be unlawful for any person to prevent, delay or interfere with the Borough Tree Committee, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds.

**1100.00 Review of Committee by Borough Council:**

1100.10 The Borough Council shall have the right to review the conduct, acts and decisions of the Borough Tree Committee.

1100.20 Any person may appeal any ruling or order of the Borough Tree Committee to the Borough Council, who may hear the matter and make a final decision.

**1200.00 Violations and Penalties:**

1200.10 Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a Class B fine as set by resolution of Council.

**1300.00      Effective Date:**

1300.10      This ordinance shall take effect upon enactment.

1300.20      Ordained and enacted this 20<sup>th</sup> day of June, 1988