

Chapter 188

TREES

- | | |
|---|---|
| § 188-1. Approval of rules and regulations. | § 188-8. Diseased trees and plants declared nuisances. |
| § 188-2. Supervision of work on shade trees. | § 188-9. Authority to enter private property to investigate. |
| § 188-3. Injuring or defacing trees prohibited. | § 188-10. Notice to abate nuisance. |
| § 188-4. Damage to trees with chemicals or fire prohibited. | § 188-11. Authority to abate nuisance at expense of property owner. |
| § 188-5. Tree climbing restricted. | § 188-12. Collection of cost of abatement. |
| § 188-6. Moving of trees. | § 188-13. Statutory provisions incorporated by reference. |
| § 188-7. Violations and penalties. | |

[HISTORY: Adopted by the Borough Council of the Borough of Edgewood as Ch. XXIV of the 1972 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 93.

§ 188-1. Approval of rules and regulations.

The following regulations, having been submitted to the Council of the Borough of Edgewood by the Shade Tree Commission of said Borough, be and the same are hereby approved.

§ 188-2. Supervision of work on shade trees.

All pruning, trimming, cutting and removing of said shade trees shall be done under the supervision and direction of the Shade Tree Commission, and by no one else.

§ 188-3. Injuring or defacing trees prohibited.

No person shall in any manner injure, deface or disfigure the bark or any portion of said shade tree.

§ 188-4. Damage to trees with chemicals or fire prohibited.

No person shall place on, near or about any of said trees any liquids, chemicals or other substances, or fire, which might injure or damage any of said trees, nor shall any person injure or damage said trees with liquids, chemicals or other substances, or fire, or dig the soil in

which said trees are growing, without permission, in writing, from the Shade Tree Commission.

§ 188-5. Tree climbing restricted.

No person shall climb onto, in or about, whether by means of ladders or otherwise, any of said trees, in such a manner as to injure or damage them.

§ 188-6. Moving of trees.

No person shall remove, relocate, or in any manner change the location or position of any of said trees, except under the supervision and direction of the Shade Tree Commission.

§ 188-7. Violations and penalties. ¹

Any owner of property violating or failing to comply with any regulation or requirement contained in this chapter shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each week that any tree shall remain planted in violation of any provision of this chapter, after expiration of notice thereof from the Borough Council, shall constitute a separate offense.

§ 188-8. Diseased trees and plants declared nuisances.

Plants, shrubs and trees, or brush and other plantings, which are afflicted with the Dutch elm or other disease that threatens to injure or destroy plants, shrubs and shade trees in the Borough, and trees which are dead or so damaged as to be dangerous to persons or property, are hereby declared a nuisance.

§ 188-9. Authority to enter private property to investigate.

Council or its designated representative, may, if it has reasonable cause to believe that a nuisance as defined in § 188-8 hereof exists, enter upon private property to investigate and determine the same.

§ 188-10. Notice to abate nuisance.

If such investigation, supported by the professional opinion of a qualified tree expert or horticulturist, shows the existence of such a nuisance, Council or its designated representative shall give 30 days' notice to the owner of the property affected to abate such nuisance by the cutting or removal of the plants, shrubs, trees, brush, or other plantings constituting the nuisance.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 188-11. Authority to abate nuisance at expense of property owner.

Upon failure of the owner of the property involved 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.

§ 188-12. Collection of cost of abatement.

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 and, if not paid by the property owner within 30 days after notification of the cost thereof, may be collected by action in assumpsit or by a lien filed in the manner provided by law for the filing and collection of municipal claims.

§ 188-13. Statutory provisions incorporated by reference.

All other sections of and provisions in the Borough Code with respect to shade trees and the power of Boroughs as to shade trees, not otherwise herein set forth, are by reference incorporated in this chapter.

