

§ 196-1

TREES

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Chapter 196

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ARTICLE I

Shade Tree Commission

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[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Shade Tree Commission

[Adopted 9-14-1972 by Ord. No. 92]

§ 196-1. Maintenance of sidewalk area.

The duties and responsibilities imposed by law upon each owner or occupier of property abutting upon streets and highways in West Deer Township for the proper maintenance of the sidewalk area of such street or highway adjoining his or her premises

and extending between the building line and the curb or cartway line, including pavement, structures, vegetation, trees and other things therein, are hereby confirmed.

§ 196-2. Establishment.

A Shade Tree Commission is hereby established for West Deer Township in accordance with the Act of May 1, 1933, P.L. 103, as reenacted and amended July 10, 1947, P.L. 1481, and amended by Act of 1959, August 11, adding Article XIX-B.¹

§ 196-3. Composition; terms; vacancies.

The Commission shall be composed of three residents of the township who shall be appointed by the Township Supervisors and shall serve without compensation, one for a term of three years, one for a term of four years and one for a term of five years. On the expiration of a term of any Shade Tree Commissioner, a successor shall be appointed by the Township Supervisors to serve for a term of five years. Vacancies in the Office of the Shade Tree Commission shall be filled by the Township Supervisors for the unexpired term.

§ 196-4. Powers and duties.

The Commission shall have exclusive custody and control of the shade trees in the township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Township.

¹ Editor's Note: See 53 P.S. § 66971 et seq.

§ 196-5. Staff; regulations.

The Commission may, with the approval of the Township Supervisors, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the power and performance of the duties devolving upon it shall require and may make, publish and enforce regulations for the care and protection of the shade trees of the township. No such regulation shall be in force until it has been approved by the Township Supervisors and until it has been published at least twice in two newspapers circulating in the township.

§ 196-6. Report.

The Shade Tree Commission shall annually report in full to the Township Supervisors its transactions and expenses for the last fiscal year of the township.

§ 196-7. Removal; costs.

The Commission may, upon 15 days' written notice, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township and levy and collect the costs 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 Township Engineer and shall be filed with the Township Manager/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.

§ 196-8. Certificate of assessment.

A. Upon the filing of the certificate with the Township Supervisors, the Township Manager/Secretary shall cause 30 days' written notice to be given to the persons 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 by a copy of the certificate.

B. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the Township Supervisors, and, if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.

§ 196-9. Commission expenses.

The cost and expense of caring for any trees which may have been planted by the Commission and the expense of publishing the notice hereinbefore provided shall be paid by the township. The needed amount, if any, shall each year be certified by the Shade Tree Commissioners to the Township Supervisors and shall be drawn against, as required by the Commission, in the same manner as money appropriated for township purposes.

§ 196-10. Violations and penalties.² [Amended 1-22-1997 by Ord. No. 265]

Any person violating this article or any order of the Shade Tree Commission shall, upon conviction, be subject to a fine not to exceed \$600, plus costs of prosecution, and, in default of payment of such fine and costs, shall be imprisoned for a term not to exceed 30 days.

² Editor's Note: See also Ch. 1, General Provisions, Art. III, Violations and Penalties.