

**BLAIRSVILLE BOROUGH
ORDINANCE NO: 678**

AN ORDINANCE OF THE BROUGH OF BLAIRSVILLE, COUNTY OF INDIANA,
COMMONWEALTH OF PENNSYLVANIA, REPEALING ORDINANCE NO. 635
OF THE BOROUGH OF BLAIRSVILLE, AND CREATING AND ESTABLISHING
THE RULES FOR A SHADE TREE COMMISSION OF THE BOROUGH OF
BLAIRSVILLE.

Be it ordained by the Council of the Borough of Blairsville, and it is hereby ordained by the authority of the same:

Section 1. Commission Created

There is hereby created a commission to be known and designated "Shade Tree Commission of the Borough of Blairsville Pennsylvania."

Section 2. Membership

Said Commission shall consist of (5) members as provided by law. The term of each member shall be a staggered 3 year term.

Section 3. Jurisdiction of Commission

The Commission shall have exclusive custody and control of the shade trees in and upon the streets of the Borough, or of trees whose branches extend over and above any such street, or whose continued existence shall be a menace to the public using such streets, and on all property of the Borough of Blairsville.

Section 4. Employees of Commission

The Commission may employ and pay such necessary assistants as may be required to perform the duties evolving upon it and to make, publish and enforce regulations for the care and protection of the shade trees in the Borough, other than protection of the shade trees in the Borough, other than those contained in this ordinance, and for the removal of such as may be deemed to menace to the public use of its streets, subject however to the amount of funds appropriated by Blairsville Borough Council for such purposes.

Section 5. Approval of Appointments and Regulations by Council

Any appointments made by the Commission shall be made only with the approval of Council. Regulations, other than those contained in this ordinance, shall be in force only after their approval by Council and after being enacted in an ordinance adopted by Council.

Section 6. Regulations

A. The Shade Tree Commission of the Borough of Blairsville shall have authority over the shade trees on the public streets of the Borough and shall have authority, upon agreement of Council, to plant, remove, maintain and protect such trees.

B. Definitions

Shade Tree – Whenever used in these regulations shall be taken to mean any “shade tree,” shrub or other woody plant on any public street in the Borough of Blairsville or that part of any “shade tree,” shrub or other woody plant, which extends within the lines of any street in said Borough.

Person – Shall be taken to mean any individual, firm, association or corporation.

Permit – Shall be taken to mean a “permit” in writing as issued by the Code Enforcement Officer or the Borough of Blairsville.

C. The Application for any permit required shall be made in writing to the Borough of Blairsville upon forms furnished by the borough 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. It shall be the duty of the Code Enforcement Officer to submit every application received promptly to the Commission for approval or disapproval. The permit shall be effective for a period of 6 months from the date of approval. The Commission may, at its discretion, as a condition in the issuing of the permit require the applicant to file a bond satisfactory to the Commission or to deposit securities 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.

D. 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 on Borough property or Borough right-of-way; to cut down or interfere in any way with the main roots of any shade tree; to spray with any chemicals or insecticides; 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.

E. Planting of Shade Trees

(1) No shade tree shall be planted on any public street in the Borough of Blairsville until a permit is granted there for, such permit to designate the place 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.

(2) All shade trees hereinafter planted in or along any of the public streets, avenues, parkways and other public areas of the Borough of Blairsville, if not already specified in a plan which has been adopted by the Commission, shall be spaced, located and be of the designated species as set forth in the Master Plan of the Commission as approved from time to time.

(3) Property owners will be contacted prior to planting, and consulted as to where the planting will be, and if planting should take place. The final determination shall be with the Shade Tree Commission

F. All shade trees shall be kept trimmed so that the minimum height where they overhang any public walk shall be 9 feet and where they over hang any road shall be 15 feet. However, the Commission reserves the right to designate a higher clearance on certain streets where heavy traffic or other conditions make it expedient. It shall be the responsibility of the Shade Tree Commission and the Borough of Blairsville to maintain proper clearances; however, it is the responsibility of the property owner closest to the tree on the Borough right-of-way to notify the Borough or the Shade Tree Commission of any situation in which clearances are not met.

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

- H. When it becomes necessary to remove a tree within the Borough of Blairsville public street and/or right of way, the stump shall be removed in its entirety and the area around the work site filled with dirt and/or top soil and seeded.

- I. Regulations of the Shade Tree Commission shall be enforced by the Borough Manager, the Borough Code Enforcement Officer, the Borough Police or other agents of Blairsville Borough Council.

Section 7 Cost of Planting or Removal of Trees to be paid by Borough of Blairsville

The cost of planting, transplanting or removing any shade trees on Borough of Blairsville property or Borough Rights-of-way shall be incurred by the Borough of Blairsville for those trees planted by the Borough and Shade Tree Commission after 1995.

Section 8 Cost of Caring for certain trees to be paid by Borough

The cost and expense of caring for trees now planted or hereafter planted by said commission on the public streets 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 purpose.

Section 9 Use of an International Society of Arbor Culture Certified Arborist

The Shade Tree Commission shall utilize the services of a professional Arborist to consult with the Shade Tree Commission members on planting, maintenance and removal of any tree on Borough property or right-of-way.

Section 10 Violations and Penalties

Any person in violation of this ordinance, upon conviction, shall be required to pay a fine of not more than Two hundred and Fifty (250.00) Dollars, and in default thereof, suffer imprisonment for a period not exceed thirty (30) days.

Section 11 Repealed, Severability

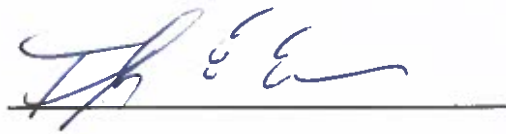
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutional, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this ordinance. It is hereby declared as the intent of the Borough of Blairsville that this ordinance would have been adopted as such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 12 Effective Date

This ordinance shall become effective on the 17th day of April, 2012.

DULY ORDAINED AND ENACTED.

ATTEST:



Timothy E. Evans, Secretary

BY: 

John Bertolino, President,
Borough of Council

Approved this 17th day of April, 2012



Joseph Caugherty, Mayor