

CHAPTER 28

TREES

Part 1

Shade Tree Commission; Trees

- §101. Definitions
- §102. Shade Tree Commission
- §103. Compensation of Members
- §104. Duties and Responsibilities of Commission
- §105. Administration of Commission; Quorum
- §106. Authorized Species of Street Trees
- §107. Planting Requirements
- §108. Public Tree Care
- §109. Tree Topping
- §110. Pruning; Corner Clearance
- §111. Removal of Stumps
- §112. Interference with Commission
- §113. Bond required for Arborists; Insurance
- §114. Review of Commission by Borough Council
- §115. Repealer
- §116. Severability
- §117. Violations and Penalties

Part 2

Regulation of Planting and Maintaining Trees along Public Ways

- §201. Definitions
- §202. Restrictions on Planting and Growing of Certain Trees
- §203. Clearance above Street and Sidewalk
- §204. Removal and Trimming of Trees
- §205. Repealer
- §206. Severability
- §207. Penalties

CHAPTER 28

TREES

Part 1

Shade Tree Commission

§101. Definitions. As used herein, the following terms shall have the meanings indicated:

(a) **Park Trees** – Trees, shrubs, bushes, and all other woody vegetations in public parks having individual names and all areas owned by the Borough or to which the public has free access as a park.

(b) **Street Trees** – Trees, shrubs, bushes and all other woody vegetation extending or lying within the right-of-way of streets, avenues, alleys or ways within the Borough.

(Ord. No. 6-1992, 12/11/1992, Sec. I (1))

Editorial Note: Section I of Ordinance No. 6-1992 was actually the enacting clause which also deleted in entirety the original Article A of Chapter 3, Part 12 of the Code of Ordinances, and in its place inserted this new Article (Section 101 through 117) of this chapter. The preamble of Ordinance 6-1992 referred to the original Article A, dealing with the planting and care of trees along streets and sidewalks; and expressed the wishes of Council to delete those provisions in their entirety and in lieu thereof adopt this new Article.

Section II of Ordinance No. 6-1992 repealed all inconsistent ordinances and parts of ordinances. Section III contained severability provisions similar to those in Section 1-1005 of this Code of Ordinances. Section IV directed that the provisions of the ordinance become part of the Code of Ordinances, and authorized renumbering the sections of the ordinance to accomplish that intention. Section V provided that the ordinance become effective five (5) days from the date of enactment.

§102. Shade Tree Commission. A Shade Tree Commission for the Borough of White Haven, Pennsylvania is established pursuant to Section 503 (Shade Tree Commission) of Chapter 1, Part 5, of the White Haven Borough Code of Ordinance, which is incorporated herein by reference. (Ord. No. 6-1992, 12/11/1992, Sec I (2)) The Commission shall be comprised of three (3) residents of the Borough, appointed by Borough Council for a five (5) year term with the first term comprised of one (1) for a three (3) year term, one for a four (4) year term and one for a five (5) year term.

§103. Compensation of Members. Members of the Commission shall serve without compensation. (Ord. No. 6-1992, Sec. I (3))

§104. Duties and Responsibilities of Commission. It shall be the responsibility of the Commission to study, investigate, counsel and develop and/or update annually and

administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Borough council and, upon its acceptance and approval, shall constitute the official Comprehensive Borough Tree Plan for the Borough of White Haven, Pennsylvania. The Commission, when requested by the Borough Council, shall consider, investigate, make findings on report upon and recommend any special matter or question coming within the scope of its work. (Ord. No. 6-1992, 12/11/1992, Sec. I (4))

§105. Administration of Commission; Quorum. The Commission shall choose its own officers, make its own rules and regulation and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 6-1992, 12/11/1992, Sec. I (5))

§106. Authorized/Prohibited Species of Street Trees.

(a) The following list constitutes the official street tree species for White Haven, Pennsylvania. Trees should be selected off this list based on suitability to planting site, (i.e. overhead wire height, amount of shade at planting site, etc.) No species other than those included in this list may be planted as street trees without written permission of the Shade Tree Commission.

(1) Small Trees (12-25 ft mature height):

Serviceberry (<i>Amelanchier</i> , cultivar 'Spring Glory')	15ft
Gray Dogwood (<i>Cornus Racemosa</i> , tree form cultivar 'Ottawa')	12ft
Gray Dogwood (<i>Cornus Racemosa</i> , tree form cultivar 'Cuyahoga')	15ft
Hawthorn (<i>Crataegus</i> , cultivar <i>crusgalli-inermis</i>)	20ft
Crabapple (<i>Malus</i> , cultivars <i>American Spirit, Red Jewel, Sentinel</i>)	18ft
Crabapple (<i>Malus</i> , cultivars <i>Adams, Adirondack, American Salute, Sugar Tyme</i>)	20ft
Crabapple (<i>Malus</i> , cultivars <i>Bob White, Donald Wyman, Prairifire, Purple Prince, Red Barron</i>)	22ft

(2) Medium-Small Trees and Approved Tree-like Shrubs (25-35 ft mature height):

Trident Maple (<i>Acer buergeranum</i>)	30ft
Amur Maple (<i>Acer ginnala</i> , cultivars 'Beethoven, Mozart')	25ft
Tatarian Maple (<i>Acer tataruicum</i>)	25ft
Serviceberry (<i>Amelanchier</i> , cultivars 'Autumn Brilliance, Reflection, Robin Hill')	25ft
Serviceberry (<i>Amelanchier</i> , cultivar 'Cumulus, Princess Diana, Traditional')	30ft
Kousa Dogwood (<i>Cornus kousa</i> , tree form cultivars 'Prophet, Rutgers Hybrid Celestial and Constellation')	25ft

Kousa Dogwood (<i>Cornus kousa</i> , tree form cultivars 'Galilean, Milky Way')	30ft
Hawthorn (<i>Crataegus</i> , cultivar 'Ohio Pioneer')	25ft
Hawthorn (<i>Crataegus</i> , cultivars 'Winter King, Sentry')	30ft
Crabapple (<i>Malus</i> , cultivars 'Harvest Gold, zumi calocarpa')	25ft
Crabapple (<i>Malus</i> , cultivar 'Spring Snow')	30ft
Cherry (<i>Prunus</i> , cultivar 'Snow Goose')	25ft
Tree Lilac (<i>Syringa reticulata</i> , cultivar 'Summer Snow')	25ft
Tree Lilac (<i>Syringa reticulata</i> , cultivars 'Ivory Silk, Regent')	30ft

(3) Medium Trees (35-50 ft mature height):

American Hornbeam (*Carpinus caroliniana*)
 European Hornbeam (*Carpinus betulus*)
 Redspire callery Pear or Aristocrat callery pear (*Pyrus calleryana*,
 cultivar 'Redspire, Aristocrat')
 Imperial Honeylocust (*Gleditsia Triacanthos inermis*)

(4) Large Trees (50 or more ft mature height):

Red Maple (*Acer Rubrum*)
 Sugar Maple (*Acer saccharum*)
 Native Oaks (*Quercus spp.* : Northern Red Oak, White Oak, Scarlet Oak,
 Black Oak, Pin Oak, Swamp White Oak, etc.)
 English Oak (*Quercus robur*)
 Honeylocust (*Gleditsia Triacanthos inermis*, cultivars 'Skyline,
 Shademaster')
 Ginko (*Ginko biloba*, male plants only)
 Zelkova (*Zelkova serrata*, cultivar 'Green Vase')
 Little Leaf Linden (*Tilia cordata*, cultivar 'Greenspire')
 Black Gum (*Nyssa sylvatica*)
 Turkish Filbert (*Corylus colurna*)
 Dawn Redwood (*Metasequoia glyptostroboides*)

(b) The following list constitutes the officially **prohibited species** of street trees in White Haven, Pennsylvania. This list consists of trees known for poor form, structural inferiority, susceptibility to insect and disease, and/or status as a Pennsylvania State invasive species.

Tree of Heaven (*Ailanthus altissima*)
 Poplars (*Populus spp.*)
 Silver Maple (*Acer saccharinum*)
 Ash Species (*Fraxinus spp.*)
 Princess Tree (*Paulownia tomentosa*)
 Ginko-female trees (*Ginko biloba*)

NOTE: This section replaces the previous section, Ord. No. 6-1992, 12/11/1992, Sec. I (6), which had a smaller approved species list. The new section also added a prohibited species list. The section was recommended and proposed by the Shade Tree Commission.

§107. Planting Requirements.

- (a) Street trees may be planted no closer together than thirty (30) feet.
- (b) The distance trees may be planted from curbs or curblines and sidewalks will be no closer than two (2) feet.
- (c) No street tree shall be planted closer than thirty-five (35) feet from any street corner, measuring from the point of the nearest intersection, curb or curbline. No street tree shall be planted closer than ten (10) feet from any fireplug.
- (d) No street tree other than those species listed in Section 106(a) above may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 6-1992, 12/11/1992, Sec. I (7))

§108. Public Tree Care.

- (a) The Borough shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) The Borough may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect or other pest.
- (c) This Section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said tree is in accordance with Section 106 and Section 109 of this Ordinance.

(Ord. No. 6-1992, 12/11/1992, Sec. I (8))

§109. Tree Topping. It shall be unlawful as a normal practice for any person, firm or Borough department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than two (2) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are

impractical may be exempted from this Ordinance at the determination of the Shade Tree Commission. (Ord. No. 6-1992, 12/11/1992, Sec. I (9))

§110. Pruning; Corner Clearance.

(a) Every owner of any tree overhanging any street or right-of-way within the Borough shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, disease or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Borough shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign, or does not provide a clear space of eight (8) feet above the street or six (6) feet above the sidewalk.

(b) The Shade Tree Commission will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Borough shall have the authority to remove such trees and assess the cost of removal on the owners of said property.

(c) The Borough shall cause thirty (30) days, written notice of the assessment to be given to the owners, said notice stating the exact amount of the assessment and the time and place of payment. If payment in full is not made within said 30-day notice period, a claim may be filed and collected as provided by law.

(Ord. No. 6-1992, 12/11/1992, Sec. I (10))

§111. Removal of Stumps. All stumps of street and park trees shall be removed below the surface of the ground to that the top of the stump shall not project above the surface of the ground.

(Ord. No. 6-1992, 12/11/1992, Sec. I (11))

§112. Interference with Commission. It shall be unlawful for any person to prevent, delay or interfere with the Shade Tree Commission, or any of its agent, while engaging in and about the planting, cultivation, mulching, pruning spraying or removing or any street trees, park trees or trees on private grounds, as authorized in this Ordinance.

(Ord. No. 6-1992, 12/11/1992, Sec. I (12))

§113. Bond required for Arborists; Insurance. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the Borough without first showing evidence of liability insurance in the minimum amounts of Fifty Thousand (\$50,000.00) Dollars for bodily injury and One

Hundred Thousand (\$100,000.00) Dollars for property damage indemnifying the Borough for any person injured or damage resulting from the pursuit of such endeavors as herein described. The Borough may also require the purchase of a bond for public service endeavors to ensure proper pruning, treating or removal of trees.

(Ord. No. 6-1992, 12/11/1992, Sec. I (13))

Editorial Note: Removed License and added Bond.

§114. Review of Commission by Borough Council. The Borough Council shall have the right to review the conduct, acts and decisions of the Shade Tree Commission.

(Ord. No. 6-1992, 12/11/1992, Sec. I (14))

§115. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

(Ord. No. 6-1992, 12/11/1992, Sec. I (15))

§116. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§117. Violations and Penalties. Any person violating any provision of this Ordinance shall be, upon conviction or plea of guilt, subject to a fine not to exceed Six Hundred (\$600.00) Dollars, or in default of the fine a term of imprisonment for a term not to exceed thirty (30) days. Each day the violation continues shall constitute a separate offense. In addition, the Borough may seek reimbursement of the costs of prosecution, including court costs, attorney fees, and the full replacement costs when the damage is beyond recovery or kills a street tree, or repair and maintenance costs when the damage is such that a tree may be recovered.

Part 2
Regulation of Planting and Maintaining Trees along Public Ways

§201. Definitions. The word "person," as used in this ordinance, shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§202. Restrictions on Planting and Growing of Certain Trees. It shall be unlawful for any person to plant, maintain or allow any designated prohibited species, as listed in Part 1, Section 106(b) of this part, within the lines of any street, alley or sidewalk in the Borough.

§203. Clearance above Street and Sidewalk. Every owner of property in the Borough shall be required to keep limbs and branches of all trees growing upon such property or along the street sidewalk, curb or alley abutting upon such property so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than six (6) feet above the surface of the sidewalk or of less than eight (8) feet above the street.

§204. Removal and Trimming of Trees. It shall be the responsibility of property owners in the Borough to conform to the requirements of this Ordinance as to trees upon property owned by them, or along street, alley and sidewalks abutting upon such property, and upon notice from the designated official, to remove any tree or trees growing in violation of this Ordinance, and to trim or cut the branches or limbs of trees required by this Ordinance hereof. Any person failing to comply with any such notice, within the time limit stated therein, shall be guilty of a violation of this ordinance, and following the expiration of such time limit, the Borough shall have the authority to cause the work required by such notice to be done by the municipality or under contract therewith, and to collect the cost of such work, with an additional amount of ten percent (10%) from such property owner in default.

§205. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§206. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§207. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day the violation continues shall constitute a separate offense.