TOWNSHIP OF HARRISON
Commonwealth of Pennsylvania

Ordinance No. 1982

AN ORDINANCE OF THE TOWNSHIP OF HARRISON AMENDING THE HARRISON TOWNSHIP CODE OF ORDINANCES TO ADOPT A NEW CHAPTER 25, PART 3 THEREOF ESTABLISHING RULES AND REGULATIONS WITH RESPECT TO STREET TREES AND IMPOSING PENALTIES FOR VIOLATION

Section I. It is ordained by the Board of Commissioners of Harrison Township to amend the Harrison Township Code of Ordinances by adopting a new Chapter 25, Part 3, to read in its entirety as follows:

Chapter 25: TREES, Part 3: PUBLIC TREES ON DESIGNATED PUBLICLY-OWNED PROPERTY

Section 301: Purpose

Trees in public places provide great environmental benefits through cooling the air in summer, removing carbon dioxide, returning oxygen to it, and providing wind breaks in winter. Trees also soften streetscapes and urban landscapes, help suppress noise, and can mask overhead utility lines. Trees also provide a haven for birds and small animals. Therefore, this ordinance adopts the view that trees are a public resource to be fostered, nurtured, and maintained, with due regard for public safety and orderly procedures. It is the intent of this ordinance to promote proper selection, planting, maintenance and preservation of trees on designated publicly-owned property and rights-of-ways throughout the Township.

Section 302: Maintenance of Trees in Publicly-Owned Property

The Harrison Township Public Works Department will maintain trees in designated publicly-owned property, including pruning and watering on a regular as-needed basis. Publicly-owned property for the purposes of this Ordinance consists of the following property:

1. The lot on the northern end of the Freeport Road divided roadway owned by Pennsylvania Department of Transportation, [PennDOT lot description], adjacent to the commercial property, Donut Connection.

2. The lot on the southern end of the Freeport Road divided roadway owned by Pennsylvania Department of Transportation, [PennDOT lot description] and across from the Township's War Memorial and Springhill Road.

3. Such additional property as may be designated by resolution of the Board of Commissioners for purposes of tree planting and maintenance.

Section 303: Diseased, Dying, or Structurally Unsafe Trees

The Harrison Township Public Works Department will cut down diseased, dying, or structurally unsafe trees in designated publicly-owned property and, with approval of the Board of Commissioners, replace them with new trees from the Township's recommended list of trees.

Section 304: Violations

No person shall carry out any of the following activities on designated publicly-owned property without prior approval from the Harrison Township Public Works Department:

1. Cut, break, prune limbs or trunks, climb with spikes, disturb or prune the roots of, store construction materials or compact soil, or otherwise injure or destroy trees in any public area or to authorize such actions. It shall not be considered a violation to trim limbs or roots or perform other activities with prior written approval from the Harrison Township Public Works Department.

2. Cause or authorize a wire or other conductor charged with electricity to come into contact with any tree in designated publicly-owned property in a manner that may injure or kill it, without written prior approval from the Harrison Township Public Works Department.

3. Cause or authorize in designated publicly-owned property any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid or solid substances deleterious to the tree to contact any tree or to enter the soil about the base or root system of a tree in any manner that may injure or kill it.

4. 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 from designated publicly-owned property.

5. Supervise or authorize construction, alterations, repairs or demolition activities in the vicinity of any tree in designated publicly-owned property without first placing sufficient guards or protectors as shall prevent injury or destruction of said tree arising out of such activities. The placement of guards or protectors shall require written prior approval from the Harrison Township Public Works Department.

6. 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 designated publicly-owned property.

7. Fasten any rope, wire, electric attachment, sign or other devices to any tree in designated publicly-owned property or to any guard about such tree without written prior approval from the Harrison Township Public Works Department.

8. Plant, prune, fertilize, or apply fungicides, insecticides or other chemical substances to any tree in any designated publicly-owned property without written prior approval from the Harrison Township Public Works Department.

9. Pile any building material or make any mortar or cement within 6 feet of any tree in designated publicly-owned property.

Section 305: Penalties

1. Any person who causes injury to a living tree in designated publicly-owned property by cutting, debarking, breaking, by the use of herbicides, use of a vehicle, or in any other manner wherein such damage or destruction occurs, shall be responsible to reimburse the Township for the following:

   (a) The value of the tree or trees removed shall be determined by a Certified Arborist selected by the Township using a valuation method approved by the International Society of Arboriculture; and

   (b) The labor cost for the repair or replacement of the tree(s) will be either the cost of Township subcontracting for the service or the cost of Township personnel doing the work by the Public Works Department.

2. This Part may be enforced by the Township Code Enforcement Officer or his or her authorized representatives.

3. Any person who violates this Ordinance shall be subject to a fine of up to $1,000.00 per violation and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day of violation shall be considered a separate offense for which a fine of up to $1,000.00 may be levied.

Section 401: Trees Planted in Street Right-of-Way

To ensure long-term planting success, street trees planted in right-of-way of any public street, lane, alley or highway within the Township (typically in the area between the sidewalk and street curb) by private property owners ideally should be trees locally sourced and resistant to road salt and urban environmental conditions on the following basis:

1. If power equipment is to be used for digging holes to plant trees, Pennsylvania law requires property owners to call Pennsylvania One Call (811 in Pennsylvania or 800-242-1716 if out-of-state) to assure personal safety by not disturbing underground utilities. It is recommended that property owners call Pennsylvania One Call even if power equipment is not to be used for safety precaution in the event here may be utility lines near the surface in the planting area.

2. Harrison Township maintains a list of street trees and conifers (not used as street trees) as recommended by statewide conservation organizations with specific forcus on Southwest Pennsylvania. There are two separate groups of recommended trees based on whether or not there are overhead utility lines that would limit the mature tree height, as well as a list of prohibited trees as developed through the Pennsylvania Department of Conservation and Natural Resources. See the Recommended Street Tree Guidelines available at no charge in the Township Office and on the Township website. It is recommended that property owners review the recommended list of street trees prior to purchase and planting.

3. Property owners adjacent to street trees in the public right-of-way are responsible for the care and maintenance of those trees. Recommendations for care and protection of street trees are available at no charge in the Township Office and on the Township website.

Section II. Should any part or portion of this Ordinance be declared invalid by a court of competent jurisdiction, it is the intention of the Board of Commissioners that all remaining parts and portions of this Ordinance shall remain in effect to the full extent permitted by law.

Section III. Any ordinance or resolution inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

Section IV. This Ordinance shall be effective as of the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED at a public meeting of the Board of Commissioners of the Township of Harrison, this _____ day of _____, 2016.

ATTEST: TOWNSHIP OF HARRISON

_____ By: _____
Secretary President, Board of Commissioners

This Ordinance recorded in the Township Ordinance book on _____, 2016 by the undersigned.

_____
Township Secretary