

Chapter 25

Trees

Part 1

Shade Tree Regulations

- §25-101. Regulations
- §25-102. Cost of Planting or Removal of Trees to Be Paid by Property Owner
- §25-103. Collection of Assessments; Lien
- §25-104. Cost of Caring for Certain Trees to Be Paid by Borough
- §25-105. Violations and Penalties
- §25-106. Appeals

Part 1

Shade Tree Regulations

§25-101. Regulations.

1. *Definitions.*

Shade trees—any “shade tree,” shrub or other woody plant on any public street, highway, public areas or public parks in the Borough of Carnegie, or that part of any “shade tree,” shrub or other woody plant which extends into any public street, highway, public areas or public parks within the Borough.

Person—any individual, firm, association or corporation.

Permit—a “permit,” in writing, as issued by the Secretary of the Borough or his designee. The fee for the issuance of such permits shall be established from time to time, by resolution of Borough Council.

2. *Obtaining a Permit.*

A. The application for any permit required shall be made, in writing, to the Secretary of the Borough, or his designee, upon forms furnished by him and shall specify the particular kind of work or operation the applicant desires to perform and shall state the exact location and species of any tree or trees affected. The Borough Secretary shall promptly review every application received by him. The Borough Secretary may refer any application to the Borough Engineer or the Borough Public Works Coordinator for the opinions on such applications. In addition, the Borough Secretary shall refer any application to the Shade Tree Commission established herein for its decision on the application. The permit, when issued, shall be effective for such length of time as the Commission shall determine, which shall be indicated on the permit, and any such permit may be revoked at any time at the direction of the Commission upon proof satisfactory to the Commission that the terms and conditions upon which the permit has been issued or have violated. The Commission may, at its discretion, as a condition to the issuance of a permit, require the applicant to file a bond satisfactory to the Commission or to deposit securities satisfactory to guarantee the compliance by the applicant with the terms and conditions upon which the permit is issued.

3. *Permit Required.*

A. It shall be unlawful for any person, without first obtaining a permit, to cut, prune, break, climb with spurs, injure in any manner or remove any shade tree, to cut down or interfere in any way with the main roots of any shade tree, to spray with any chemicals or insecticides any tree, to place any rope, guy wire, cable, signs, posters or other fixtures on a tree or tree guard or to injure, misuse or remove any device placed to protect shade trees, except in case of immediate necessity for protection of life or property.

B. Permits shall be issued by Borough Council upon the recommendation of the Commission.

4. *Planting of Shade Trees.*

A. No shade tree shall be planted on any public street, public highway, public

areas or public parks in the Borough of Carnegie until a permit is granted, such permit to designate the place where such tree is to be planted, from Borough Council upon the recommendation of the Commission.

B. Council may refuse a permit to plant a species of tree which, in its opinion, is not suited to the location. In making its decision as to the suitability of any species of tree or the expeditiousness of planting any shade tree at any location, Council and the Commission shall give due consideration to the prevention of interference by the shade tree with existing overhead and underground utility fixtures and, shall whenever practicable, require that shade trees be planted at least 20 feet from street intersections in order to promote better traffic viability.

C. All shade trees hereinafter planted in or along any of the public streets of the Borough of Carnegie, if not already specified in a plan which has been adopted by the Council upon recommendation of the Commission, shall be spaced, located and be of designated species as set forth in the Master Plan as approved from time to time.

5. All shade trees shall be kept trimmed so that the minimum height where they overhang any public walk shall be 9 feet and the minimum height where they overhang any public street shall be 14 feet. However, the Commission reserves the right to designate a higher clearance on certain streets and highways where heavy traffic or there conditions make it expedient. All trees standing on private property and having branches over a public walk or street should be kept trimmed by the owner of such private property so that the lowest branch shall have a minimum height of 9 feet over public walks and 14 feet over public streets, or to such other height as may be specified by the Commission. In case the owner of such property shall neglect or refuse to trim such trees upon being notified in writing by the Commission so to do and within the time specified by such notice the Commission may, after the expiration of the date specified in said notice, cause such trimming to be done at the expense of the owner and the entire cost thereof shall be a lien upon said premises and shall be filed and collected in the same manner as municipal claims are filed and collected.

6. No person shall knowingly permit any wires designed to carry electrical current to come into contact with any tree unless protected by approved methods are afforded.

7. Whenever, in order to take down or prune any shade tree in the public highway or having branches extended over the public highway, shall be deemed necessary to remove any wire or wires, every person having such wiring running through a public highway shall immediately notify the public utility company of his intention in order that service may not be interrupted.

8. No person shall attach any electrical installation to any shade tree nor excavate any ditches, tunnels or trenches within a radius of 10 feet from a shade tree without first obtaining permission from the Shade Tree Commission.

9. No species of tree shall be planted on or along any public streets or highways of the Borough of Carnegie, except such species as shall from time to time be contained in a recommended list of street tree plantings to be established and maintained by the Shade Tree Commission.

10. *Enforcement.* Regulations of the Shade Tree Commission shall be enforced by the Office of Code Enforcement.

(Ord. 2376, 7/9/2012, §107)

§25-102. Cost of Planting or Removal of Trees to Be Paid by Property Owner.

1. The cost of planting, transplanting or removing any shade trees in or along the streets and highways in Carnegie, of the necessary and suitable guards, curbing or grading for the protection thereof and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate abutting which the work is done. The amount each owner is to pay shall be ascertained and certified by the Commission to Council and to the Borough Secretary.

2. As a condition for the granting of a permit as required to remove any shade tree, the Commission shall require the permittee plant, at his expense, another tree in the place of the one removed. The Commission, in such case, may direct the type, size and location of the tree to be planted and the time within which the work shall be done.

3. Any owner may elect to plant or replant trees or to have the Borough of Carnegie plant or replant the trees required to be planted by this Part. If the owner elects to plant or replant the trees, they must be planted or replanted within 6 months of their removal. Upon the failure of the owner to plant or replant the trees within 6 months of their removal or upon the failure of the owner to comply with the terms of this Part, the Commission may cause shade trees to be planted, replanted, removed, maintained or protected, as the case may be at the expense of the Borough, and thereupon, in the name other the Borough, collect the cost of such work from the owners in default as set forth below.

(Ord. 2376, 7/9/2012, §108)

§25-103. Collection of Assessments; Lien.

Upon the filing of the certificate of cost with the Council, the Borough Secretary or his designee shall cause 30 days written notice to be given by mail to the person or persons against, whose property and assessment has been made, stating the amount of the assessment, the time and place of the payment and accompanied with a copy of the certificate. Said costs so certified shall be a lien from the time of the filing of the certificate with the Council and if not paid within 30 days from the date of notice, a claim shall be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

(Ord. 2376, 7/9/2012, §109)

§25-104. Cost of Caring for Certain Trees to Be Paid by Borough.

The cost and expenses of caring for trees now planted or hereafter planted by said Commission on the public streets and highways of the Borough shall be paid by the Borough, the necessary amount being certified by the Commission to Council each year and appropriated by it in like manner as other monies for Borough purposes.

(Ord. 2376, 7/9/2012, §110)

§25-105. Violations and Penalties.

Any person who shall perform any act for which any provision or regulation of this Part requires a permit to be first obtained, without first obtaining such permit, shall, upon conviction, be deemed to have committed a summary offense, and shall be sentenced to pay the Borough a fine of not less than \$10 nor more than \$1,000, plus

costs of prosecution plus any assessments imposed by the Commission under this Part and, in default of payment of such 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.

(Ord. 2376, 7/9/2012, §111)

§25-106. Appeals.

1. Any person aggrieved by any action or decision of the Commission may appeal to Council by filing an appeal within 30 days from the action or decision appealed with forms to be supplied by the Borough Secretary or his designee. The fee for filing such an appeal shall be the fee established, from time to time, for code appeal by resolution of the Borough Council of the Borough of Carnegie.

2. The decision of Carnegie Borough Council following an appeal from the Commission shall be final.

(Ord. 2376, 7/9/2012, §112)