

An ordinance empowering to the Borough Council of Freeport the rights and duties and obligations in lieu of a Shade Tree Commission in connection with the powers and duties as pertaining to shade trees, providing for rules and regulations and for the imposition of municipal liens or penalties or both for violation of said ordinance, as provided for in THE BOROUGH CODE, Act of February 1, 1966 (1965 P.L. 1656, No. 581) Article XXVII(b) Shade Trees (1) Shade Tree Commission (2) Power of Boroughs as to Shade Trees, as amended.

Section 1. Definitions.

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

1. The term "shade tree" shall mean any tree or shrub or other woody plant on any public street or highway in the Borough of Freeport, or that part of any tree, shrub, or other woody plant which attends within the lines of any public highways.
2. The word "person" shall mean any natural person, firm, association, partnership, or corporation.
3. The word "permit" shall mean any permit in writing as issued by the Borough Council.
4. The term "public highway" shall mean any street, sidewalk or alley open to the public within the Borough of Freeport.
5. The word "borough" shall mean the Borough Council of the Borough of Freeport.

Section 2. Authority of Borough Council.

The borough shall have exclusive custody and control of the shade trees in the Borough of Freeport, and is authorized to plant, maintain and protect shade trees on the public street and highways in the borough and the borough may require the planting or replanting of shade trees along the streets and highways.

The kind of trees and alignment and locations of the trees shall be determined by the borough, but shall not prevent necessary and reasonable use of the streets, sidewalks, abutting property or the conduct of business.

Section 3. Permits.

The application for any permit required hereunder shall be made in writing to the borough council. It shall specify the particular kind of work or operation the applicant desires to perform thereunder and shall state the exact location and the species of tree affected. It shall be the duty of the property owner to submit every such application promptly to the borough for approval or disapproval. The permit shall be effective for such length of time as the borough 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 borough that any of the terms or conditions upon which such permit was issued are or have been violated. Any application not acted upon within sixty (60) days from date of application shall be deemed to be approved and allowed.

Section 4. Manner of Planting Shade Trees Along Highways.

All shade trees planted in and along any of the public highways in the Borough of Freeport shall be set so as to form as nearly as possible a straight and uniform line with the other shade trees growing upon the same highway. Said trees shall be planted or set from twenty-five (25) to thirty (30) feet apart where practicable and shall be sound, straight and symmetrical. Every shade tree shall be planted in a pit three (3) feet square filled with good topsoil otherwise enriched, and shall have an open space of ground outside the trunk of said tree with an area where practicable of not less than four (4) feet square for the free entrance of water and air to roots thereof. All trees planted will be ~~thirty~~ (30) feet from intersection and fire plugs. All trees will be trimmed to a clearance of seven (7) feet from ground level. In order to secure uniformity and proper results, all shade trees hereafter shall be only the trees approved and set forth in Appendix "A".

Section 5. Cost of Caring for Trees Along Highways.

The cost and expense of caring for trees now planted or hereafter planted by said property owner on the public streets and highways of the borough shall be paid for by the property owner.

Section 6.

In the event of a shade tree being damaged, the borough may make a charge for repairs to the tree, plus the devaluation of the tree against the person causing the damage to the said tree. In the event of a shade tree being destroyed by any person, the borough may make a charge for the appraised value of the tree, plus the cost of removal and replacement thereof, against the person causing the destruction of said tree.

Section 7. Permit Required for Certain Acts.

No person shall, without first obtaining a permit therefore, 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 placed to protect any shade tree, except in case of immediate necessity for the protection of life and property.

Section 8. Certain Material not to be Placed Near Trees.

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

Section 9. Permit Required to Place Electrical Devices on Trees.

No person shall, without first having obtained a permit therefore, attach any electric wire, insulator or any device for the holding of an electric wire to any shade tree.

Section 10. Wires to be Shielded.

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.

Section 11. Conditions for Temporary Removal of Wires During Pruning or Removal of Trees.

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 twenty-four (24) hours after service of written notice from the borough to do so.

Section 12. Enforcement.

These regulations shall be enforced by the borough in conjunction with the Mayor of the borough and the borough police.

Section 13. Dangerous Conditions.

When any tree along the streets or highways of the borough, or growing on private property but overhanging any street or highway, in the opinion of the council, endangers the life, health, safety, or property of the public, or is affected by any contagious disease or insect infestation, it shall be within the discretion of the council to determine what remedy is necessary and whether or not such tree must be removed. The owner of the property shall be notified in writing of the existence of the danger, disease, or insect infestation and shall be given reasonable time for removal of the same, except when trees are infected with dutch elm disease. In such case, no notice is necessary, and the borough shall immediately take steps to remove such trees. If a dangerous, diseased, or infested tree is not removed or corrected within the allotted time by the property owner, the council shall cause the matter to be corrected or the tree removed, and the costs thereof shall be assessed to the owner of the property.

Section 14. Penalty.

Any person or persons violating or failing to comply with any of the provisions of this ordinance or any regulations adopted in pursuance of this ordinance shall, upon conviction, be required to pay a penalty of not less than twenty-five (\$25.00) dollars nor more than three hundred (\$300.00) dollars; and in default of payment thereof suffer imprisonment in the Armstrong County Jail for a period not exceeding one (1) day for each dollar of penalty assessed. Further, on the failure of any owner to comply with the terms and conditions of this ordinance the borough may cause the trees to be trimmed, maintained, planted or replanted by a registered tree surgeon with all costs to be assessed to owner.

Section 15. Powers.

The borough council shall have such other powers and duties as are set forth in the Borough Code. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

LIST OF TREES APPROVED BY THE
BOROUGH COUNCIL OF FREEPORT BOROUGH

1. Norway Maple
2. Red Maple
3. Sugar Maple
4. White Ash
5. Ginkgo
6. Thornless Honey Locust
7. Sweet Gum
8. Tulip tree
9. Black Gum
10. Red Oak
11. Scarlet Oak
12. Shingle Oak
13. Pin Oak
14. Willow Oak
15. Little Leaf Linden
16. American Elm
17. English Elm

APPENDIX "A"

ENACTED AND ORDAINED this 10th day of November,
1987.

James E. Swartz, Jr.
President

ATTEST:

Elizabeth J. Contessa
Secretary

APPROVED this 10 day of November,
1987.

Robert Ravotti
Mayor