

ORDINANCE NO. 304-02 of 2002

AN ORDINANCE OF THE BOROUGH OF APOLLO, ARMSTRONG COUNTY, PENNSYLVANIA, PROVIDING FOR THE PLANTING, REGULATING, TRIMMING AND REMOVAL OF SHADE TREES ALONG THE STREETS AND SIDEWALKS OF THE BOROUGH OF APOLLO, AND PROVIDING FOR PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of Apollo Borough, Pennsylvania as follows:

Section 1. Authority. This Ordinance is enacted under Section 1202 (63) and Section 2721 et. seq. of the Pennsylvania Borough Code.

Section 2. Purpose. The purpose of this Ordinance is to establish rules and regulations for the planting, trimming and removal of shade trees along the streets and sidewalks of the borough and to provide for the general beautification of the borough all of which is to promote the general health, safety and welfare of the citizens of the Borough of Apollo.

Section 3. Definitions. All words used in this Ordinance shall have the general definitions that are associated with them and the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and neuter. In addition to the general definition of the words used, the following are defined as:

**Person**-----shall mean and include any natural person, partnership, association, firm or corporation.

**Shade Tree**----- a tree grown primarily to produce shade. Shall include those trees that are classified as Shade Trees by the Penn State Department of Agriculture and Forestry.

Section 4. Restrictions on planting. It shall be unlawful for any person to plant, maintain or allow to grow as a Shade Tree along the streets and sidewalks of the borough any tree that is not classified as a Shade Tree by the Penn State Department of Agriculture and Forestry.

Section 5. Clearance above Street and Sidewalk. Every owner of property in the borough shall be required to keep the limbs and branches of all trees growing upon such property or along the street, sidewalk, curb or alley abutting such property trimmed so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than eight (8) feet above the surface of the sidewalk or of less than fourteen (14) feet above the surface of the roadway of any street or alley below such limbs or branches.

Section 6. Removal and Trimming of Trees. It shall be the responsibility of the owners of real estate in the borough to conform to the requirements of this Ordinance, as to trees upon real estate owned by them, or along streets, alleys or sidewalks abutting upon such real estate, and, upon notice from the Borough Council, to remove any tree or trees growing in violation of this Ordinance, and to trim or cut the branches or limbs of trees as required by this Ordinance. All trimming of trees shall be done according to the guidelines established for trimming of Shade Trees as set forth in publications of the Penn State Department of Agriculture and Forestry.

Any person failing to comply with any such notice, within the time limit stated in the notice, shall be guilty of a violation of this Ordinance, and, following the expiration of such time limit, the Borough Council shall have the authority to cause the work required by such notice to be done by the borough or under contract, and to collect the cost of such work, with an additional amount of ten percent (10%) from such property owner in default.

Section 7. Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs of prosecution. In default of payment, undergo imprisonment for a term not to exceed thirty (30) days.

Section 8. Repealer. That any Ordinance, or part of Ordinance, conflicting with this Ordinance is and the same is hereby repealed insofar as the same affects this Ordinance.

Section 9. Severability. If any part of this Ordinance is declared to be unlawful or unconstitutional, that declaration shall not effect the remaining portions of this Ordinance and they shall remain in full force and effect.

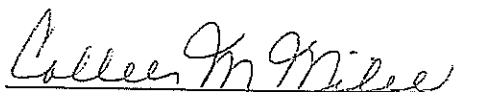
Section 10. Effective Date. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED by the Council of the Borough of Apollo at a regular meeting held this 25 day of February, 2002.

**Apollo Borough**

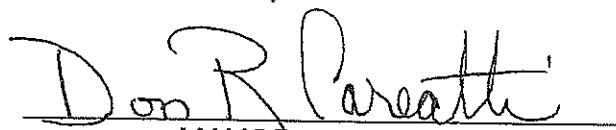
By:   
President

ATTEST:

  
SECRETARY

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APPROVED THIS 25 DAY OF February, 2002

  
MAYOR