

CHAPTER 25

TREES

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## Part 1

## Removal and Planting

§101. Removal of a Tree. Whenever the owner of the real estate abutting a Borough shade tree shall request the removal of such tree, and if the Borough shall make such removal with approval of the Emporium Borough Shade Tree Commission, then the cost to such owner shall be the cost of the tree removal and the cost of stump removal. Work for removal shall be done by an approved contractor. (Res. 5/7/1990, §1)

§102. Planting of a Tree. Whenever the owner of the real estate abutting Borough property shall request the planting of a Borough shade tree on the abutting Borough property, and if the Borough shall make such planting with approval of the Emporium Borough Shade Tree Commission, then the cost to such owner for such planting shall be the cost of a replacement tree. (Res. 5/7/1990, §2)

§103. Failure to Pay Costs. In the event that the owner referred to in §101 or §102, hereof, shall not pay the cost herein provided, the same shall be collected in the manner provided in the Borough Code relating to Borough shade trees. (Res. 5/7/1990, §3)

§104. Damage to Trees. In the event of damage to, or destruction of, a Borough shade tree by wind, storm, lightning, decay or otherwise, which results in an immediate hazard to the public welfare; and, in the further event that either the Shade Tree Commission or the Borough Manager declares such hazard to be an emergency, then in such event such tree shall be removed by said Borough at no expense to the abutting property owner. Further, in such event, if the Shade Tree Commission shall also direct the planting of a tree in replacement of the tree so removed, then such replacement and planting shall be done by said Borough at no expense to the abutting property owner. (Res. 5/7/1990, §4)



## Part 2

## Protection and Maintenance

§201. Rules and Regulations.

1. No person shall do or cause to be done by others, either purposely, carelessly or negligently, without the written permission of the Shade Tree Commission any of the following acts:

A. Cut, prune, break, injure or remove any tree, shrub or plant, or cut, disturb or interfere in any way with any root of any tree, shrub or plant on any public highway, park or public place.

B. Spray with any chemical or insecticide any such tree, shrub or plant.

C. Fasten any guy wire, insulator, sign, poster or other device to such tree or shrub, or to any guard about such tree or shrub, or to remove or injure any guard or device placed to protect any tree or shrub.

D. Close or obstruct in any manner any open space provided about the base of any such tree or shrub as to prevent the access of air, water and fertilizer to the roots of such tree or shrub.

2. Approval by Commission. No shade or ornamental tree or shrub shall be planted in any public highway, park or public place until such tree or shrub shall have first been approved and the place where it is to be planted designated by the Shade Tree Commission and a permit granted therefore.

3. Open Space to be Maintained. An open space of not less than two (2) feet outside the trunks of trees at their base on all sides shall be maintained at all times on all trees planted after December 31, 1950.

4. Injurious Substances and Conditions Prohibited.

A. No person shall place salt, brine, oil or any other substance injurious to plant growth in any public highway, park or public place in such a manner as to injure any tree, shrub or plant growing thereon.

B. No person shall build any fire or station any tar kettle, road roller or other engine in or on any public highway in such a manner that the heat, vapors or fumes therefrom may injure any tree or shrub growing thereon.

5. Maintenance of Trees.

A. All trees on all public highways shall be kept trimmed by the owners of the land abutting such highways so that the minimum height where they overhang any public walk or highway shall be ten (10) feet. However, the Commission reserves the right to designate a higher clearance on certain highways where heavy traffic or other conditions make it expedient. The written permission of the Commission shall be first obtained in accordance with subsection (1) of this Section.

B. All trees standing on private property, the branches of which project over any public highway or walk, shall be kept trimmed by the

owner of such private property so that the lowest branches shall have a minimum height of ten (10) feet, or to such other height as may be specified by the Commission.

6. Precautionary Actions Required.

A. During the course of the erection, altering or repairing of any building or structure, the owner thereof or contractor therefore shall place such guards around all nearby trees in public highways, parks or public places as may be necessary to prevent injury to such trees.

B. No person shall do any excavating within two (2) feet of any tree or shrub without the written permission of the Commission.

C. Steamshovels, and all other implements, machines and tools shall be used and operated in such a manner as not to damage or destroy any tree, shrub or plant in any public highway, park or public place.

7. Utility Wires.

A. Every person having or maintaining any electric, telephone, telegraph or other wires running through a public highway, park or public place, shall fasten and maintain such wires securely and in such a manner as will safeguard the trees and shrubs thereon against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to such trees and shrubs. The written permission of the Commission shall be first obtained in accordance with subsection (1) of this Section.

B. In and about and during the course of the pruning or removal of any tree in any public highway, park or public place any or all wires running through or near such tree shall be temporarily removed, or the flow of electrical current temporarily cut off, by the owner of such wires, within twenty-four (24) hours after service upon such owner of said wires or his agent, of a written notice from the Commission so to do.

8. Rights and Privileges of Public Utility Companies. All public utilities operating within the Borough of Emporium shall have the right and privilege to trim trees for reasonable clearance of wires and improvement of street lighting along their respective pole lines and light standards erected upon the streets, alleys, highways and public places of the Borough of Emporium, in order that the said public utilities may give better and more efficient service. Provided, however, that all such tree trimming shall be under the prior written permission of the Commission obtained in accordance with subsection (1) of this Section and further shall be under and subject to the direct supervision of, and in a manner satisfactory to the Commission.

9. Interference with Duties of Commission Prohibited. No person shall prevent, delay or in any manner interfere with the Commission or its authorized agents in and about the performance of their lawful duties.

10. Definitions.

OWNER - any or all persons, firms or corporations having any title to any part of the lands or buildings referred to, and the tenants or occupants thereof.

PERSON - a natural person, partnership, association or other fictitious entity and a corporation.

PUBLIC HIGHWAY - all sidewalks areas as defined in Ord. 182, "Streets and Sidewalks," [Chapter 21].

All references in this Section to public highways, walks, private property, trees, shrubs or plants shall be construed as limited to those within the limits of the Borough of Emporium.

(Ord. 412, 10/4/1993)

