

# CHAPTER 55: SHADE TREE COMMISSION

[HISTORY: Adopted by the Borough Council of the Borough of Newport 12-10-1971 by Ord. No. 175 (Ch. 1, Part 3, of the 1985 Code). Amendments noted where applicable.]

## GENERAL REFERENCES

Planning Commission — See Ch. 39.

Property maintenance — See Ch. 173.

§ 55-1. Creation of Shade Tree Commission.

[Amended 1-8-2013 by Ord. No. 348] Whereas, the Borough Code authorized by the Commonwealth of Pennsylvania by Act of February 1, 1966, P.L. (1965) 1656, Editor's Note: See 53 P.S. § 45101 et seq. authorizes the Borough by an ordinance to establish a commission to be known as a Shade Tree Commission. Therefore, in accordance with this chapter, the Borough of Newport does hereby establish a Shade Tree Commission composed of three adult residents of Newport Borough who shall be appointed by the Borough Council and shall serve without compensation consisting of one member whose term shall be for three years, one member whose term shall be for four years and one member whose term shall be for five years. On the expiration of the term of any commissioner, a successor shall be appointed by the Borough Council for five years; all vacancies in the office of the Commission shall be filled by the Borough Council for the unexpired term.

§ 55-2. Powers and duties.

[Amended 1-8-2013 by Ord. No. 348] The Commission shall have the exclusive custody and control of the shade trees in the Borough. The Commission may make, publish and enforce regulations for the care and protection of the shade trees in the Borough. No such regulation shall be in force until it has been approved by the Council and enacted as an ordinance.

§ 55-3. Removal of shade trees; cost.

[Amended 4-9-1985 by Ord. No. 238] The cost of removing any shade trees in and along the streets and highways of the Borough, of the necessary and suitable guards, curbing or grading for the protection thereof and the replacement or paving of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate on which, or abutting that on which, the work is done. The amount each owner is to pay shall be ascertained and certified by the Commission, to the Council and the Borough Treasurer.

§ 55-4. Notice to property owners.

Thirty days notice shall be given to real estate owners of property containing diseased and dead plants, shrubs and trees so afflicted. Upon failure of such owner to comply with such notice, the Borough may cause the work to be done and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien against the premises from the time of the commencement of the work. 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.