

**Official**  
**Borough of Coraopolis**  
**ORDINANCE No. 1777 .**

AN ORDINANCE OF THE BOROUGH OF CORAOPOLIS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, HEREINAFTER REFERRED TO AS "THE BOROUGH". THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH RULES AND REGULATIONS REGARDING THE PLANTING, MAINTENANCE, PRESERVATION, AND REMOVAL, OF SHADE TREES, SHRUBS, AND OTHER VEGETATION WITHIN THE LEGAL BOUNDARIES OF THE BOROUGH; AND TO ESTABLISH THE RESPONSIBILITIES AND AUTHORITY OF THE COMMISSION. FURTHER, SAID ORDINANCE PROVIDES THE COLLECTION OF ASSESSMENTS, PLACEMENT OF LIENS, VIOLATIONS AND PENALTIES AND FILING OF APPEALS.

WHEREAS, the Borough Council of Coraopolis deems it necessary in order to protect the public health, safety, and welfare of its residents, and to protect, preserve, and enhance the natural assets of the community, to provide authorization to the Shade Tree Commission to enforce the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of Coraopolis, County of Allegheny, Commonwealth of Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Creation.

There shall be created a board to be known as The Shade Tree Commission of Coraopolis Borough, hereinafter known as the "Commission". The Commission has exclusive custody and control of public trees.

Section 2. Membership.

The Commission shall consist of five (5) members, all of whom shall be residents of the Borough and shall be appointed by the Borough Council of Coraopolis for terms of five (5) years. These terms shall be staggered so that one member's term expires each year. A vacancy on the Commission, which occurs for reasons other than the expiration of a term, shall be filled by Borough Council for the unexpired portion of the term. A member may remain on the Commission after expiration of his or her term until a replacement is duly appointed. The Commission members shall serve without pay, but may be reimbursed for expenses previously authorized by the Council, from the funds budgeted annually for such purposes.

Section 3. Organization, Record Keeping, and Meetings.

The Commission shall elect a chairperson and such other officers, as they deem necessary. The Commission will meet with whatever frequency they consider necessary to accomplish the work at hand, but no less frequently than once every twelve (12) months. A written record shall be kept of all meetings,

and made available to the Council for its reference. The Commission shall submit annually a full report of its activities and a summary of approved expenses for the last fiscal year of the Borough.

#### Section 4. Responsibilities.

The Commission shall study the problems and determine the needs of the Borough in connection with a shade tree planting, maintenance, and removal program. It will also assess the need for regulations pertaining to shade tree preservation, shade tree protection and shade tree replacement specifications and guidelines for new construction and renovations projects.

The Commission shall study, investigate, counsel, and develop and update as required, and administer a written plan for the care and maintenance, preservation, pruning, planting, re-planting, removal or disposition of shade trees within the control of the Borough, including shade tree preservation, shade tree protection and shade tree replacement specifications and guidelines for new construction and renovations projects. Such plan will be presented as required to the Council and upon its approval by Resolution shall constitute the official comprehensive Shade Tree and Environmental Plan for the Borough of Coraopolis.

The Commission shall prepare a list containing the type and kind of shade trees to be planted along or upon the Borough streets, avenues, boulevards, lanes, or alleys, parks, rights-of-way, easements, or parts of the Borough streets, avenues, boulevards, lanes, or alleys, parks, rights-of-way, easements, as well as all other areas under control of the Borough.

The Commission shall disseminate, or cause to be disseminated news and information regarding the selection, planting, maintenance, value, and importance of the shade trees within the corporate limits of the Borough or public property.

The Commission may, with approval of Council, solicit and accept grants and contributions on behalf of the Borough. All funds obtained by the Commission shall be expended for the specific purpose(s) or under the stipulations set by the contributor or the Commission with specific approval of Council.

The Commission shall provide regular and special meetings at which the subject of the planting, maintenance, and removal of the shade trees in the Borough may be discussed by the members of the Commission, officers, and personnel of the Borough, and all others interested in the Shade Tree/Environmental program.

#### Section 5. Definitions.

- A. Shade Trees – “shade tree”, shrub or other woody plant on any public street, highway, public areas or public parks in the Borough of Coraopolis, or **only** that part of any “shade tree”, shrub or other woody plant which extends into any public street, highway, public areas or public parks with the Borough of Coraopolis.
- B. Person – any individual, firm, association or corporation.
- C. Permit – a “permit”, in writing, as issued by the Borough Manager or his designee. The fee for the issuance of such permits shall be established from time to time, by resolution of the borough Council.

#### Section 6. Obtaining a Permit.

The application for any permit required shall be made, in writing, to the Borough Manager, 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 shade tree or shade trees affected. The Borough Manager shall promptly review every application received by him. The Borough Manager may refer any application to the Borough Engineer for the opinions on such applications. In addition, the Borough Manager 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 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 the 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.

#### Section 7. 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 a "shade tree", to spray with any chemicals or insecticides any 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.

#### Section 8. Planting and Care 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 Coraopolis 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 or interference by the "shade tree" with the existing overhead and underground utility fixtures and, shall whenever practicable, require that "shade trees" be planted at least 20 feet from the 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 Coraopolis, specifically on Borough property only, 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
- D. 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 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, cause such trimming to be done *at the expense of the owner* and the entire cost thereof shall be billed to the owner by the Borough of Coraopolis and due payable by a specified date, after date shall be a lien

upon said premises and shall be filed and collected in the same manner as municipal claims are filed and collected.

- E. No person shall knowingly permit and wires designed to carry electrical current to come into contact with any "shade tree" unless protected by approved methods are afforded.
- F. 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.
- G. 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 for the Commission.
- H. No species of "shade tree" shall be planted on or along any public streets or highways on the Borough of Coraopolis, except such species as shall from time to time be contained in a recommended list of street "shade tree" plantings to be established and maintained by the Commission.
- I. Any "shade tree" or tree on public or private property that becomes diseased or is infected with a contagious blight that would spread to other "shade trees" or trees in the Borough of Coraopolis and kill said "shade trees" or trees shall be immediately removed as required by the Commission. The cost of said removal shall be the responsibility of the property owner.

#### Section 9. Enforcement.

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

#### Section 10. Cost of Planting or Removal of Trees to be Paid by the Property Owner.

- A. The cost of planting, transplanting or removing any "shade tree" in or along the streets and highways in Coraopolis, of the necessary and suitable guards, curbing or grading for the protection thereof and of the replacement 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. If aforementioned is necessary because of Borough or utility company work or needs, then property owner(s) shall not be liable for said costs.
- B. As a condition for 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 unless issued permit for removal of "shade tree" was because of destruction and/or protection of property. The Commission, in such case, may direct the type, size and location of the "shade tree" to be planted and the time within which the work shall be done.
- C. Any owner may elect to plant or replant "shade trees" or to have the Borough of Coraopolis plant or replant the "shade trees" required to be planted by this Part. If the owner elects to plant or replant the "shade trees", they must be planted or replanted within 6 months of their removal. Upon the failure of the owner to plant or replant the "shade 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 or removed, maintained or protected, as the case may be at the

expense of the Borough, collect the costs of such work from the owner(s) in default as set forth below.

#### Section 11. Collection of Assessments; Lien.

Upon the filing of the certificate of cost with the Council, the Borough Manager 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.

#### Section 12. Cost of Caring for Certain "Shade Trees" to be Paid by Borough.

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

#### Section 13. 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 of Coraopolis a fine of not less than \$10.00 nor more than \$1000.00. 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.

#### Section 14. Appeals.

- A. 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 Manager 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 Coraopolis.
- B. The decision of the Borough of Coraopolis following an appeal from the Commission shall be final.


#### Section 15. Effective Date.

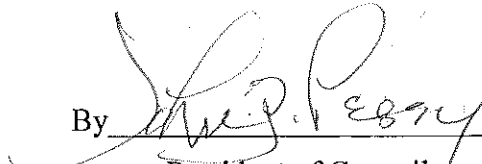
The within Ordinance shall take full force and effect immediately upon passage thereof.

ORDAINED AND ENACTED this 12<sup>th</sup> day of March, 2014.


Attest:

BOROUGH OF CORAOPOLIS

  
\_\_\_\_\_  
Manager

By   
\_\_\_\_\_  
President of Council

EXAMINED and APPROVED this 12<sup>th</sup> day of March 2014.

  
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Mayor of Borough of Coraopolis

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY.