

CHAPTER 25

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PART 1

SHADE TREE COMMISSION

§25-101. Establishment.

There shall be established a commission to be known as the "Shade Tree Commission" of the Borough of Philipsburg which shall consist of three members, all of whom shall be residents of the Borough of Philipsburg. All shall serve without compensation.

(Ord. 977, 12/8/1997, §1)

§25-102. Membership.

When the Shade Tree Commission is initially created, one member shall serve for three years, one for four years and one for five years. On the expiration of the term of any Commissioner, a successor shall be appointed by the Borough Council to serve a term of five years. Vacancies in the office of Commissioner shall be filled by Borough Council for the unexpired term.

(Ord. 977, 12/8/1997, §2)

§25-103. Duties.

The duties of the Shade Tree Commission shall be as follows:

- A. A permit, to be issued by the Shade Tree Commission, shall be required before any tree growing, in whole or in part, within the right-of-way of any public street within the Borough can be removed.
- B. Said permit shall be issued only if said tree is diseased or damaged, endangers vehicles or pedestrians is, or is likely, to cause damage to other trees, public or private property or if the need to remove said tree, for any other reason, outweighs the public benefit, to be derived from preserving trees along the public thoroughfares within the Borough.
- C. When a permit is issued for the removal of any tree by the Commission, the Commission shall require, as a condition for the issuance of said permit, that said tree shall be replaced in that area or in a suitable public area with a suitable tree as designated by the Commission.
- D. When any tree is removed, the stump shall be totally removed or cut down to the ground level.

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- E. Annually, the Commission shall make a report to Borough Council concerning the Commission's activities.
- F. The Commission, on its own initiative, at the request of Borough Council or its representatives or at the request of any citizen, shall investigate any reported diseased or damaged tree or any report of a violation of this Part. Notice of any violation shall be given by the Commission to the responsible landowner(s), stating what corrective action is required with a timetable for the required work. On the failure of any owner(s), after reasonable notice, to comply with any such notice, Borough Council may, at the request of the Commission, cause such work to be performed at the expense of the Borough and, there-upon, in the name of the Borough, collect the cost of such work from the owner(s), as debts of like amount are by tax collected.
- G. Any citizen who is denied a permit to remove a tree, who is required to replace said tree or who is directed to take any action may appeal the decision to Borough Council by filing a written request for a hearing within 30 days of the date of the action by the Commission.
- H. This Part shall be enforced by the Borough Enforcement Office.

(Ord. 977, 12/8/1997, §3; as amended by A.O.)

§25-104. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said 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.

(Ord. 977, 12/8/1997, §4; as amended by A.O.)