

ORDINANCE NO. 2001-4
FRACKVILLE BOROUGH

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF FRACKVILLE, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING A BOROUGH TREE COMMITTEE TO REGULATE PUBLIC TREE CARE, PRUNING, AND REMOVAL OF TREES, SHRUBS, BUSHES AND ALL OTHER WOODY VEGETATION.

BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF FRACKVILLE, COUNTY OF SCHUYLKILL, PENNSYLVANIA, AS FOLLOWS:

WHEREAS, the Borough Council of the Borough of Frackville is empowered to adopt ordinances deemed necessary for the proper management, care and control of the Borough and its finances and the maintenance of peace, good government and welfare of the Borough and its trade, commerce and manufacturing; and

Section 1. Definitions.

- A. 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.
- B. 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.

Section 2. Borough Tree Committee.

There is hereby created and established a Borough Tree Committee for the Borough of Frackville, Pennsylvania, which shall consist of five (5) members, citizens and residents of this Borough, who shall be appointed by the Borough Council.

Section 3. Terms of Office.

The terms of the five (5) persons to be appointed by the Borough Council shall be three (3) years. 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.

Section 4. Compensation of Members.

Members of the Committee shall serve without compensation.

Section 5. Duties and Responsibilities of Committee.

It shall be the responsibility of the Committee 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. 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 Frackville, Pennsylvania. 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.

Section 6. Administration of Committee; Quorum.

The Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Authorized Species of Street Trees.

The following list constitutes the official street tree species for Frackville, 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, American
Elm, Chinese
Ginkgo
Linden, Small leaf
Maple, Colomner
Maple, Norway
Maple, Red
Maple, Stanlen
Oak, Pin
Oak, Red
Pear, Flowering
Plane, Oriental

Section 8. Planting Requirements.

- A. Street trees may be planted no closer together than thirty (30) to forty (40) feet.
- B. The distance trees may be planted from curbs or curblines and sidewalks will be no closer than two (2) feet.
- C. 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 curblin. No street tree shall be planted closer than ten (10) feet from any fireplugs.
- D. No street tree other than those species listed in Section 7 of this Ordinance may be planted under or within thirteen (13) 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.

Section 9. Public Tree Care.

- A. 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 may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The Borough may remove or cause or order to be removed any tree or part thereof which is in 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.
- C. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said tree is in accordance with Section 7 and Section 8 of this Ordinance.

Section 10. Tree Topping.

It shall be unlawful as a normal practice for any person, firm or borough department to top any street tree, part tree or other tree on public property. "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. 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 from this section at the determination of the Borough Tree Committee.

Section 11. Pruning; Corner Clearance.

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 thirteen (13) feet above the surface of the street or sidewalk. 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. 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.

Section 12. Removal of Dead or Diseased Trees.

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 constitute a potential threat to other trees within the Borough. The Borough Tree Committee will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. 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 owners property tax notice.

Section 13. Removal of Stumps.

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.

Section 14. Interference with Committee.

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, as authorized in this Ordinance.

Section 15. License and Bond Required for Arborists; Insurance.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the Borough without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) for property damage indemnifying the Borough of any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Section 16. Review of Committee by Borough Council.

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

Section 17. Violations and Penalties.

Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilt, subject to a fine not to exceed one hundred dollars (\$100.00).

Section 18. Repealer

All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

ENACTED AND ORDAINED this 8th day of Jan, 2001.

BOROUGH COUNCIL OF THE
BOROUGH OF FRACKVILLE

BY:

Adele Matern
Adele Matern, President

ATTEST:

Brenda Deeter
Brenda Deeter, Secretary

Thomas J. Hombosky
Thomas Hombosky, Mayor