

CHAPTER 25

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Part 1

Regulations of the Shade Tree Commission

§101. Definitions and Interpretations.

The following words and phrases, as used herein, shall have the meaning hereby ascribed to them except in those instances when the context clearly indicates a different meaning.

BOROUGH — Borough of Gettysburg, Adams County, Pennsylvania.

COMMISSION — the Shade Tree Commission of the Borough.

CONTRACTOR — any person designated by another to remove, trim, plant, spray, fertilize, cut, prune or otherwise maintain a tree within the Borough.

DRIPLINE — extent of the outermost branches of the tree canopy.

MAINTENANCE — any trimming, spraying, fertilizing, pruning or otherwise caring for a tree.

PARK TREES — trees, shrubs, bushes and all other woody vegetation in public parks or to which the public has free access as a park, as well as all facilities, parking areas, open spaces and other areas owned and operated by the Borough.

PERMIT — any permit in writing issued by the Commission.

PERSON — any natural person, firm, association, partnership, corporation or their agents.

PRIVATE TREES — trees, shrubs, bushes and all other vegetation located on private property within the Borough of Gettysburg.

PROPERTY OWNER — a person owning real property within the Borough as shown by the County land records.

PUBLIC STREET, HIGHWAY OR ALLEY — any street, highway, alley or sidewalk open to the public within the Borough.

STREET TREES — trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Borough.

(Ord. 1169-94, 11/14/1994, §1)

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§102. Application and Issuance of Permit.

1. A permit shall be required by all persons before any street tree shall be planted, removed or maintained. The application for the permit required hereunder shall be made in writing to the office of the Borough Secretary upon a form furnished by the Borough Secretary. The permit shall specify the particular kind of work or operation the applicant desires to perform thereunder, and shall state the exact location and species of any tree or trees affected. It shall be the duty of the Commission to approve or disapprove the permit within 30 days.
2. The Commission shall have the authority to designate a suitable type of tree and may refuse a permit to plant any type of tree which, in its opinion, is not suitable to the location. The permit may be revoked at any time upon proof, satisfactory to the Commission, that any of the terms or conditions upon which the permit was issued have been violated.
3. No permit shall be required for the planting, maintenance or removal of private trees.

(Ord. 1169-94, 11/14/1994, §2)

§103. Maintenance and Removal of Existing Trees.

1. It is the responsibility of the Borough of Gettysburg to maintain and remove street or park trees.
2. Any person owning a private, street or park tree which is deemed by the Commission to be a danger to the public welfare and property may be ordered in writing to remove such tree within a specified time period. If the property owner shall neglect or refuse to remove such tree and the stump thereof as required by this Section within the time period specified in such notice, the Borough Council may cause such removal to be done at the owner's expense, and the entire cost thereof shall be a lien upon said premises. A claim thereafter shall be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.
3. Private, street and park trees shall be kept trimmed so that the minimum height where they overhang any public walk shall be eight feet, and over streets shall be 16 feet. However, the Commission reserves the right to designate higher or lower clearances in instances where conditions make it appropriate and expedient. All private trees having branches extending over sidewalks and thoroughfares shall be kept trimmed by the owner of such property within the above limits, unless otherwise specified by the Commission. The owner of the aforementioned private trees may trim or remove such trees without a permit. In case the owner of such property shall refuse or neglect to trim such trees upon being notified in writing by the Commission, within the time specified in such notice, the Commission may, after expiration of the date specified in the notice, cause such trimming to be done

at the expense of the property owner. The entire cost thereof, if unpaid, shall be filed and collected by the Borough of Gettysburg in the same manner as municipal claims are filed and collected.

4. All work done to existing street and park trees must be performed by qualified trained personnel using the latest state of the art methods in arboricultural practices. Such personnel must provide proof of adequate liability insurance and worker's compensation prior to issuance of a permit.
5. No person shall, without first obtaining a permit, cut, break, climb with spurs, injure in any manner or remove any street or park tree, or cut down or interfere in any way with the main roots of a street or park tree, or place any rope, guy wire or cable, sign, poster or any other fixture on any street or park tree; or injure, misuse or remove any device placed to protect any street or park tree, except in the case of immediate necessity for the protection of life and property. No person shall pour salt, salt water, oil or any material at any place in such a manner that may result in injury to any private, street or park tree.
6. In connection with any construction operation, before such work commences, fencing shall be placed at all street or park trees which may be subject to hazards of the work so as to protect them from injury. Hazards of the work shall include, but not be limited to, stockpiling of materials, or street work in the dripline.
7. Any person who inflicts damage upon a street or park tree either willfully, carelessly or negligently shall be liable for the costs of professional care in the treatment of the tree wounds. If, in the opinion of an expert, the tree dies within one growing season, as a direct result of such damage, or if the tree shall be so severely damaged as to be condemned by the Commission, then the person responsible shall be liable for all costs of removal of the tree and the stump, as well as the cost of the replacement by a young tree approved by the Commission. Such work shall be performed by, or contracted for, by the Borough of Gettysburg with the costs assessed against the responsible person. If the damage described above was deliberate, then the responsible person shall, in addition, be in violation of these regulations and subject to fine or penalty hereunder.

(Ord. 1169-94, 11/14/1994, §3)

§104. Tree Topping.

1. It shall be unlawful for any person to top any street, park or other tree located on public property without prior written approval of the Commission. As used in this Section, "topping" means the cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

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2. The Commission may grant written approval to allow topping in cases where a tree has been severely damaged by storms or other causes, or when a tree create a dangerous condition relating to utility wires or other obstructions.

(Ord. 1169-94, 11/14/1994, §4)

§105. Planting of New Trees.

1. No tree shall be planted in or upon a public street, highway or alley within five feet of any driveway, nor shall any tree on private property adjacent to the sidewalk be planted within three feet therefrom. No street tree shall be planted closer than 25 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet to any fire hydrant. A distance of 30 feet shall be maintained from any stop sign on Borough streets unless written approval from the Borough Council is given. A distance of 30 feet must be maintained from stop signs on streets which are State highways.
2. All trees shall be planted in a rectangular treewell of not less than 12 square feet, no side of which shall have a dimension of less than three feet. No person shall place or hereafter maintain any stone, cement or other substance which shall impede the passage of water and air to the roots of any shade tree.
3. Without Commission approval, no species of tree shall be permitted to be planted which accounts for more than 10% of the overall trees in the Borough.

(Ord. 1169-94, 11/14/1994, §5)

§106. Penalty.

Any person who shall violate or fail to comply with any of these regulations shall be liable, on conviction thereof, to pay a fine or penalty not to exceed \$600 for each offense, plus costs of prosecution and the cost of repairing the damage or replacing the shade tree where appropriate. Whenever such person shall have been notified by the Commission that such person is in violation, each day in which such person shall continue such violation after such notification shall constitute a separate offense. (Ord. 1169-94, 11/14/1994, §6; as amended by Ord. 1236-99, 12/13/1999, §2)

§107. Appeal.

Any person aggrieved by a decision of the Commission may appeal in writing within 10 days of receipt of the decision. In that event the Commission shall reconsider such decision after giving the appellant the opportunity to be heard. Thereafter, if the decision of the Commission is not unanimous, the question shall be referred to the Borough Council of the Borough of Gettysburg. The appellant may attend the next regularly scheduled

meeting of the Borough Council to present his appeal. The decision rendered by the Borough Council will be final. (Ord. 1169-94, 11/14/1994, §7)

§108. Recommended Tree Species.

The following list of recommended tree species has been compiled with a view to their characteristics as good urban trees. In choosing a tree, the planting site must be examined to assure that it is suitable in view of the required growing conditions of the tree and its mature size. (Ord. 1169-94, 11/14/1994, §9)

Recommended Tree Species

Small Trees: Mature Height of 20 – 35 Feet

HEDGE MAPLE — *Acer campestre*

AMERICAN HORNBEAM — *Carpinus caroliniana*

EUROPEAN HORNBEAM — *Carpinus betuls*

KOUSA DOGWOOD — *Cornus kousa*

CORNELIAN CHERRY — *cornus mas*

THORNLESS COCKSPUR HAWTHORN — *Crataegus crugalli inermis*

WASHINGTON HAWTHORN — *Crataigus phaenopyrum*

CRABAPPLES — *Malus cultivars*

GOLDEN RAINTREE — *Koelreuteria paniculata*

PURPLELEAF PLUM — *Prunus cerasifera*

JAPANESE FLOWERING CHERRY — *Prunus serrulata* “Amanogawa,” “Kwanzan”

SERVICEBERRY — *Amelanchier x grandifolia* “Robin Hill,” “Autumn Brilliance” or “Cumulus”

MOUNTAIN ASH — (European or Korean) — *Sorbus aucuparia* or *alnifolia*

Medium Trees: Mature Height of 35 – 50 Feet

AMERICAN YELLOWWOOD — *Cladrastis lutea*

IMPERIAL HONEYLOCUST — *Gleditsia tricanthos inermis*

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CAROLINA SILVERBELL — *Halesia carolina*

AMUR CORKTREE — *Phellodendron amurense* “Macho” or “Shademaster,” male only

GALLERY PEAR CVS. “ARISTOCRAT,” “REDSPIRE,” and “CAPITAL” — *Pyrus calleryana*

Large Trees: Mature Height of 50 Feet or More

LONDON PLAIN TREE — *Platanus acerifolia* “Bloodgood”

NORTHERN RED OAK — *Quercus rubra*

PIN OAK — *Quercus palustris*

ENGLISH OAK — *Quercus robur*

HONEYLOCUST — *Gleditsia Tricanthos inermis* “Skyline,” “Shademaster”

GINKGO — *Ginkgo biloba* (males only)

GREEN ASH — *Fraxinus pennsylvanica* “Summit,” “Patmore,” or “Urbanite”

WHITE ASH — *Fraxinus americana* “Rosehill,” “Autumn Purple”

ZELKOVA — *Zelkova serrata* “Green Vase,” “Village Green”

LITTLE LEAF LINDEN — *Tilia cordata* “Greenspire” or others

SWEETGUM — *Liquidambar styraciflua* (“Roundifolia” is seedless)

BLACKGUM or TUPELO — *Nyssa sylvatica*

DAWN REDWOOD — *Metasequoia glyptostroboides*

BALD CYPRESS — *Taxodium distichum*

PAGODA or SCHOLARTREE — *Sophora japonica* “Regent,” “Princeton Upright”

NORWAY MAPLE — *Acer platanoides* “Superform,” “Emerald Queen,” “Summer Shade,” “Cleveland,” “Columnar”

RED MAPLE — *Acer rubrum* “Red Sunset,” “October Glory,” “Armstrong,” “Karpick”

SYCAMORE MAPLE — *Acer pseudoplatanus*

Part 2

Shade Tree Commission

§201. Creation of Commission; Membership; Powers, Duties, and Obligations.

The Borough Council of the Borough of Gettysburg hereby creates a Shade Tree Commission, to be composed of up to three residents of the Borough of Gettysburg, who shall be appointed by the Borough Council and shall serve without compensation for their terms of office with rights, powers and duties and obligations as provided for by law. The Borough Council may also appoint no more than two residents of the Borough of Gettysburg as alternate members of the Shade Tree Commission, who shall serve without compensation for their terms of office. (Ord. 1108-90, 10/9/1990; as amended by Ord. 1234-99, 11/8/1999, §1)

§202. Appointments; Term of Office.

The members of the Commission shall be appointed by the Borough Council except that initially one member shall be appointed for a term of three years, one member for a term of four years and one member for a term of five years. The aforesaid appointments for a specified term notwithstanding, a Commission member may stay in office until a successor qualifies or is appointed or the Borough Council may remove any member of the Commission, at the pleasure of the Borough Council. Vacancies shall be filled by the Council for the balance of the unexpired term. Alternate members of the Commission shall be appointed for a term of five years. (Ord. 1108-90, 10/9/1990; as amended by Ord. 1234-99, 11/8/1999, §2)

§203. Express Authority of Shade Tree Commission.

The collection of assessments, the filing of liens, the levying of taxes and the collection of penalties by or on behalf of the Borough of Gettysburg are expressly authorized as provided for in the law. (Ord. 1108-90, 10/9/1990)

§204. Rules and Regulations Authorized; Penalty for Violation.

The Commission is hereby authorized to prescribe such rules and regulations, and to impose such penalties for the violation of same, as it may deem necessary and proper, provided that the rules and regulations are approved by the Borough Council and enacted as an ordinance. (Ord. 1108-90, 10/9/1990)

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§205. Annual Report.

The Shade Tree Commission shall report annually to the Borough Council on all transactions and expenses for the preceding fiscal year. (Ord. 1108-90, 10/9/1990)