

**Chapter 24****SHADE TREE COMMISSION**

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[HISTORY: Adopted by the Borough Council of the Borough of Curwensville 2-8-82 as Ord. No. 366. Amendments noted where applicable.]

**§ 24-1. Purpose; establishment.**

In order to protect, maintain and preserve the residential character of the borough and its environmental quality, there shall be hereby established a Shade Tree Commission for the Borough of Curwensville in accordance with the Borough Code of the Commonwealth of Pennsylvania, Act of Assembly No. 581, approved February 1, 1966, as amended.<sup>1</sup>

**§ 24-2. Appointment; membership; vacancies.**

A Shade Tree Commission composed of three (3) residents of the borough shall be appointed by the Borough Council and shall serve without compensation, one (1) for a term of three (3) years,

<sup>1</sup> Editor's Note: See 53 P.S. § 45101 et seq.

one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Vacancies in office shall be filled by the Borough Council for the unexpired term.

**§ 24-3. Appointment of successors.**

Upon the expiration of the term of any Shade Tree Commissioner, a successor shall be appointed by the Borough Council to serve for a term of five (5) years.

**§ 24-4. Powers.**

The Commission shall have exclusive custody and control of the shade trees in the borough and is authorized to plant, remove, maintain and protect shade trees on the public streets and high-ways in the borough.

**§ 24-5. Employees; promulgation of rules and regulations.**

The Commission may, with the prior approval of the Borough Council, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the proper performance of the duties devolving on it shall require and may make, publish and enforce regulations for the care and protection of the shade trees of the borough. No such regulation shall be in force until it has been approved by the Borough Council and enacted as an ordinance.

**§ 24-6. Annual report.**

The Shade Tree Commission shall annually report in full to the Borough Council its transactions and expenses for the last fiscal year of the borough.

**§ 24-7. Notice to remove trees; noncompliance; costs to be lien.**

- A. The Commission may, upon prior written notice of fifteen (15) days and under such regulations as are prescribed by

this chapter, require owners of property to cut and remove plants, shrubs and trees, or parts thereof, on their property or on public property within a road right-of-way which abuts their property if such plants, shrubs and trees are in such condition as may, in the opinion of the Commission, present a hazard to persons or property within the borough. Upon failure of any such owner to comply with such notice, the borough may cause the work to be done by the borough, or by others, and may levy the costs thereof upon and collect the costs thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the borough and shall be filed with the Borough Secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

- B. Upon filing of certification with the Borough Council, the Borough Secretary shall cause written notice of thirty (30) days to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the borough, and if not paid within the time designated in the notice a claim may be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

#### § 24-8. Violations and penalties.

The Commission may assess penalties for the violation of its regulations and for the violation of this chapter. In any instance, each day during which such violation occurs or persists after notice thereof to the owner may be considered by the Commission to be a separate offense, and the Commission may assess such penalties in an amount not to exceed fifty dollars (\$50.) for each such day of violation. The total amount of such penalties in any

instance shall not exceed six hundred dollars (\$600.). Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. All penalties or assessments shall be paid to the Borough Treasurer to be placed to the credit of the Shade Tree Commission, subject to being drawn upon the Commission for the purposes contained herein.

H. Upon filing of certification with the Borough Council, the Borough Secretary shall cause within ninety days of the date to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate. The amount assessed against the real estate shall be a lien from the date of the filing of the certificate with the Borough, and it may be collected by the Borough Treasurer in the same manner as municipal claims are filed and collected.

§ 24-8. Violations and penalties.

The Commission may cause penalties for the violation of its regulations and for the violation of this chapter in any instance and may during which such violation occurs or penalties shall be assessed to the owner may be considered by the Commission to be a separate offense and the Commission may assess such penalties in an amount not to exceed fifty dollars (\$50) for each such day of violation. The total amount of such penalties in any