

**BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE 14-02

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, IN ALLEGHENY COUNTY, IN THE COMMONWEALTH OF PENNSYLVANIA ESTABLISHING RULES AND REGULATIONS TO MAINTAIN AND PRESERVE SHADE TREES AND/OR OTHER PLANTS, TREES AND SHRUBS WITHIN THE BOROUGH.

WHEREAS, Borough Council for the Borough of Bellevue hereby elects to exercise all the rights and perform the duties and obligations imposed by Article XXVII of the Borough of Bellevue Code upon the Shade Tree Commission of the Borough of Bellevue or by any provision of this ordinance, subject to the provisions below.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Bellevue ("Council"), and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, that the following Ordinance establishing rules and regulations to maintain and preserve shade trees and/or other plants, trees and shrubs within the Borough of Bellevue to better provide for health, safety, and welfare of its citizens, is hereby enacted.

ARTICLE I. COMMISSION CREATED

A. COMMISSION CREATED.

A Shade Tree Commission is hereby created in and for the Borough of Bellevue ("Borough").

B. COMPOSITION; APPOINTMENT; TERMS VACANCIES.

1. Council may, effective on January 1 of any year, create a Shade Tree Commission ("Commission") to serve as an advisory board to Council. The Commission shall be composed of three residents of the Borough who shall be appointed by Council and who shall serve without compensation. In the first year of its establishment, the Commission shall have one member for a term of three years, another for a term of four years and the third member for a term of five years. On the expiration of the term of any Commissioner, a successor shall be appointed for a term of five years. Vacancies in the office of Commissioner shall be filled by Council for the unexpired term.

ARTICLE II. COMMISSION POWERS AND REGULATIONS

A. DEFINITIONS. The following words and phrases, as used herein, shall have the meanings indicated:

1. Permit. Any permit, in writing, reviewed by the Commission and approved by Council as issued by the Code Enforcement Officer.
2. Person. Any natural person, owner, occupant, firm, association, partnership or corporation or their servants, agents and employees.
3. Pruning. The selective removal of tree limbs to enhance and control the healthy growth of a shade tree.
4. Shade Tree. A woody plant, usually deciduous, which normally grows with one trunk to a height in excess of 40 feet and has a canopy which screens and filters the sun in the summer and winter, respectively, and also which in the future can be expected to extend into the right-of-way.
5. Street Tree. A shade tree along a street right-of-way either within the right-of-way or adjacent to the right-of-way planted in accordance with any landscaping requirement of the Borough, not less than 3 1/2 inches to four inches in caliper, at the time of planting.

B. GENERAL POWERS. The Commission's functions are strictly advisory and educational and may include:

1. Advise Council with respect to the preservation, maintenance, planting and/or removal of shade and street trees in the Borough.
2. Review permits required under this ordinance for the planting, pruning and removal of street trees and make any recommendations to Council regarding the issuance of permits.
3. Study the problems and determine the needs of the Borough in connection with its tree planting program.
4. Further plant, remove, maintain and protect shade trees on the public streets and highways in the Borough.
5. Recognize and assist in the enforcement of procedures in the planting and caring for trees near the highway.

C. COMMISSION REGULATIONS AND REQUIREMENTS.

1. No street tree shall be planted, pruned or removed from public property without a written permit authorized by Council, from the Code Enforcement Officer, such permit to designate the location and type of tree, and such work shall be done to the satisfaction of Council.

2. The Commission shall recommend to Council a suitable type of street tree and may recommend that Council refuse a permit to plant any type of tree which, in its opinion, is not suitable to the location.

3. The application for any permit hereunder shall be made, in writing, to the Borough's Code Enforcement Officer. It shall specify the particular kind of work or operation the applicant desires to perform thereunder and state the exact location and the species of any tree affected. It shall be the duty of the Borough Code Enforcement Officer to submit every such application promptly to the Commission for review. The permit may be revoked at any time upon proof satisfactory to the Council that any of the terms or conditions upon which such permit was issued are or have been violated. The Council in its discretion may, as a condition precedent to the issuance of the permit, require the applicant to file a bond satisfactory to the Council or to deposit security satisfactory to it to guarantee the compliance by the applicant with the terms and conditions upon which such permit is issued. The applicant for a permit to plant or remove a street tree, as stated herein, shall pay to the Borough Treasurer a fee established by resolution and fix by the Borough fee schedule for the use of the Borough in considering the application and the site involved in the application.

4. No street tree shall be planted within five feet of any driveway, nor shall any street tree on private property adjacent to the sidewalk be planted within three feet therefrom. No street tree shall be planted closer to the intersection of any two or more streets than 25 feet from the point of intersection of any two public right-of-way lines. A distance of 30 feet shall be maintained on streets which are state highways.

5. Maintenance.

5.1 Private owners shall be ultimately responsible for proper maintenance of shade trees situated on their property. In this regard, the Shade Tree Commission shall provide guidance materials and/or recommend appropriate techniques upon request.

5.2 Council, with or without advice from the Shade Tree Commission, may require removal, pruning or treatment of shade trees, shrubs or any combination thereof on private property where public health or safety is determined to be at risk. In making such determination, Council may seek the advice of the Shade Tree Commission or other persons experienced in this subject.

6. Removal.

6.1 The Commission shall recommend to Council a permit for removal of a street tree if one or more of the following conditions is present:

- a. Necessity to remove a tree which poses a safety hazard to pedestrian or vehicular traffic or threatens to cause disruption of public services.
- b. Necessity to remove a tree which poses a safety hazard to buildings.

- c. Necessity to remove diseased trees, trees infested with destructive insects liable to infect the healthy trees on adjacent properties or trees weakened by age, storm, fire or other injury.
- d. Necessity for compliance with other Borough codes.
- e. Other conditions which, in the opinion of the Commission, warrant the removal of a tree.

6.2 Whenever the removal of a street tree will result in the property becoming in violation of any Borough landscaping requirements, the issuance of a permit for such removal shall be contingent upon a commitment by the property owner to plant a replacement tree in accordance with said landscaping requirements.

7. In the event that any street tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and requires immediate pruning or removal, verbal authorization to the property owner or person, after an on-site inspection, may be given by the Code Enforcement Officer, followed immediately by a written notice to the property owner to correct the condition without issuance of a written permit. If, for any reason, the work necessary to alleviate the hazardous condition is not undertaken by the property owner after notification, the Borough may cause the work to be done and file a lien for the cost of so doing, with a penalty of 10% to cover the cost of collection, said sum being collected as debts are now collected by law.

8. No person shall, without first obtaining a written permit therefor, cut, break, climb with spurs or injure in any manner any street tree; or cut or interfere in any way with the main roots of any street tree; or spray any street tree with any chemical or insecticide; or place any rope, guy wire, cable, sign, poster or any other fixture on any street tree or guard for such tree; or injure, misuse or remove any device placed to protect any street tree, except in case of immediate necessity for the protection of life and property.

9. No person shall, without first obtaining a written permit, place or hereafter maintain any stone, cement or any other substance which will impede the passage of water and air to the roots of any street tree unless such person shall have an open space of ground surrounding the trunk of such tree, the outer border or such space to be not less than three feet from the trunk measured at the ground line.

10. No person shall pour salt water, oil or any other material at any place in such manner that injury might result to any street tree.

11. Planting and caring for trees near highway. All persons being owners, agents or occupiers of any land fronting on public highways in the Borough shall plant and care for trees and shrubs as follows:

a. From the effective date of this ordinance, no trees or shrubs may be planted upon any part of any public highway, and no species of poplar or willow trees may be planted within 25 feet of any public storm or sanitary sewer or public highway.

b. On or before the first day of June of each year, all trees and shrubs shall be so trimmed by the owners, agents or occupiers of such land so that at all times there shall be an unobstructed clearance of not less than nine feet above the paved portion of the public sidewalk and not less than 13 feet above the cartway.

c. It shall be the duty of any person or persons owning or occupying property abutting any such street or right-of-way within the Borough, upon which property there may be trees or shrubbery, to prune at all times such trees or shrubbery in a manner so that they will not obstruct the streetlights, the traffic signals or the posted traffic signs installed in the street or right-of-way bordering said property. Trees and shrubbery shall be maintained so that they do not obstruct the view of any street intersection. The Borough, where the owner or occupier has failed to comply with the requirements of this chapter, shall have the right to prune any tree or shrub on private property when it interferes with a streetlight or any traffic control device, traffic sign or street intersection. The cost of said pruning and disposal shall be recovered as provided in Subsection 6.

D. ENFORCEMENT OF REGULATIONS.

These regulations shall be enforced by the Commission in conjunction with Borough Council and the Borough Code Enforcement Officer and/or police. All work required to be done under any permit shall be completed within a period of three months from the date of the issuance of the permit, unless such completion date is extended by Council or the permit shall have been previously revoked for cause by Council.

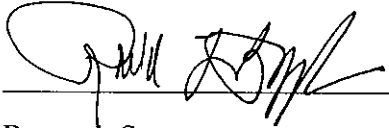
E. VIOLATIONS AND PENALTIES.

Any person who shall violate or fail to comply with any of the regulations of the Shade Tree Commission shall be liable on conviction thereof to a fine or penalty not exceeding \$300 for each and every offense. Such fine or penalty shall be collected as prescribed by law.


ORDAINED and ENACTED by the Borough Council of the Borough of Bellevue in lawful session duly assembled this 23rd day of December, 2014.

ATTEST:

BOROUGH OF BELLEVUE

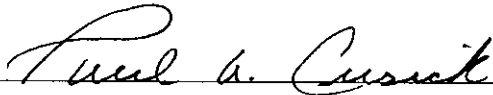


Borough Secretary

By: 

Mark Helbling, President

Examined and approved this 23rd day of DECEMBER, 2014



Hon. Paul Cusick, Mayor