

ORDINANCE NO. 69

PROVIDING FOR THE APPOINTMENT OF A SHADY TREE COMMISSIONER, THE CARE OF AND PREVENTING INJURY TO THE TREES ON THE HIGHWAYS AND PUBLIC PARKS OF THE BOROUGH OF SOUTHMONT, AND IMPOSING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

Section 1. Be it enacted and ordained by the Burgess and Town Council of the Borough of Southmont, Cambria County, Pa., and it is hereby enacted and ordained by the authority of the same, that after the passage of this ordinance the Burgess shall appoint a Shade Tree Commission composed of three (3) free holders of the Borough of Southmont in accordance with Chapter IX Article II Act of 1915, P.L. # 312 and amendments thereto, which Commission when appointed shall have full authority and power to act as vested in them by the aforesaid Act.

Section 2. That it shall be unlawful for any person, firm or corporation without a written permit of the Shade Tree Commission to cut, break, climb or injure any tree or portion of tree planted or growing in any public highway or public park of the Borough of Southmont, or cause authorize or procure any person to cut, break, climb or injure any such tree or portion thereof, or to injure, misuse or remove or cause authorize or procure any person to injure, misuse or remove any device set for the protection of any tree or plant in any public highway or Borough Park in the Borough of Southmont, Any person, firm or corporation desiring for any lawful purpose to cut, prune or trim any tree in any public highway or public park of the Borough of Southmont, may apply to the Shade Tree Commission and if, in the judgment of said Commission the desired cutting, pruning or trimming shall

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appear necessary and the proposed method and workmanship thereof is such as said commission approves, the Shade Tree Commission may thereupon issue a written permit for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof.

Section 3. That it shall be unlawful for any person, firm or corporation to kill or remove or cause authorize or procure the death or removal of any tree planted or growing in any public highway or public park of the Borough of Southmont. Any person, firm or corporation desiring for any lawful purpose to take down or remove any tree in any public highway or park of said Borough, may apply to the Shade Tree Commission, and if, in the judgment of said commission, the desired taking down or removal shall appear necessary, the Shade Tree Commission may thereupon issue a written permit therefor. Any work done under such written permit must be performed in strict accordance with the terms thereof.

Section 4. It shall be unlawful for any person, firm or corporation owning, or using, or having control or charge of gas, hot water steam or other substance deleterious to tree life to allow such gas, hot water, steam or other substance to come into contact with the soil surrounding the roots of any tree in any public highway or of any tree or plant in any Borough Park, in the Borough of Southmont in such manner as shall injure, kill or destroy such tree or plant.

Section 5. It shall be unlawful for any person, firm or corporation to cause, authorize, or procure any brine water oil, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a tree in any public highway or Borough Park of the Borough of Southmont, or, on a sidewalk, road or pavement therein at a point whence such substance may be lying on, or by flowing, dripping or seeping into such soil, or in any other manner whatever, injure such tree, or to cause or procure such lying, leaking, flowing, dripping, seeping or injuring.

Section 6. It shall be unlawful for any person, firm or corporation, except with the written permit of the Shade Tree Commission to place or maintain upon the ground of any public highway or Boro Park within the Borough of Southmont any stone, cement or other material or substance in such manner as may obstruct the free access of air and water to the roots of any tree in any ~~way~~ such highway or park. Unless otherwise provided for in such written permit as above provided, there must be maintained about the base of the trunk of each shade tree in the public highways and parks of the Boro at least six square feet of open ground for a tree of three inches in diameter and for every two inches of increase of such diameter there must be an increase of at least one square foot of open ground.

Section 7. It shall be unlawful for any person, firm or corporation to interfere or cause or authorize or procure an interference with the shade tree commission or any of its employees, agents or servants while they are engaged in and about the planting, cultivating, mulching, pouring, spraying or removing of any tree in any public highway or Boro Park within the Borough of Southmont or in the removing of any device attached to said tree or in such removing of stone cement, sidewalk or other material or substance as may be necessary for the protection and care of any such tree in accordance with the requirements set forth in section 6 hereof as to the area of open ground to be maintained about the base of the trunk of each tree in the public highways and parks.

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- Section 8. It shall be unlawful for any person, firm or corporation to cause, authorized or procure a wire or other conductor charged with electricity to come into contact with any tree in a public highway or with any tree or plant in the Borough Park, in the Borough of Southmont in such manner as shall injure abrade, destroy or kill such tree or plant.
- Section 9. It shall be unlawful for any person, firm or corporation without a written permit of the Shade Tree Commission to attach or keep attached to any tree in any public highway or park in the boro of Southmont or to the guard or stake intended for the protection of such tree, any rope, wire, sign or any other device whatsoever.
- Section 10. It shall be unlawful for any person, firm or corporation to tie any horse or other animal to any tree in any public highway or park within the Borough of Southmont for having charge of such horse or other animal to allow or cause or procure it, to injure any such tree or for any person in charge of such horse or other animal to cause or allow it to stand so that it can injure such tree.
- Section 11. It shall be unlawful for any person, firm or corporation to plant or set out any shade tree, or cause or authorized or procure in or on any part of any public highway or park within the said Borough of Southmont without first obtaining from the shade tree Commission a written permit so to do or without complying in all respects with the conditions set forth in such written permit.
- Section 12. During the erection, repair, alteration or removal of any building or structure within the Borough of Southmont shall be unlawful for the person or persons in charge of such erection repair alteration or removal, to leave any street tree in the vicinity of such building or structure without such good and sufficient guards or protection as shall prevent injury to said tree, arising out of or by reason of said erection, repair, alteration or removal.
- Section 13. Any person, firm or corporation violating any provisions of this ordinance shall upon conviction of the Burgess of Justice of the Peace of the Borough of Southmont be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars and costs of prosecution for each and every such violation.
- Section 14. Every violation by the same person, firm or corporation of any provision of any section of this ordinance, which continues on any day or day succeeding the first violation thereof, shall constitute an additional violation for each of the succeeding days.
- Section 15. All fines or penalties imposed for the violation of any part of this ordinance shall be collected in the manner provided by law, for the collection of fines for the violation of Borough Ordinances and shall be paid into the Borough Treasury for the use of the Shade Tree Commission.
- Section 16. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Passed finally in Council this 11th day of July 1927.

Attest

Roy G. Wertz
Secretary

Frank W. Cramer
Pres of Council

C.G. Masters Burgess

This ordinance was advertised in the John Burgess Tribune June 29 and posted in 12 places in the Boro July 12, 1927.