

Chapter 318

TREES

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington 11-2-1906 by Ord. No. 106; amended in its entirety 9-16-1985 by Ord. No. 404. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Park and Shade Tree Commission — See Ch. 42.

Vegetation overhanging streets and sidewalks — See Ch. 291, Part 3.

§ 318-1. Definitions.

The word "person," as used in this chapter, 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.

§ 318-2. Restrictions on planting and growing of certain trees. [Amended 12-19-1988 by Ord. No. 420]

It shall be unlawful for any person to plant, maintain or allow to grow any trees commonly known as "North Carolina Poplars" or "Water Maples" within the lines of any street, alley or sidewalk in the Borough of East Washington, or within 100 feet of any public sewer or water line. In addition, it shall be unlawful for any property owner to maintain dead trees on his or her property. Such dead trees are determined to be a nuisance and shall be removed by the property owner or, in the case of trees between the sidewalk and curb area, shall be removed by the abutting property owner.

§ 318-3. 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 trimmed so that no part of such limbs or branches or of the foliage growing thereupon, obstruct passage along the street or sidewalk.

§ 318-4. Removal and trimming of trees.

It shall be the responsibility of property owners in the Borough to conform to the requirements of this chapter as to trees upon property owned by them, or along streets, alleys and sidewalks abutting upon such property, and, upon notice from the Borough Council, to remove any tree or trees growing in violation of § 318-2 of this chapter, and to trim or cut the branches or limbs of trees as required by § 318-3 hereof. Any person failing to comply with any such notice, within the time limit stated therein, shall be guilty of a violation of this chapter 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 municipality or under contract therewith and to collect the cost of such work with an additional amount of 10% from such property owner in default.

§ 318-5. Removal of diseased plants, shrubs, trees.

- A. Whenever the Park and Shade Tree Commission of the Borough shall find that plants, shrubs and/or trees in the Borough are afflicted with the Dutch Elm or other disease which threatens to injure or destroy plants, shrubs and shade trees in the Borough, the Commission may require the owners of the property upon which such diseased plants, shrubs and/or trees are located to cut and remove the same in accordance with law and the provisions of this chapter.
- B. The said Commission shall in such cases give written notice to the owner or owners of such property to cut and remove the plants, shrubs and/or trees so afflicted within 20 days after service of the notice. Said notice shall be served upon the owner of the premises to which the notice refers, if such owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon the occupant of such premises, and if the owner is a nonresident of the Borough and the premises are vacant, then service shall be by notice posted upon the premises.
- C. Upon failure of any such owner to comply with such notice, the Borough may cause the work to be done by the Borough and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Borough Engineer and shall be filed with the Borough Secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

§ 318-6. Violations and penalties. [Amended 11-7-2005 by Ord. No. 481]

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days.