

WEST WYOMING ORDINANCE NUMBER 4 of 2006

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING SETTING FORTH SHADE TREE PROVISIONS INCLUDING BUT NOT LIMITED TO ESTABLISHING A SHADE TREE COMMISSION AND ITS POWERS

WHEREAS: The Borough of West Wyoming and its Council recognizes the importance of maintaining shade trees throughout the Borough to increase greenery, improve conservation of and preservation of natural resources and to add to the esthetic improvement of streets, the borough desires to establish a shade tree commission and a policy to add shade trees to areas throughout the borough and thereby enacts the following shade tree ordinance.

NOW THEREFORE BE IT RESOLVED BY THE Council of the Borough of West Wyoming and it is hereby ordained by the authority of same:

Section I: Definitions

The following words and phrases when used in this ordinance shall have the meanings given to them in this section and unless the context clearly indicated otherwise:

“Borough” The Borough of West Wyoming

Large Trees- those attaining a height of 45 feet or more

Medium Trees – those attaining a height between 30 and 45 feet.

Small trees- those attaining a height between 20 and 30 feet

Person – any person firm, partnership, association, corporation, company or organization or entity of any kind.

Principle Thoroughfare – any street upon which trucks are not prohibited.

Property Line- the outer edge of a street or highway.

Property Owner – the person owning a property as shown on the County Assessor’s Plat of Luzerne County

Public Places – all other grounds owned by the Borough of West Wyoming.

Public Trees – all shade and ornamental trees now or hereafter growing on any street to on any public areas where otherwise indicated.

Shade Tree Commission – the body having jurisdiction of street trees.

Street or Highway – the entire width of every public way or right-of-way when any part is open to the use of the public, as a matter or right, for purposes of vehicular and pedestrian traffic.

TreeLawn – that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Section II: Establishment of a Shade Tree Commission

The Council for the Borough of West Wyoming shall appoint the members to the Shade Tree Commission for such terms and in such numbers as it may deem necessary and proper. Within a reasonable amount of time after appointment of the members of the Commission, said Commission shall meet and organize by the election of a chairperson and a secretary. The Commission shall then provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Commission shall deem advisable and necessary in order to perform the duties set forth.

Section III. Powers of Shade Tree Commission

1. The Shade Tree Commission shall have exclusive custody and control to plan for the shade trees in the Borough and is authorized to recommend the plan to the Borough Council to plant, remove, maintain and protect shade trees on the public streets and property within the Borough in accordance with the law.

2. The specific duties of the Shade Tree Commission shall include, but are not limited to:

A. Study the issues of providing shade trees and determine the needs of the Borough to establish a tree planting program. Specifics to include but not limited to the types of trees, and areas in the borough where the trees shall be planted and the process of how the trees should be distributed to residents.

B. Recommend to the Borough the type and kind of trees to be planted upon such municipal streets or parts of municipal streets or in parks as is designated.

C. Assist the properly constituted officials of the Borough in the dissemination of news and information regarding the selection, planting and maintenance of trees within the borough, and to make recommendations from time to time to the Borough Council as to desirable legislation concerning the tree program and activities for the Borough.

D. Establish regular and special meetings at which the subject of trees as it relates to the Borough may be discussed by the members of the Commission, officers and personnel of the borough and all others interested in the shade tree program.

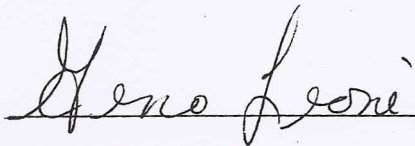
Section IV: Severability

The provisions of this ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provision shall be unaffected thereby.

Section V: Repealer

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Passed by West Wyoming Borough Council on 12 day of June, 2006 and signed by the Mayor on the 12 day of June, 2006.



President of Council



Mayor

Attest:



Borough Secretary

Shade Tree Resolution

Permit fee is \$100. This fee is refundable upon replacement of a removed tree within 12 months. Fee is also refundable if pruned trees are not 'topped' or pruned with heading cuts.

Fine for not getting a permit or improper pruning is \$300.

The following conditions must be adhered to:

- Removal to be done by borough licensed men, skilled in such work, abiding by the rules of the Commission and Shade Tree Ordinance 4 of 2006.
- Owners to be responsible for all damage to property or persons resulting from the work and to provide, when necessary ropes or guards to protect the public.
- Large limbs should be cut off. All logs, brush and refuse to be removed immediately.
- To prevent hazards, pruning should meet American National Standards Institute standards for tree pruning. Hiring an ISA certified arborist is recommended but not required.
- All work to be done to the satisfaction of the Commission's inspector. Failure or neglect to comply with this permit will cause this commission to proceed with penalties contained in Ordinance 4 of 2006 which is a \$300 fine.

