

Chapter 25

Trees

Part 1 Shade Trees

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Part 1**Shade Trees****§25-101. Definitions.**

The following words and phrases, as used herein, shall have the meanings hereby ascribed to them, except in those instances when the context indicates a different meaning:

Park—includes all public parks having individual names.

Permit—any permit, in writing, as issued by the Borough. [Ord. 2009-09-02]

Person—any natural person, firm, association, partnership, or corporation or their servants, agents, or employees.

Public places—includes all other grounds owned by the Borough of Red Lion.

Public street, highway, avenue, or lane—any street, sidewalk, avenue, or lane open to the public within right-of-way lines thereof.

Shade tree—any tree, shrub, or other woody plant in or upon any public street, highway, avenue, or lane in the Borough of Red Lion, or that part of any tree, shrub or other woody plant which extends within the lines of any public street, highway, avenue, or lane in the Borough of Red Lion.

(Ord. 749-13, 9/11/1974; as amended by Ord. 2009-09-02, 9/14/2009)

§25-102. Permit Required.

No tree shall be planted or removed in or upon any public street, highway, avenue, or lane without a written permit from the Borough. All persons shall first obtain a written permit from the Borough before doing or having done any work for the care, pruning, or trimming of any tree in or upon the public streets, highways, avenues, or lanes. All work required to be done under any permit issued hereunder shall be completed within the time period specified, but not to exceed 3 months from the date issued unless the time period has been extended by the Borough.

(Ord. 749-13, 9/11/1974; as amended by Ord. 2009-09-02, 9/14/2009)

§25-103. Application for Permit.

1. The application for any permit required hereunder shall be made, in writing, to the Borough. Such permit shall describe the work to be done, specify species or variety, size, nursery grade, and location and briefly specify the method of planting, method of support, and trimming of all trees or shrubs concerned and contain a definite expiration date. The Borough shall have the authority to designate a suitable type of tree and may refuse a permit to plant any type of tree which, in its opinion, is not suitable to the location. The permit may be revoked at any time upon proof satisfactory to the Borough that any of the terms or conditions upon which such permit was issued are or have been violated. [Ord. 2009-09-02]

2. The Borough in its discretion may, as a condition precedent to issuance of a permit, require a contractor authorized by the homeowner to plant a tree to guarantee said tree for a period of 1 year against defects in materials or workmanship. If death of

the tree results within this time period and for the aforementioned reasons, the contractor will incur the cost of removal, new tree cost and replanting for each tree planted. [Ord. 2009-09-02]

3. A contractor hired to trim or remove a tree shall be liable for injury to persons or for damage to property resulting from such trimming or removal.

(Ord. 749-13, 9/11/1974; as amended by Ord. 2009-09-02, 9/14/2009)

§25-104. Notice to Remove Tree; Lien.

Any person owning a street tree which is deemed by the Borough to be a danger to public welfare and property will be requested, in writing, to remove such tree within a time period specified. If the property owner shall neglect or refuse to remove such tree as required by this Section within the time period specified in such notice, the Borough Council may cause such removal to be done at the expense of the property 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.

(Ord. 749-13, 9/11/1974; as amended by Ord. 2009-09-02, 9/14/2009)

§25-105. Planting Provisions.

No tree shall be planted in or upon the public streets, highways, avenues, lanes, or sidewalks within 5 feet of any driveway, nor shall any tree on private property adjacent to the sidewalk be planted within 3 feet therefrom. No tree shall be planted closer than 25 feet in any direction from the point of intersection of any two public rights-of-way lines, and a distance of 30 feet must be maintained from any stop sign unless written approval from the Borough Council is given. A distance of 30 feet shall be maintained on streets which are state highways.

(Ord. 749-13, 9/11/1974)

§25-106. Care Provisions.

1. Trimming.

A. All shade trees shall be kept trimmed by the owner such that the minimum clearance where they overhang any public walks shall be 9 feet and the minimum clearance where they overhang any public street, highway, avenue, or lane shall be 14 feet. [Ord. 9511-6]

B. If any property owner shall neglect or refuse to trim any shade tree as required by this Section upon notice, in writing, by the Borough Council within the time limit specified in such notice, the Borough Council may cause such trimming to be done at the expense of the owner, and the entire cost thereof, plus 10 percent, 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. [Ord. 9711-6]

2. 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 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, except in case of immediate necessity for the protection of life and property.

3. No person shall, without first obtaining a permit, place any stone, cement, or any other substance which shall impede the passage of water or air to the roots of any shade tree unless such person shall have an open space of ground not less than 35 inches surrounding the trunk of such tree.

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

(*Ord. 749-13*, 9/11/1974; as amended by *Ord. 9511-6*, 11/8/1995; and by *Ord. 9711-6*, 11/12/1997, §197-6)

§25-107. Moving of Buildings.

No person shall move any building or other large object along any street, highway, avenue, or lane which would interfere with shade trees without first having obtained a written permit, a fee for which may be set from time to time by resolution of the Borough Council, from the Borough which, if it deems it necessary, may require the mover to furnish a bond or cash deposit in an amount sufficient to cover any damage to or destruction of public trees or shrubs on such street or streets as a result of such moving operations.

(*Ord. 749-13*, 9/11/1974; as amended by *Ord. 9711-6*, 11/12/1997, §197-7)

§25-108. Protecting Trees During Construction.

In the erection or repair of any buildings or structure, the builder, contractor, or owner thereof shall place such guards around all the nearby trees on the public highways as shall effectually prevent injury to them.

(*Ord. 749-13*, 9/11/1974)

§25-109. Electric Wires.

1. Any person or corporation having any wire charged with electricity running through a public highway shall temporarily remove any such wire or the electricity therefrom when it shall be necessary in order to take down or prune any trees growing in a public highway.

2. The removal of such wire or electricity therefrom shall be accomplished within 24 hours after receipt of written notice from the Borough, or in lieu thereof, the owner of such wire or his agent may elect to do the necessary work and to do so in such manner as to preserve the natural growth and shape of the species. The Borough shall designate the time for pruning or trimming of all shade trees. [*Ord. 2009-09-02*]

(*Ord. 749-13*, 9/11/1974; as amended by *Ord. 2009-09-02*, 9/14/2009)

§25-110. Violations and Penalties.

Any person who shall violate or fail to comply with any of the provisions of this Part shall be liable, upon conviction thereof, shall be sentenced to a fine of not more than \$600 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. Whenever such person shall have been notified by the Borough or the Borough by service of summons in prosecution or in any other way that he is committing such violation, each day in which he shall continue such violation after any such notification shall constitute a separate offense punishable by like fine or penalty. The fines or penalties shall be collected as prescribed by law.

(*Ord. 749-13*, 9/11/1974; as amended by *Ord. 9711-6*, 11/12/1997, §197-10; and by *Ord. 2009-09-02*, 9/14/2009)