

ORDINANCE NO.109

An ordinance establishing a Shade Tree Commission in the Borough of New Milford, and establishing its powers.

The Borough Of New Milford, Susquehanna County, Pennsylvania, hereby enacts and ordains as follows:

Section I The following words and phrases when used in these regulations shall have the meanings hereby ascribed to them, except in those instances where the context clearly indicates a different meaning:

(a) The term "shade tree" shall mean any tree, shrub or other woody plant on any public highway in the Borough of New Milford, or that part of any tree, shrub or other woody plant which extends within the lines of any public highway.

(b) The word "person" shall mean any natural person, firms, association, partnership or corporation.

(c) The word "permit" shall mean any permit in writing as issued by the secretary of the shade tree commission.

(d) The term "public highway" shall mean any street, sidewalk or alley open to the public.

(e) The word "commission" shall mean the shade tree commission of the Borough of New Milford.

(f) The word "secretary" shall mean the Borough Secretary, in his capacity as secretary of the shade tree commission.

In these regulations the singular shall include the plural and the masculine shall include the feminine.

Section II: There is hereby established a Shade Tree Commission for the Borough of New Milford to consist of three residents of the Borough, who shall be appointed by council by separate resolution, one for a term of three years, one for a term of four years and one for a term of five years, and on the expiration of the term of any commissioner a successor shall be appointed by the council to serve for a term of five years.

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Section III; The Commission shall have exclusive custody and control of the shade trees on the streets and highways in the Borough.

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

Section V: Whenever the Shade Tree Commission proposed 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 in the Borough once a week for two 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 so planted, replanted or removed.

Section VI: The cost of planting, transplanting or removing any shade trees in and along streets and highways in the Borough, of the necessary and suitable guards, curbing or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner abutting which the work is done. The amount each owner is to pay shall be ascertained and certified by the commission to council and to the Borough Treasurer.

Section VII: Upon the filing of the certificate with the council the Borough Secretary shall cause thirty days written notice to be given to every person 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 with 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 council and if not paid within the time designated in the notice, a claim may be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

Section VIII: The cost and expense of caring for such trees after having been planted and the expense of publishing the notice hereinbefore provided for, shall be paid by the Borough. The needed amount shall each year be certified by the commission, in the same manner as money appropriated for borough purposes.

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Section IX: The commission is empowered to assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. 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 imposed under this article shall be paid to the Borough treasurer to be placed to the credit of the commission, subject to be drawn upon by the commission for the purpose of the preceding sections of the subdivisions of this article:

Section X: The commission upon giving the notice by publication required in Section V hereof, and upon written notice mailed to the last known address of the owner involved and after holding the hearing mentioned in Section V aforesaid at which any interested person shall be given an opportunity to state his objections, may require owners of property to cut and remove plants, shrubs and trees, afflicted with the Dutch elm or other disease or dead or decayed which threatens to injure or destroy plants, shrubs and shade trees in the borough, And are a hazard to property or persons. Upon failure of any such owner 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. 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 or other person designated by the borough, and shall be filed with the borough secretary. 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.

Section XI; Any person interfering with or obstructing said Commission acting in conformance with this ordinance shall be liable to a fine of twenty five dollars (\$25.00) in a summary proceedings before a Justice of the Peace.

Enacted and ordained this 3rd day of April 1969.

Clair W. Young President
Paul K. Walworth Mayor
Agnes E. Jones Secretary