

CHAPTER 33

SHADE TREE COMMISSION

BOROUGH OF WYALUSING
ORDINANCE NO. 33

AN ORDINANCE CHAPTER NO. 33, SHADE TREE COMMISSION;
REGULATIONS, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY
OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The Borough of Wyalusing hereby ordains and enacts as follows:

§101. INSPECTIONS

The Borough Manager is directed to cause an inspection and examination of trees and shrubs growing within the limits of the public streets of Wyalusing Borough to determine when, as a result of increase of traffic, disease, injury or for any reason, the same have become a menace to the traveling public or an interference with use of public streets.

(Ord. 1995-1, 2/6/1995, §1)

§102. DISCOVERY OF PUBLIC DANGERS; REPORT; RECOMMENDATION.

When a nuisance or condition of public danger is discovered, the Borough Manager shall report to the Wyalusing Borough Shade Tree Commission the nature and location of the nuisance, the owner of the property in front of it and recommendation as to what should be done.

(Ord. 1995-1, 2/6/1995, §2)

§103. REMOVAL

If the Wyalusing Borough Shade Tree Commission shall agree with such recommendation, it shall direct the owner of the property to appear before the Wyalusing Borough Shade Tree Commission and show cause why said nuisance shall be abated. In the event that the property owner agrees that the trees or shrubs should be removed and agrees to remove them, the Shade Tree Commission shall direct removal of the said trees and the collection of the cost of their removal from the property owner.

(Ord. 1995-1, 2/6/1995, §3)

§104. FAILURE TO COMPLY.

In the event that the property owner disputes the existence of a nuisance and refuses to pay the cost of the removal of the trees or shrubs then, if the Wyalusing Borough Shade Tree Commission still desires its removal, it shall order the same to be done and the entire cost of the removal recovered against the property owner in accordance with law.

(Ord. 1995-1, 2/6/1995, §4)

§105. VIOLATIONS AND PENALTIES

1. Hereafter it shall be unlawful for any person to plant any trees or shrubs between the sidewalks and the traveled portion of the streets in Wyalusing Borough except upon the approval of the Wyalusing Borough Shade Tree Commission. Any person desiring to plant trees or shrubs in these areas shall first make application to the Wyalusing Borough Shade Tree Commission on forms provided by the Borough. The Wyalusing Borough Shade Tree Commission shall, within 30 days of receipt of the application, either permit or disallow the proposed planting.
2. Penalties. Any person violating any provision of this Part and who declines to remove unpermitted trees or shrubs within 10 days after notice from the Borough Council, Borough Manager or the Wyalusing Borough Shade Tree Commission shall, upon conviction thereof, be sentenced to a fine not to exceed \$600 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 shall constitute a separate offense. [A.O.]

(Ord. 1995-1, 2/6/1995, §5; as amended by A.O.)

§106. ESTABLISHMENT AND POWERS AND DUTIES SHADE TREE COMMISSION.

1. The Wyalusing Borough Shade Tree Commission shall be Composed of five citizens or Borough residents who shall be appointed by the Borough Council and who shall serve without compensation. One member shall be Councilperson, three members shall be citizens with knowledge of trees, their types, maintenance, etc., and one member shall be an employee of the Borough.

2. Upon the establishment of the Wyalusing Borough Shade Tree Commission, the Council shall appoint three members for a 3 year term, one for a 4 year term and one for a 5 year term. On the expiration of the term of any Commissioner, a successor shall be appointed by the Council to serve for a term of 5 years. Council shall fill vacancies in the Wyalusing Borough Shade Tree Commission for the unexpired term.

(Ord. 1995-1, 2/6/1995, §6)