

Chapter 44

SHADE TREE COMMISSION

- § 44-1. **Purpose; establishment.**
- § 44-2. **Appointment; membership; vacancies.**
- § 44-3. **Appointment of successors.**
- § 44-4. **Powers.**
- § 44-5. **Employees; promulgation of rules and regulations.**
- § 44-6. **Annual report.**
- § 44-7. **Notice to remove trees; noncompliance; costs to be lien.**
- § 44-8. **Violations and penalties.**

[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 4-13-1992 as Ord. No. 92-2. Amendments noted where applicable.]

§ 44-1. Purpose; establishment.

In order to protect, maintain and preserve the residential character of the Borough of South Greensburg and its environmental quality, there shall be hereby established a Shade Tree Commission for the Borough of South Greensburg in accordance with the Borough Code of the Commonwealth of Pennsylvania, Act of Assembly No. 581, approved February 1, 1966, as amended.

§ 44-2. Appointment; membership; vacancies.

A Shade Tree Commission composed of three (3) residents of the Borough of South Greensburg shall be appointed by Borough Council of the Borough of South Greensburg and shall serve without compensation, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a

term of five (5) years. Vacancies in office shall be filled by Borough Council of the Borough of South Greensburg for the unexpired term.

§ 44-3. Appointment of successors.

Upon the expiration of the term of any Shade free Commissioner, a successor shall be appointed by Borough Council of the Borough of South Greensburg to serve for a term of five (5) years.

§ 44-4. Powers.

The Commission shall have exclusive custody and control of the shade trees in the Borough of South Greensburg and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Borough of South Greensburg.

§ 44-5. Employees; promulgation of rules and regulations.

The Commission may, with the prior approval of Borough Council of the Borough of South Greensburg, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the proper performance of the duties devolving on it shall require and may make, publish and enforce regulations for the care and protection of the shade trees of the Borough of South Greensburg. No such regulation shall be in force until it has been approved by Borough Council of the Borough of South Greensburg and enacted as an ordinance.

§ 44-6. Annual report.

The Shade Tree Commission shall annually report in full to Borough Council of the Borough of South Greensburg its transactions and expenses for the last fiscal year of the Borough of South Greensburg.

§ 44-7. Notice to remove trees; noncompliance; costs to be lien.

- A. The Commission may, upon prior written notice of fifteen (15) days and under such regulations as are prescribed by this chapter, require owners of property to cut and remove plants, shrubs and trees or parts thereof on their property or on public property within a road right-of-way which abuts their property if such plants, shrubs and trees are in such condition as may, in the opinion of the Commission, present a hazard to persons or property within the Borough of South Greensburg. Upon failure of any such owner to comply with such notice, the Borough of South Greensburg may cause the work to be done by the Borough of South Greensburg or by others and may levy the costs thereof upon and collect the costs 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 of South Greensburg and shall be filed with the Borough Secretary of the Borough of South Greensburg. 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.

- B. Upon filing of certification with Borough Council of the Borough of South Greensburg, the Borough Secretary shall cause written notice of thirty (30) days to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the Borough of South Greensburg, and if not paid within the time designated in the notice a claim may be filed and collected by the Borough Solicitor of the Borough of South Greensburg in the same manner as municipal claims are filed and collected.

§ 44-8. Violations and penalties.

The Commission may assess penalties for the violation of its regulations and for the violation of this chapter. In any instance, each day during which such violation occurs or persists after notice thereof to the owner may be considered by the Commission to be a separate offense, and the Commission

may assess such penalties in an amount not to exceed fifty dollars (\$50.) for each such day of violation. The total amount of such penalties in any instance shall not exceed six hundred dollars (\$600.). Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. All penalties or assessments shall be paid to the Borough Treasurer of the Borough of South Greensburg to be placed to the credit of the Shade Tree Commission, subject to being drawn upon the Commission for the purposes contained herein.

