

Borough of Wellsboro, PA
Friday, March 5, 2021

Chapter 25. Trees

Part 1. SHADE TREE COMMISSION REGULATIONS

§ 25-101. Definitions.

[Ord. 601, 7/10/2000, § 1]

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

COMMISSION

The Shade Tree Commission of the Borough of Wellsboro.

PERMIT

Any permit in writing as issued by the Secretary of the Shade Tree Commission.

PERSON

Any natural person, firm, association, partnership or corporation.

PUBLIC HIGHWAY

Any street, sidewalk or alley open to the public.

SECRETARY

The Borough Secretary in his capacity as Secretary of the Shade Tree Commission.

SHADE TREE

Any tree, shrub or other woody plant on any public highway in the Borough of Wellsboro, or that part of any tree, shrub or other woody plant which extends within the lines of any public highway.

2. In these regulations, the singular shall include the plural and the masculine shall include the feminine.

§ 25-102. Commission to Have Control.

[Ord. 601, 7/10/2000, § 2]

1. The Commission shall have executive custody and control of the shade trees in the Borough of Wellsboro, and is authorized to plant, maintain and protect shade trees on the public highways in the Borough.

A. Shade Tree Commission; Definition.

- (1) **Creation and Membership.** A Shade Tree Commission is hereby created which shall consist of five members, all of whom shall be residents of the Borough. At least two of the members shall be a professional in forestry, horticulture, plant pathology, entomology, landscape architecture or related fields.

- (2) Members of the Commission shall be appointed by Council for staggered terms of three years. The first member shall be appointed to serve one year. The second and third members appointed shall serve two years and the fourth and fifth members appointed shall serve three years. Thereafter, each member appointed shall serve three years.
 - (3) The members of the Commission shall serve without pay but they may be reimbursed for actual authorized expenses within the funds budgeted for such activities by Council.
 - (4) A vacancy on the Commission, which occurs for reasons other than the expiration of a term, shall be filled by Council for the unexpired portion of the term.
- B. Organization, Records and Meetings. Members of the Commission shall elect a Chairman, Vice-Chairman and such other officers as they may determine necessary. All officers shall be eligible for re-election.
- (1) The Commission shall keep a written record of its meetings in accordance with law. The commission shall provide Council with minutes or other reports of its activities as may be requested or required.
 - (2) For the purpose of taking action, a quorum of three members must be present.
- C. Responsibilities. The Commission shall have the following responsibilities:
- (1) The Commission shall advise the Borough Council, Manager and/or Superintendent on the planting, maintenance and removal of trees in the public right-of-way. Such advice may include:
 - (a) Recommendation of tree species for public areas.
 - (b) Recommendation for controlling diseases and pests damaging trees.
 - (c) Recommendation for tree maintenance.
 - (d) Recommendation for a public education/information program concerning the importance and care of trees.
 - (e) Recommendation of departmental rules and regulations regarding tree planting maintenance and removals.
 - (2) The Commission through the Department shall prepare, for Council's approval, a plan for street trees in the Borough. The plan shall include a list of existing trees (including species and location). The plan shall include suggested policies for planting of trees (including suitable species for various environments and spacing of trees). The plan may also identify locations for new planting, desirable species changes, etc.
 - (a) In developing the plan, the Commission should consult with the Manager and Superintendent and may consult with other Borough Authorities, Boards and Commissions. The plan should recognize the benefits of a public tree program and the need to control expenses (both in the short and long term) of planting, maintenance, removal, clean-up and all other costs associated with a tree program. The Commission shall review the plan annually and/or at other times, at the request of the Superintendent.
 - (3) The Commission may, with the approval of Council, solicit and accept grants and contributions on behalf of the Borough. All funds obtained by the Commission shall be expended for the specific purpose(s) or under the stipulations set by the contributor or the Commission with specific approval of Council.

§ 25-103. Permit Required.

[Ord. 601, 7/10/2000, § 3]

The application for any permit required hereunder shall be made in writing to the Secretary. It shall specify the particular kind of work or operation the applicant desires to perform hereunder and shall state the exact location and the species of any tree affected. It shall be the duty of the Secretary to submit every such application promptly to the Commission for approval or disapproval. The permit shall be effective for such length of time as the Commission shall in each case determine, and such time shall be indicated on the permit. Any such permit may be revoked at any time upon proof satisfactory to the Commission that any of the terms or conditions upon which such permit was issued are or have been violated. 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.

§ 25-104. Permit Required to Plant Within Right-of-Way.

[Ord. 601, 7/10/2000, § 4]

No person shall plant any shade tree within the right-of-way of a public highway in the Borough of Wellsboro until such a permit therefor is granted, such permit to designate where such tree is to be planted. The Commission may refuse a permit to plant any species of tree which in its opinion is not suited to the location.

§ 25-105. Shade Trees Shall Be Kept Trimmed.

[Ord. 601, 7/10/2000, § 5]

1. All shade trees shall be kept trimmed by the owner of the property on or in front of which they are located:
 - A. So as not to interfere with the proper lighting of public highways by the streetlights.
 - B. So that the minimum clearance of any public highway of any overhanging portion thereof shall be nine feet. Provided, the Commission shall have the authority to designate a higher clearance on any public highway, where heavy traffic or other conditions make it expedient.
2. If any property owner shall neglect or refuse to trim any shade tree as required by this section, upon notice in writing by the Commission, within the time limit specified in such notice, the Commission may cause such trimming to be done at the expense of such owner, and the entire cost thereof shall be a lien upon said premises, and a claim therefor shall be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.
3. **Tree Maintenance Activities.** No person may remove, prune, trim or alter a shade tree in the public right-of-way without first obtaining a permit under the provisions of this Part. When removal of a shade tree is deemed appropriate by the Commission, upon issuance of the permit, the Shade Tree Commission shall allow the tree to be removed and require the stump to be removed to a minimum depth of four feet below the surface of the surrounding ground.
 - A. All pruning of shade trees within public right-of-way the municipality of Wellsboro shall conform to ANSI A300-1995 or current pruning standards — "Tree, Shrub and Other Woody Plant Maintenance-Standard Practice"; and the latest revision of the ANSI Z133-1 "Safety Requirements for Pruning, Trimming, Repairing, Maintenance, Removing Trees and for Cutting Brush." A copy of both documents will be kept on file in the Borough Office.
 - B. Any person or entity violating the provisions of this Part by performing shade tree maintenance activities without a permit shall, upon conviction before a district justice, be subject to the penalties set forth in § 21-115 of this Part.

§ 25-106. Permit Required to Cut or Interfere With Shade Trees.

[Ord. 601, 7/10/2000, § 6]

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 laced to protect any shade tree, except in case of immediate necessity for the protection of life and property.

§ 25-107. Permit Required to Impede Roots of Shade Trees.

[Ord. 601, 7/10/2000, § 7]

No person shall, without first obtaining a permit, place or hereafter maintain any stone, cement or any other substance which shall impede the passage of water and air to the roots of any shade tree unless such person shall have an open space of ground surrounding the trunk of such tree, such space to be not less than four feet square.

§ 25-108. Protection of Shade Trees Required.

[Ord. 601, 7/10/2000, § 8]

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.

§ 25-109. Certain Materials Shall Not Be Applied in Any Manner to Shade Trees.

[Ord. 601, 7/10/2000, § 9]

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.

§ 25-110. Permit Required for Electrical Attachment to Shade Trees.

[Ord. 601, 7/10/2000, § 10]

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.

§ 25-111. Electric Wire Shall Be Securely Fastened.

[Ord. 601, 7/10/2000, § 11]

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.

§ 25-112. Electric Current to Be Cut Off 24 Hours After Notice From Commission.

[Ord. 601, 7/10/2000, § 12]

Whenever, in order to take down or prune any shade tree in any public highway or having branches extending over any public highway, it shall be deemed necessary to remove any wire running through or along such public highway, the owner of such wire shall temporarily remove the same or cut off the flow of current therefrom within 24 hours after service or written notice from the Commission to do so.

§ 25-113. Rights Reserved by Commission.

[Ord. 601, 7/10/2000, § 13]

1. The Commission may, after investigation and upon a finding by it that certain plants, shrubs or trees are afflicted with the Dutch elm or other disease which threatens to injure or destroy other plants, shrubs or shade trees, require an owner to cut and remove such afflicted plants, shrubs or trees, whether they be located upon a public street or elsewhere upon the property of such owner, within two weeks of such written notice.
2. If occurrence is on private property, the Commission shall first contact the owner and identify the problem. The Commission reserves the right to order a tree removed which is infected with Dutch elm or other disease, which in the opinion of the Commission imposes a hazard to other shade trees within the Borough.
3. Upon failure of any such owner to comply with such notice, the Commission may cause the work to be done by the Borough and levy and collect the cost thereof from the owner of the property in accordance with the Borough Code, 53 P.S. § 45101 et seq.

§ 25-114. Enforcement.

[Ord. 601, 7/10/2000, § 14]

These regulations shall be enforced by the Commission in conjunction with the Mayor and the Borough Police.

§ 25-115. Penalties.

[Ord. 601, 7/10/2000, § 15; as amended by A.O.]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.