

CHAPTER 25

TREES

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Part I

Planting and Trimming

§101. Definitions. The following words and phrases, when used in this Part, shall have the meaning hereby ascribed to them, except in those instances where the context already indicates a different meaning:

CHAIRMAN—the Chairman of the Ecology Committee of Council of the Borough of Nazareth.

CITATION—any citation in writing as issued by the Chairman of the Ecology Committee.

ECOLOGY COMMITTEE—the Ecology Committee of the Council of the Borough of Nazareth

PERMIT—any permit in writing issued by the Chairman of the Ecology Committee.

PERSON—any natural person, firm, association, partnership or corporation.

PUBLIC HIGHWAY—any street, sidewalk or alley open to the public.

SHADE TREE—any tree, shrub or other woody plant on any public highway in the Borough of Nazareth, or that part of any tree, shrub or other woody plant which extends within the lines of any public highway, or any tree, shrub or other woody plant in the parks and other property of the Borough.

(Res. 7/5/1983, §1; as amended by Ord. 781, 11/5/12)

§102. Jurisdiction. The Council of the Borough of Nazareth shall have exclusive custody and control of the shade trees on and along the streets and highways of the Borough. Council may plant, transplant, remove, maintain and protect shade trees on the streets and highways of the Borough, employ, pay persons, and make and enforce regulations as may be necessary for the care and protection of the shade trees of the Borough. (Res. 7/5/1983, §2; as amended by Ord. 781, 11/5/12)

§103. Actions Requiring a Permit. No person shall plant, cut down or remove any shade trees under the jurisdiction of Borough Council unless he shall have first obtained a permit from the Ecology Committee. (Res. 7/5/1983, §4; as amended by Ord. 781, 11/5/12)

§104. Application for Permit. The application for any permit required hereunder shall be made in writing to the Ecology Committee. It shall specify the particular kind of work or operation the applicant desires to perform there under, and shall state the exact location and the species of trees to be affected. All forms are to be obtained from and delivered to the Borough Administrative Clerk. It shall be the duty of the Chairman to submit every such application promptly to the Ecology Committee for approval or disapproval. Any application not acted upon within fourteen (14) days from the date thereof shall be deemed to have been granted and allowed. The permit shall be effective for such length of time as the Ecology Committee shall in each case determine, and such time shall be indicated on the permit. Any such permit may be revoked at any time upon proof satisfactory to the Ecology Committee that any of the terms or conditions of the permit has been violated. (Ord. 781, 11/5/12)

§105. Permit to Remove Trees; Replacement May be Required. As a condition to any permit to remove any shade tree, the Ecology Committee may require that the applicant plant, at his expense, another tree in the place of the one removed. The Ecology Committee in such case shall direct the type, size and location of the tree to be planted and the time within which the work shall be done. (Res. 7/5/1983, §5; as amended by Ord. 781, 11/5/12)

§106. Restrictions on Planting Locations. No shade tree shall be planted less than thirty (30) feet from a curb intersection, or less than ten (10) feet from a fire hydrant, sewer inlet, light standard, traffic control device or utility pole. (Res. 7/5/1983, §9)

§107. Diseased Trees. Council may, upon ten (10) days' written notice, require owners of property to cut and remove plants, shrubs and trees afflicted with any disease that threatens to injure or destroy plants, shrubs and shade trees in the Borough under regulations prescribed by ordinance. Upon failure of any owner to comply with the notice, the Borough may cause the work to be done by the Borough, and assess the cost against the owner.

§108. Notice of Work. Whenever Council proposes to plant, transplant or remove shade trees on any street, notice of the time and place of the meeting at which the work is to be considered shall be given in one newspaper of general circulation once a week for two (2) weeks immediately preceding the time of the meeting. The notice shall specify in detail the streets or portions upon which trees are proposed to be planted, transplanted or removed. In the event that the Ecology Committee is to undertake the work, the Ecology Committee shall provide the notice.

§109. Penalties.

A. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than Five (\$5.00) Dollars. To the extent provided by ordinance, Council may assess penalties for the violation of regulations relating to shade trees or delegate the power to assess such penalties to the Ecology Committee. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. Each day that a violation of this Part continues shall constitute a separate offense.

B. Such fine and costs of prosecution may be imposed in addition to any costs and expenses, and additional amounts, imposed as provided in §103 hereof.

(Res. 7/5/1983; as amended by Ord. 595, 10/7/1991; as amended by Ord. 781, 11/5/12)