

LAW OFFICES

**HENRY  
CORCELIUS**

200 PENN STREET  
P. O. BOX 383  
HUNTINGDON, PA  
16652

ScOTD. GILL PETER M.  
McMANAMON

\_\_\_\_\_  
C. JEWETT HENRY  
(1907-1979)  
A. LYNN CORCELIUS  
(1917-2002)

T ELEPHONE  
814-643-  
2460

FAX  
814-643-  
3229

EMAIL  
scotgill@penn.com  
pmcmanamon@penn.com

April 16, 2004

Borough of Alexandria  
p\_Q\_Box 291  
Alexandria, PA

16611

Attention Barbara H.

Ryzner Dear Barb:

Enclosed is the Proof of Publication evidencing the advertisement of the May 10 meeting regarding the Shade Tree Ordinance.

SG/rg  
Enc.

**AN ORDINANCE OF ALEXANDRIA BOROUGH, HUNTINGDON COUNTY,  
PENNSYLVANIA**

COPY

**REGARDING TREES ALONG STREETS AND SIDEWALKS**

**NOTICE IS HEREBY GIVEN** that the Alexandria Borough Council will on Monday, May 10, 2004 at a regular meeting of the Borough Council to be held at 7:00 P.M. at the Fire Hall in Alexandria, Pennsylvania, consider an ordinance regarding trees along streets and sidewalks within the Borough.

Copies of the proposed Ordinance are available at no cost and may be reviewed by any interested party at the law offices of Henry-Corcelius, 200 Penn Street, Huntingdon, Pennsylvania 16652; office of The Daily News, 325 Penn Street, Huntingdon, Pennsylvania 16652; and the Huntingdon County Law Library, 223 Penn Street, Huntingdon, Pennsylvania 16652.

ALEXANDRIA BOROUGH COUNCIL

Scot D. Gill, Solicitor  
200 Penn Street  
Huntingdon, PA 16652

---

Please advertise one  
time Proof of  
Publication Requested

Send statement  
to: Scot D.  
Gill, Esquire  
200 Penn  
Street  
Huntingdon, PA 16652

## Chapter 3

### Alexandria Borough Shade Tree Ordinance

#### ARTICLE A

Section 12-3001	Shade Tree Commission Established
Section 12-3002	Composition of Shade Tree Commission
Section 12-3003	Powers and Responsibilities of Shade Tree Commission
Section 12-3004	Responsibility of Property Owners
Section 12-3005	Effect of Damage to Trees; Responsibility for Trimming Overhanging Trees; Borough Removes Storm-Felled or Damaged Trees from Cartway
Section 12-3006	Requirements for Permits; Issuance; Content; Revocation; Supervision Over Work
Section 12-3007	Prohibited Acts
Section 12-3008	Penalties for Violations

#### **Section 12-3001** Shade Tree Ordinance Established

The Borough of Alexandria hereby creates the Alexandria Borough Shade Tree Ordinance referred to in *this* article as the ordinance under the statutes of the Borough Code.

#### **Purpose**

It is the purpose of this ordinance to promote planting, maintenance and removal of trees and to protect the public health, safety and welfare by providing for the regulation of Alexandria Borough municipal trees. Trees provide for a safe and healthy environment and improve community beauty.

#### **Composition of Shade Tree Commission**

The Shade Tree Commission shall be composed of one liaison from Council with the optional addition of up to two residents of the Borough who shall serve by appointment and without compensation. The Council liaison shall chair the committee and make final decisions with input from community volunteers.

Members of the community may be replaced by appointment every three years.

## **Powers and Responsibilities of Shade Tree Commission**

The Commission shall study and advise Council on all tree matters including but not limited to the following:

- (a) The Commission shall select trees for all publicly owned areas including but not limited to the town square, railroad right-of-way and verges which lie between public property lines and borough streets.
- (b) The Commission shall coordinate the planting, pruning, maintenance, protection and removal of said trees in public areas.
- (c) The Commission shall have the responsibility and power for determining the health and condition of public trees and ordering the removal or treatment of any diseased, disfigured or dead trees, which constitutes a serious hazard to that or other trees on all properties public and private within the borough.
- (d) The Commission shall have the power and responsibility for determining the health and condition of trees both public and private growing within or extending within the right-of-way lines of any public thoroughfare in the borough, damaged or otherwise.
- (e) The Commission shall prepare and submit annually in July a report for its proposed activities and operations in the forthcoming year. When approved by Council, such funds as had been appropriated in the budget shall be expended in accordance with Council' s fiscal policies.
- (f) The Commission may, with the approval of Council, solicit and accept grants and contributions from sources other than the borough. Funds obtained by the Commission in the form of grants and contributions, subject to specific purposes, projects or conditions, may be used by the Commission for such purposes, whether or not the project and purposes are included in the annual budget.

## **Tree Site Considerations**

Expansion of the roots of healthy street trees sometimes conflicts with flat and uniform sidewalks. The Shade Tree Commission should be consulted to assist with the best possible solutions to these situations.

Certain sidewalk accommodations can be made that enable proper repair of sidewalks while minimizing damage to trees with their roots. Some solutions include constricting the sidewalk around a tree, curving the walk onto private property, installing root barriers, or a combination of these measures. Root barriers, installed between the sidewalk and tree, are intended to force roots deeper under sidewalks and prevent damage to trees and sidewalks; their effectiveness is still under investigation. Concrete curbs also create a barrier to tree roots. Metal curbing may be installed around the roots of large trees. Unlike standard concrete curbing, metal curbing requires little excavation and can be curved around large roots while not interfering with storm water runoff in the gutter.

### **Tree Replacements**

A street tree, which is removed or felled by a storm or other casualty, is usually replaced within one year. If the planting of a replacement street tree would interfere with private trees or if a property is already sufficiently landscaped, its replacement should be moved, delayed or avoided. A replacement tree should be appropriate biologically and architecturally for the site, including size, shape and variety. The cost of replacement trees are paid for by the Borough at no direct cost to property owners.

### **Responsibility of Property Owners**

1. No person shall prune or remove any shade tree overhanging or growing into public right-of-ways without acquiring permission from the Shade Tree Commission. Any such pruning or removal by any person pursuant to the approval of the Commission shall be done in such fashion and manner as the Commission shall indicate and shall be subject to inspection by the Commission or its designee.
2. In the event a property owner prunes a tree overhanging public property the homeowner shall use pruning techniques approved by the Shade Tree Commission.
3. In the event a property owner is allowed to remove a public tree bordering his property due to sidewalk interference he shall replace the tree with an approved selection from an approved list. He shall also remove the wood and stump.
4. A resident may plant at his expense and in an approved manner a shade tree or trees on public property bordering his private property from **The Street Tree Factsheets. (ed. Gerhold, Lacasse and Wandell)** Any such plantation by any person is pursuant to the approval of the Shade Tree Commission and shall be done in such a fashion and manner as the Commission shall indicate and shall be subject to inspection by the Commission or its designee.

## **Specific Requirements Pertaining to the Pruning of Trees**

1. No tree shall be cut back in such a manner that its health or present or future safety will be impaired. An exception to this may occur in tree removal or emergency relief of an immediate hazard to person or property.
2. Authority to prune street trees does not include the cutting back of sound, healthy tree branches outside the stated purpose of the permit issued.
3. It shall not be permitted as a normal practice for any person or firm to top any street tree, park tree, or other tree on public property. Topping is the severe reduction of upper branches of a tree without consideration for its normal growth habitat or natural form.
4. All dangerous dead wood and all broken limbs or other defective tree parts, which constitute a hazard to the health of the tree, to public safety, or to property, shall be removed.
5. Tree branches shall be removed and controlled in such a manner as not to cause damage to other parts of the tree or to other plants, people or property.
6. Trees in public areas, which, in the opinion of the Shade Tree Commission, are seriously damaged, diseased, disfigured or constitute a hazard to the public, may be removed by the borough. Prior to tree removals from public rights-of-ways, notice shall be provided to the property owners(s) immediately adjacent to the tree(s) to be removed. Notice shall also be provided to the Council and the Mayor. The property owner may appeal the removal to the Shade Tree Committee, council and the mayor.
7. When in the opinion of the Shade Tree Commission a tree or portion(s) of a tree in public areas constitutes an immediate hazard to persons or property shall be removed without notice or appeal.

### **Authorized Types of Tree Pruning**

Authorized types of tree pruning follow the National Arborist Association's Pruning Standards for shade trees and are summarized below:

1. Class I - Fine Pruning

Fine pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and weak branches, as well as selective thinning to lessen wind resistance. The removal of such described branches is to include those on the main trunks, as well as those inside the leaf area. An occasional undesirable branch up to one-half inch in diameter, as described above, may remain within the main leaf area to its full length when it is not practical to remove it.

2. Class II - Standard Pruning

Standard pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and weak branches, as well as selective thinning to lessen wind resistance. The removal of such described branches is to include those on the main trunks, as well as those inside the leaf area. An occasional undesirable branch up to one inch in diameter may remain within the main leaf area where it is not practicable to remove it.

3. Class III - Hazard Pruning

Hazard pruning shall consist of the removal of dead, diseased, decayed, and obviously weak branches, two inches in diameter or greater.

4. Class IV - Crown Reduction Pruning

Crown reduction pruning shall consist of the reduction of tops, sides or individual limbs. It involves the removal of a parent limb or dominant leader at the point of attachment of a lateral branch (see figure 2). This practice is to be undertaken only for the following reasons:

- a. In situations where branches interfere with utility lines.
- b. When there has been significant crown dieback.
- c. In cases where, due to storm damage or prior incorrect pruning, it is appropriate to prune for safety and aesthetic reasons.

### **Violations and Penalties**

Any person who shall violate or fail to comply with the terms and provisions of this chapter or with any of the regulations and rules promulgated by the Mayor of the Borough of Alexandria shall be liable, on conviction, thereof, to a fine or penalty not exceeding three hundred dollars (\$300) for each and every offense, and whenever such persons shall have been notified, by the Alexandria Borough Council or by service or summons, in prosecution or in any other way, that he is committing such violation, each day in which he shall continue such violation after any such notification shall constitute a separate offense punishable by like fine or penalty. Such fines or penalties shall be collected as prescribed by law. In the event of a second or repeated offense, any person shall violate or fail to comply with any of the regulations of the Borough of Alexandria

and all of the terms and conditions of this chapter and amendments thereto shall be liable to conviction, fine or penalty up to five hundred dollars (\$500) for each and every repeated offense, and whenever such person shall have been notified by the Alexandria Borough Council or by service or summons in prosecution or in any other way that he is committing such violation, each day in which he shall continue such violation after any such notification shall constitute a separate offense punishable by like fine or penalty. Such fines or penalties shall be collected as prescribed by law.

### **Prohibited Acts**

It is unlawful to:

- (a) Cut, break, climb with spikes, disturb or prune the roots or otherwise injure or destroy public trees, or to authorize such actions without written permission.
- (b) Cause or authorize a wire or other conductor charged with electricity to come into contact with any public tree in a manner that may injure or kill it.
- (c) Cause or authorize any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid, or solid substances deleterious to the tree to contact any public tree or to enter the soil about the base or root systems of a public tree in any manner that may injure or kill it.
- (d) Supervise or authorize construction, alterations, repair or demolition activities in the vicinity of any public tree without written permission.
- (e) Work without sufficient guards or protectors as shall prevent injury or destruction of said tree arising out of such activities.