

ORDINANCE NO. 248

AN ORDINANCE OF THE TOWNSHIP OF HARRIS, CENTRE COUNTY TO ESTABLISH
A SHADE TREE COMMISSION AND PROVIDE REGULATIONS FOR THE PROTECTION
AND MAINTENANCE OF TREES WITHIN THE TOWNSHIP.

Intent:

Recognizing that trees promote a positive environment, cooling in the summer and providing wind breaks in the winter, softening streetscapes and hiding overhead utilities, serving as a haven for birds and small animals, the Board of Supervisors wishes to promote the proper selection, planting, and maintenance of trees on public property and within Township rights-of-way, and to protect the public and trees on public property from hazards posed by trees on private property.

Section 1 Definitions. For the purpose of this Ordinance, the following terms shall have the following meanings:

- A. Arborist. shall mean the Registered Arborist/Horticulturist contracted by this Township of Harris, who shall be supervised by the Director of Maintenance.
- B. Board. The Board of Supervisors of the Township of Harris.
- C. Commission. The Harris Township Shade Tree Commission.
- D. Department. The Maintenance Department of the Township.
- E. Director. The Director of the Department of Maintenance or his/her designee.
- F. Manager. The Manager of the Township or his/her designee.
- G. Municipality. The Township of Harris.
- H. New Tree. Any tree planted by the Township in a public right-of-way, except a replacement tree.
- I. Notice. Notice shall mean written notification sent by first class mail to property owners immediately affected, or notification posted on the affected tree.
- J. Person. Any individual, firm, partnership, association, corporation, company or organization of any kind and includes the plural of each.
- K. Public Area. Any public right-of-way, park, easement or other area under the control of the

Township.

- L. Public Tree. Any tree located in a public right-of-way, park, easement, or other area under the control of the Township.
- M. Replacement Tree. A tree planted in a location formerly occupied by another tree.
- N. Tree Drip Line. A line derived by the horizontal line extending along a radius from the trunk of a tree to the outermost tips of branches.
- O. Tree Protection Zone. The 3-dimensional area within the drip line, including from the crown to the root system of each public tree.
- P. Work Days. Monday through Friday, excluding legal holidays when Township offices are closed.

Section 2. Tree Commission.

- A. Creation and Membership: In accordance with Section 2902 of the Second Class Township Code (P.L. 103, No. 69) a Shade Tree Commission is hereby established which shall consist of five members.

Members of the Commission, all of whom shall be residents of the Township, shall be appointed by the Board of Supervisors for staggered terms of five (5) years. The first member shall be appointed to serve one (1) year. The second member appointed shall serve two (2) years, and the third member shall serve three (3) years. The fourth member shall serve four (4) years and the fifth member shall serve five (5) years. Thereafter, each member appointed shall serve five (5) years.

The members of the Commission shall serve without pay but may be reimbursed for actual authorized expenses within the funds budgeted for such activities by The Board of Supervisors.

Any vacancy on the Commission shall be filled by an appointment by the Board of Supervisors.

- B. Organization, Records and Meetings. Members of the Commission shall elect a Chairman, Vice-Chairman and such other officers as they may determine necessary. All officers shall be eligible for re-election.

The Commission shall keep a written record of its meetings in accordance with law. The Commission shall provide the Board with minutes and annual or other reports of its activities, as may be requested or required.

For the purpose of taking action, a quorum of three members must be present.

C. Responsibilities. The Commission shall have the following responsibilities:

- (1) The Commission shall advise the Director and the Arborist on the planting, maintenance and removal of trees. Such advice may include:
 - (a) Recommendations of tree species for public areas.
 - (b) Recommendations for controlling diseases and pests damaging trees.
 - (c) Recommendations for tree maintenance.
 - (d) Recommendations for public education and information programs concerning the importance of and the care of trees.
 - (e) Recommendations on Departmental rules and regulations regarding tree planting, maintenance and removals.
- (2) The Commission, through the Department shall prepare, for the Board's approval, a Plan for street trees in the Township. The Plan should include a list of existing trees (including species and location). The Plan should also include suggested policies for the planting of trees (including suitable species for various environments and spacing of trees). The Plan may also identify locations for new plantings, desirable species changes, etc.

In developing the plan, the Commission should consult with the Director and Arborist and may consult with other Township Authorities, Boards and Commissions. The Plan should recognize the benefits of a public tree program and the need to control expenses (both in the short and long-term) of planting, maintenance, removals, cleanup and all other costs associated with a tree program. The Commission shall review the Plan annually and/or at other times, at the request of the Director.

- (3) The Commission may, with the approval of the Board, solicit and accept grants and contributions within the purposes of this ordinance. 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 the Board.
- (4) The Commission shall conduct all Public Hearings required. After hearing testimony, the Commission may make recommendations to the Director concerning the subject of the hearing.

Section 3. Authorized Activity. The Department is hereby authorized, but is not limited to, perform
Ordinance 248 - Page 3 of 6

the following activities in regard to trees:

- A. Adopt Policies, Rules, and Regulations. Policies, rules and regulations may be adopted to control tree trimming, cabling, spraying, root cutting and other work on trees by contractors, abutting property owners and/or others.
- B. Select and Plant New Trees in Public Areas. If a Plan has been approved by the Board in accord with Section 102.c, selection and planting of new trees should generally be in accord with that Plan. Prior to the planting of any new tree in the right-of-way, the property owners will be notified in advance of the planting of any new or replacement trees, and will be given an opportunity to chose a tree from several selections provided by the Commission.
- C. Request Removal of Potentially Hazardous Trees on Private Property. Trees on private property which, in the opinion of the Arborist or Director, are sufficiently damaged, infected with diseases, infested with pests, or in such condition as to contribute a potential hazard to the public or to other trees on public property, may be requested to be removed, partially removed, or treated by the property owner. All costs for such work shall be paid by the property owner.
- D. Order Removal of Immediate Hazards on Private Property. When, in the opinion of the Arborist or the Director, a tree or portion(s) of a tree on private property is diseased (such as with Dutch Elm Disease) or otherwise constitutes an immediate hazard to the public, the property owner will be ordered to eliminate it. All costs for such work shall be the responsibility of the property owner.
- E. Remove Potentially Hazardous Trees in Public Areas. Trees in public areas which, in the opinion of the Arborist or the Director, are seriously damaged, diseased, disfigured, or constitute a hazard to the public or to trees on private property may be removed by the Director. Prior to tree removals from public rights-of-ways, notice shall be provided to the property owner(s) immediately adjacent to the tree(s) to be removed. Notice shall also be provided to the Board and the Manager may request an advisory opinion by the Tree Commission.
- F. Remove Immediate Hazards in Public Areas. When, in the opinion of the Arborist or the Director, a tree or portion(s) of a tree in public areas constitutes an immediate hazard to persons or property, the Arborist or Director will remove the hazard without notice or appeal.
- G. Review of Land Development Plans.
 - (1) Concept Plan. The Zoning Officer or designee shall forward one (1) copy of any concept (preliminary) plan submitted for review to the Township to the Tree Commission for a review of the proposed land development's effect on any public tree(s). Within ten (10) working days of the receipt of a concept

plan the Commission shall provide the Zoning Officer or designee with written comments on the affect of said land development on any public tree(s).

- (2) Final Plan. The Zoning Officer or designee shall forward one (1) copy of any final development plan submitted for review and approval to the Township to the Tree Commission for a review of the proposed land development's effect on any public tree(s). Within ten (10) working days of the receipt of a development plan, the Commission shall provide the Zoning Officer or designee with written comments on the affect of said land development on any public tree(s). If no response is received from the Commission, the plan shall move forward without it.

Section 4. Violations. It shall be unlawful for any person to:

- A. Cut, break, climb with spikes, disturb the roots of, or otherwise injure or destroy trees in any public area or to authorize such actions.
- B. Trim trees or perform other activities on trees in a public area.
- C. Cause or authorize a wire or other conductor charged with electricity to come into contact with any tree in any public area.
- D. Cause or authorize in any public area, any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid or solid substances deleterious to contact any tree or to enter the soil about the base or root system of a tree in any public area.
- E. Interfere, cause or authorize an interference with the Township or any of its agents or employees while they are engaged in planting, inspecting, maintaining or removing trees.
- F. Supervise or authorize construction, alterations, repairs or demolition activities in the tree protection zone of any tree in any public area.
- G. Place or maintain upon the ground any asphalt, cement, stone or other material or substances in such manner as may obstruct or further obstruct free access of air and water to the roots of any tree in any public area.
- H. Fasten any rope, wire, electric attachment, sign, or other devices to any tree in any public area.
- I. Plant, prune, fertilize or apply fungicides, insecticides or other chemical substances to any tree in any public area.
- J. Pile any building material or make any mortar or cement within 6 feet of any tree in any

public area.

- K. Hitch or fasten any animal, bicycle or vehicle to any tree in any public area.
- L. Perform any work within the tree protection zone without first notifying the Arborist or Director of the intent to do so.

Section 5. Penalties. Any person violating the provisions of this Ordinance shall, upon conviction before a District Justice of appropriate jurisdiction, be liable to pay costs of prosecution and a fine as follows:

- A. The penalty for violating any section of this ordinance shall be a lien upon the real estate of the offender, in accordance with 53 P.S. § 67909 and the Second Class Township Code.

This ordinance shall become effective 5 days from date of adoption.

DULY ENACTED this 9th day of August, 2004.

HARRIS TOWNSHIP BOARD OF SUPERVISORS

Charles E. Graham, Chair

Nigel Wilson, Vice Chair

Dennis Hameister, Supervisor

Christopher Lee, Supervisor

Clifford Warner, Supervisor

ATTEST:

Kristin L. Clark
Secretary