

## **CHAPTER 25**

### **TREES**

#### **PART 1**

##### **PLANT COMMUNITIES AND NEW PLANT MATERIALS**

- §25-101. Legislative Intent**
- §25-102. Preservation of Existing Vegetation**
- §25-103. Parking Lot Landscaping**
- §25-104. Street Trees**
- §25-105. Buffers and Screens**
- §25-106. Plant Materials Specifications, Maintenance and Guarantee**
- §25-107. Recommended Plant Material List**
- §25-108. Definitions**
- §25-109. Fines and Penalties**

#### **PART 2**

##### **SELECTION AND MAINTENANCE OF TREES**

- §25-201. Purpose**
- §25-202. Definitions**
- §25-203. Applicability**
- §25-204. Enforcement**
- §25-205. Permits**
- §25-206. Permit Application**
- §25-207. Review Procedures**
- §25-208. Shade Tree Protection**
- §25-209. Trimming**
- §25-210. Removal of Diseased Trees**
- §25-211. Standards for New Shade Trees.**
- §25-212. Organization of Commission, Records and Reports**
- §25-213. Amendments**
- §25-214. Penalties**



**PART 1**

**PLANT COMMUNITIES AND NEW PLANT MATERIALS**

**§25-101. Legislative Intent.**

1. Article I, §27, of the Constitution of the Commonwealth of Pennsylvania states that persons have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment. It is the intent of this landscape planting ordinance to protect this right by conserving existing vegetation and/or requiring new plant material in critical areas of land developments in the Borough of Rockledge.
2. Specifically, it is the intent of this landscape planting ordinance to conserve existing healthy plant communities in the Borough of Rockledge, such as woodlands, and to require new landscape planting in critical areas of new developments in order to:
  - A. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.
  - B. Reduce stormwater run-off velocity and volume by providing planting areas where stormwater can infiltrate.
  - C. Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.
  - D. Provide animal habitat.
  - E. Provide wind breaks, shade and the other micro-climate benefits of trees and landscape plantings.
  - F. Conserve historically, culturally, or environmentally important landscapes such as wooded hillsides, scenic views, or aesthetic natural areas.
  - G. Preserve and enhance property values through the implementation of good landscape architectural standards.
  - H. Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.
  - I. Provide planted and architectural visual screens around visually obtrusive site elements within development.
  - J. Enhance the aesthetic appearance of the community and provide privacy and beauty.

## TREES

- K. Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.
  - L. Conserve energy by moderating solar radiation and providing shade.
  - M. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas.
  - N. Aesthetically improve stormwater management facilities, such as detention basins, without impairing function.
3. Finally, it is the intent of this Part to protect the health, safety, and welfare of the community by requiring planting plans for major land developments, as defined by Borough ordinance, to be sealed by a landscape architect registered in the Commonwealth of Pennsylvania.

(Ord. 523, 9/3/1996, §100)

### **§25-102. Preservation of Existing Vegetation.**

1. Preservation of Existing Vegetation. Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" in accordance with the following criteria:
  - A. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.
  - B. It shall be incumbent on the applicant to prove that vegetation removal is minimized. If challenged by the Borough, the applicant shall produce evidence such as written documents or plans certified by a registered landscape architect or other qualified professional showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.
  - C. A mature tree, tree mass, or woodland shall be considered "TO REMAIN" only if it meets all of the following criteria:
    - (1) The outermost branches of the tree(s) are at least 5 feet from any proposed buildings, structures, paving, parking, or utilities (overhead or underground).
    - (2) The outermost branches of the tree(s) are at least 5 feet from any proposed changes in grade or drainage such as excavations, mounding, or impoundments.



## TREES

- C. In residential developments, large parking lots shall be divided by painting strips into smaller parking areas of no more than 40 stalls.
- D. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
- E. Planting islands shall be minimum of 9 feet by 18 feet in area, underlain by soil (not base course material); mounded at no more than 4:1 slope, nor less than a 12:1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover the entire area.
- F. All planting strips shall be minimum of 8 feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than a 4:1 slope, nor less than a 12: slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or groundcover to cover the entire area at maturity.
- G. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- H. Plant materials shall comply with the requirements of §25-106, herein. The use of plantings selected from the List of Recommended Plant Material, §25-107, is required unless approved otherwise by the Shade Tree Commission.

(Ord. 523, 9/3/1996, §300)

### **§25-104. Street Trees.**

- 1. Street trees shall be required.
  - A. Along all existing streets when they abut or lie within the proposed subdivision or land development.
  - B. Along all proposed streets.
  - C. Along access driveways that serve five or more residential dwelling units.
  - D. Along access driveways that serve two or more nonresidential properties.
  - E. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Shade Tree Commission.
- 2. The street tree requirement may be waived by the Borough Council where existing vegetation is considered sufficient to maintain scenic views of open space, farmland, natural features, or other valued features.

3. Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:
  - A. Trees shall be planted a minimum distance of 5 feet and a maximum distance of 15 feet outside the ultimate right-of-way line. however, in certain cases, as follows, the Borough Council may permit trees to be planted within the ultimate right-of-way:
    - (1) In areas, such as existing villages, where front yards may be located within the ultimate right-of-way.
    - (2) In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.
  - B. In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least 10 feet in width, planted in grass or groundcover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits may be used.
  - C. Trees shall be planted at ration of at least one tree per 50 linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
  - D. Trees shall comply with the requirements of §25-106, herein. The use of tree species selected from the List of Recommended Plant materials is required, unless approved otherwise by the Shade Tree Commission.

(Ord. 523, 9/3/1996, §400)

**§25-105. Buffers and Screens.**

1. All subdivisions and land developments shall be landscaped with the following two components:
  - A. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
  - B. Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road rights-of-way (either public or private).
2. The following requirements are minimum standards; additional plant material, berms, or architectural elements may be included in the plan at the applicant's discretion.
3. Property Line Buffer Requirements.

## TREES

- A. Property line buffers shall be required for the following types of development and as otherwise specified in the Rockledge Borough Zoning Ordinance [Chapter 27]:
  - (1) All nonresidential development.
  - (2) All multi- and single-family attached development.
  - (3) All single-family detached cluster development.
- B. An onsite investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The Borough shall have final approval of interpretation of land uses or zoning map.
- C. The quantity and type of plant material required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Figure 1.<sup>1</sup>
- D. Buffer Area Location and Dimensions.
  - (1) A buffer area of not less than 25 feet nor more than 50 feet in width shall be established along all property lines, unless otherwise specified in the Zoning Ordinance [Chapter 27].
  - (2) The buffer area may be included within the front, side, or rear yard setback.
  - (3) The buffer area shall be continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
  - (4) Parking is not permitted in the buffer area.
  - (5) Site element screens are permitted in the buffer area.
  - (6) Stormwater basins are permitted in the buffer area.
- E. Plant Material Quantities and Types.

In accordance with Figure 1<sup>1</sup>, for every 100 linear feet of property line to be buffered, the following inimum quantities and types of plant material shall be required:

---

<sup>1</sup> Figure 1 is on file at Rockledge Borough Office.



- Low Intensity:
  - 1 canopy tree
  - 2 ornamental trees\*
- Medium Intensity:
  - 1 canopy tree
  - 2 ornamental trees
  - 2 evergreen trees
  - (5 shrubs)+
- High Intensity:
  - 5 evergreen trees
  - 2 ornamental trees
  - 1 canopy tree
  - (10 shrubs)+

\* In the Low Intensity buffer, one evergreen tree may be substituted for one of the required ornamental trees, at the applicant's discretion.

F. Design Criteria.

- (1) The required plant material shall be distributed over the entire length and width of the buffer area.
- (2) Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters, however, informal groupings that reflect the natural character of the region are encouraged.
- (3) Plants shall be spaced to provide optimum growing conditions.
- (4) A variety of tree species is required as follows:

Number of Trees	Minimum Number of Tree Species	Maximum % of any One Species
0-5	1	100%
6-15	2	50%
16-30	3	40%
31-50	4	30%
51+	6	20%

- (5) All plant materials shall meet the requirements of §25-106.

G. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the Borough Council.

## TREES

The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

- H. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the Borough Council. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.
4. Site Element Screens.
- A. Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within 100 feet of the property line or existing road right-of-way.
    - (1) Parking lots.
    - (2) Dumpsters, trash disposal, or recycling areas.
    - (3) Service or loading docks.
    - (4) Outdoor storage.
    - (5) Vehicle storage.
    - (6) Single-family attached rear yards.
    - (7) Multifamily rear yards.
    - (8) Active recreation facilities.
    - (9) Detention basins.
    - (10) Sewage treatment plants and pump stations.
  - B. An onsite investigation by the applicant shall determine the existing adjacent land uses along each property boundary. In the case of vacant land, the uses allowed in the existing zoning district shall be used. These existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The Borough of Rockledge shall give final approval of any interpretation of land use or map.
  - C. The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Figure 2.<sup>2</sup>

---

<sup>2</sup> Figure 2 is on file at Rockledge Borough Office.

- D. Site elements not included in the above list that have similar visual impact shall be screened in accordance with requirements for the most similar elements as determined by the Borough.
- E. Screen Location. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.
- F. Screen Types and Design Criteria. The following types of screens shall be used where specified in Figure 2.<sup>3</sup>
  - (1) Screen Type #1. Evergreen or Deciduous Shrubs. Shrubs shall be placed three feet on center in a minimum 5 foot wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3 1/2 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.
  - (2) Screen Type #2. Double Row of Evergreen Trees. A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
  - (3) Screen Type #3. Opaque Fence. A 6 foot opaque fence surrounding the site element on at least three sides.
  - (4) Screen Type #4. Opaque Fence with Ornamental Trees and Shrubs. A 6 foot opaque fence surrounding the site element of at least three sides with additional plantings at the minimum rate of three shrubs and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence.
  - (5) Screen Type #5. Architectural Extension of the Building. An 8 foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
  - (6) Screen Type #6. Berm with Ornamental Trees. A 2 to 3 foot high continuous curvilinear berm with ornamental trees at the rate of one tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3:1.
  - (7) Screen type #7. A 2 to 3 foot high continuous curvilinear berm with grass alone.

---

<sup>3</sup> Figure 2 is on file at Rockledge Borough Office.

## TREES

- (8) Screen Type #8. Evergreen Hedge. An evergreen hedge (such as aborvitae, chamaecyparis, etc.) minimum height at planting of 6 foot plants, 3 feet on center maximum.
- (9) Screen Type #9. Low Wall. A wall of brick or stone (not concrete block), at least 50% opaque, no less than 3 and no more than 4 feet in height.
- G. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material with approval of Shade Tree Commission. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
- H. Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers with approval of Shade Tree Commission. The minimum visual effect shall be equal to or exceed that of the required screen.
- I. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Part, with the approval of the Shade Tree Commission.
- J. Plant materials shall meet the specifications of §25-106. Use of plantings selected from the list of Recommended Plant Material is required unless approved otherwise by the Shade Tree Commission.

(Ord. 523, 9/3/1996, §500)

### **§25-106. Plant Materials Specifications, Maintenance, and Guarantee**

The following standards shall apply to all plant materials or transplanted trees as required under this Part.

- A. General Requirements.
  - (1) The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil moisture, and sunlight. Refer to Appendix I<sup>4</sup>, Plant Matrix, which is attached to this Part and incorporated herein.
  - (2) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include,

---

<sup>4</sup> Appendix I is on file at Rockledge Borough Office.

but are not limited to, public street rights-of-way, under-ground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.

B. Plant Specifications.

- (1) All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
- (2) All plant material shall be hardy and within the USDA Hardiness Zone 6 applicable to Montgomery County, Pennsylvania, which shall include, but not be limited to, the recommended plant material list attached hereto and incorporated herein by reference, the same as if fully set forth at length herein.
- (3) Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.
- (4) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of 6 feet or one and a half inch caliper. New large shrubs shall have minimum height of two and a half at three feet at time of planting.
- (5) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have minimum height of 18 inches at time of planting.
- (6) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of 6 feet.

C. Maintenance.

- (1) Required plant material shall be maintained for the life of the project to achieve required visual effect of the buffer or screen. It shall be ultimate responsibility of successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.

## TREES

- (2) Safety. All sight triangles shall remain clear, and any plant material that could endanger safety such as unstable limbs shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to ensure a safe environment.
- (3) Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to insure that the design's buffering and screening concepts are continued.

### D. Landscape Bond.

- (1) Any tree or shrub that dies within 18 months of planting shall be replaced by the current land owner or developer. Any tree or shrub that within 18 months of planting or replanting is deemed, in the opinion of the Borough, not to have survived or not to have grown in a manner characteristic of its type, shall be replaced. Substitutions for certain species of plants may be made only when approved by the Shade Tree Commission.
- (2) The developer or landowner shall deposit with the Borough a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months.

(Ord. 523, 9/3/1996, §600)

### **§25-107. Recommended Plant Material List.**

The recommended plant material list is attached to this Part and incorporated herein, labeled as "Appendix I"<sup>5</sup>.

(Ord. 523, 9/3/1996, §700)

### **§25-108. Definitions.**

CALIPER — diameter of tree's trunk measured 12 inches above the ground.

ENFORCEMENT OFFICER — Borough Manager

GOVERNING BODY — Borough Council

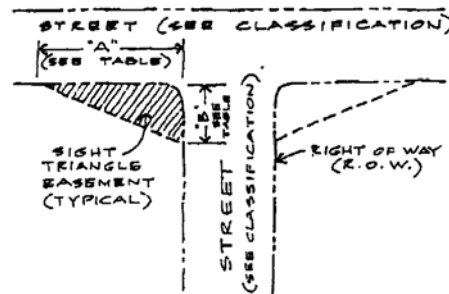
---

<sup>5</sup> Appendix I is on file at Rockledge Borough Office.

**MATURE TREE** — any tree of 6 inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as determined by the Shade Tree Commission.

**MINIMIZE** — to reduce to the smallest amount possible. "Minimize" does not mean to "eliminate" but rather that the most substantial efforts possible under the circumstances have been taken to reduce the averse effect of the action (such as grading, clearing, construction, etc.).

**SIGHT TRIANGLE** — a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See diagram and table below. For the purpose of this Part, all Borough streets shall be considered local streets as classified in this table.



REQUIREMENT BY STREET CLASSIFICATION (MEASURED ALONG R.O.W.)

"A" (DISTANCE IN FEET)	"B" (DISTANCE IN FEET)		
	LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET
20	20	100	130-150
100	30	100	130-150
130-150	30	100	130-150

SIGHT TRIANGLE

**STREET LINE** — the dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally opened or officially plotted, or between a lot and a privately-owned street, road, or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way. Also known as the ultimate right-of-way.

**SPECIMEN TREE** — any tree with a caliper that is 75% or more to the record tree of the same species in the Commonwealth of Pennsylvania.

**TREE MASS** — a grouping of three or more trees, each at least 1 1/2 inch in caliper, within a 100 square foot area.

**ULTIMATE RIGHT-OF-WAY** — same as the street line, as defined by the Zoning Ordinance [Chapter 27] of the Borough of Rockledge.

## TREES

WOODLAND — a stand of predominantly native vegetation covering at least 1 acre, consisting of at least 50% cover of mature trees of varying size.

(Ord. 523, 9/3/1996, §800)

### **§25-109. Fines and Penalties.**

1. A violation of the provisions of this Part will result in the issuance of an enforcement notice by the enforcement officer. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred. The enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Borough intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Part.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - E. The advisement that if no corrective action is taken within the time period stated in the enforcement notice, then the enforcement officer will issue a citation, and the matter will be scheduled before the appropriate district Justice for hearing on the violation of said ordinance.
2. The Rockledge Borough Police are also authorized by this Part to enforce any violation of said ordinance by the issuance of a citation, in the absence of the enforcement officer.

Any person violating the provisions of this Part shall, upon conviction before a District Justice of appropriate jurisdiction, be liable to pay costs of prosecution and a fine as follows:

3. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 523, 9/3/1996, §900; as amended by Ord. 590, 3/14/2005, §1)



**PART 2**

**SELECTION AND MAINTENANCE OF TREES**

**§25-201. Purpose.**

The purpose of this Part is as follows;

- A. To regulate the planting, removal and maintenance of vegetation within the ultimate rights-of-way of streets and highways within the Borough.
- B. To ensure the selection of proper and suitable plant materials
- C. To assist in the safe, orderly and efficient movement of pedestrian and vehicular traffic through public rights-of-way.

(Ord. 525, 10/28/1996, §100-1)

**§25-202. Definitions.**

For the purpose of this Part the following terms shall have the following meanings:

BOROUGH — the Borough of Rockledge

COMMISSION — the Rockledge Borough Shade Tree Commission

COUNCIL — the Council of the Borough of Rockledge

DEPARTMENT — the Streets Department the Borough of Rockledge

ENFORCEMENT OFFICER — Borough Manager

MANAGER — the manager of the Borough of Rockledge or his/her designee

PUBLIC AREA — any public area, park easement or other area under control of the Borough

SHADE TREE — any tree, shrub or other woody plant or portion thereof within an ultimate right-of-way in the Borough of Rockledge.

STREET LINE — the dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally opened or officially plotted, or between a lot and a privately-owned street, road, or way over which the owners or tenants of two of more lots each held in single and separate ownership have the right-of-way. Also known as the ultimate right-of-way.

## TREES

ULTIMATE RIGHT-OF-WAY — same as the street line, as defined by the Zoning Ordinance [Chapter 27] of the Borough of Rockledge.

(Ord. 525, 10/28/1996, §100-2)

### **§25-203. Applicability.**

Except as provided by law or in this Part, any shade tree within the ultimate right-of-way shall be planted, removed or maintained in strict compliance with the regulations contained in this Part.

(Ord. 525, 10/28/1996, §100-3)

### **§25-204. Enforcement.**

This Part shall be enforced by the person or agency specifically so directed in any provision hereof, or by any person or agency designated by the Borough Council, from time to time.

(Ord. 525, 10/28/1996, §100-4)

### **§25-205. Permits.**

1. Hereafter, no shade tree shall be planted, purned, trimmed, sprayed or removed until a shade tree permit has been secured from the Commission. Upon completion of planting, trimming, pruning, spraying, or removal the applicant shall notify the Commission of such completion. No permit shall be considered complete until the Commission has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this ordinance.
2. No permit shall be required for "fine pruning", which is defined by the National Arborist Association's Pruning Standards for Shade Trees as follows:  
  
"Fine pruning shall consist of the removal of dead, dying diseased, decayed, interfering, objectionable, obstructing, a weak branches, as well as selective thinning to lessen wind resistance. The removal of such described branches is to include those on the main trunks, as well as those inside the leaf area. An occasional undesirable branch up to 1/2 inch in diameter, as described above, may remain within the main leaf area to its full length when it is not practical to remove it."
3. Authority to prune street trees does not include the cutting back of sound, healthy tree branches outside the stated purpose of the permit issued.
4. Immediate removal of all dangerous deadwood and all broken limbs or other defective tree parts which constitute a hazard to the health or the tree, to public

safety, or to property shall not require the prior issuance of a permit. However, the Commission shall be advised in writing of the action taken and the emergency conditions which necessitated the action within 7 days.

(Ord. 525, 10/28/1996, §100-5)

**§25-206. Permit Applications.**

1. Permits shall be in writing and shall specify:
  - A. Name and address of owner/applicant.
  - B. Site plan showing existing streets with ultimate rights-of-way.
  - C. Location of existing shade trees to be preserved, trimmed, pruned or removed indicating species and caliper.
  - D. Location of new shade trees indicating species and caliper.
  - E. Location of existing or proposed driveways and or sidewalks.
  - F. Location of existing utility poles and lines.
  - G. Location of ultimate right-of-way.
2. Permits shall be submitted on a form provided by the Borough and shall be filed with the Commission. Permits will be issued and inspections performed at no cost to the applicant.

(Ord. 525, 10/28/1996, §100-6)

**§25-207. Review Procedures.**

All permits shall be reviewed by the Commission within 45 days following acceptance of the application. If the application is for no more than two shade trees involving trimming or pruning the permit may be issued by the chairperson of the Commission. If the Chairperson is unavailable, permits may be issued by any person or agent designated by the Commission to issue permits.

(Ord. 525, 10/28/1996, §100-7)

**§25-208. Shade Tree Protection.**

1. Shade Trees shall be adequately protected from any construction, regrading, paving or other building operation or work in the vicinity of any shade tree. Guards

## TREES

shall be placed around any shade tree which may be affected by such work so as to effectively prevent injury to said shade trees.

2. No stone, concrete, asphalt or other substances which shall impeded the passage of water and air to the roots of any shade trees shall be permitted unless an open space surrounding the trunk of the tree on not less than 4 square feet is provided.
3. Except in the case of immediate necessity to protect life or property, unless a permit has been issued, no shade tree shall be:
  - A. Affixed with any rope, guy wire, cable, sign, poster or any other similar device.
  - B. Sprayed with any insecticide or chemical.
4. Protection placed around any shade tree shall not be removed, damaged or misused without the consent and approval of the Commission.
5. Vines and underbrush which threaten the health of any shade tree shall be removed.

(Ord. 525, 10/28/1996, §100-8)

### **§15-209. Trimming.**

1. All shade trees shall be ekpt trimmed so as to provide:
  - A. Minimum clearance of 10 feet over any public street.
  - B. Minimum clearance of 9 feet over any public sidewalk or walkway.
  - C. A clear site at all intersection streets, so as to establish the sight triangle required by the landscaping ordinance adopted by the Borough of Rockledge.
2. Should a property owner fail to properly trim shade trees in accordance with subsection (1) above, the Borough may serve written notice upon said property owner stating the manner in which the owner has failed to comply. Said notice shall include a demand that the property owner shall correct such deficiencies within 30 days. If not corrected within the said 30 days, the Borough in order to protect the public health, safety and welfare, may perform or contract for the performance of such trimming as deemed necessasry to meet the requirements of subsection (1) above.
3. The cost of trimming, together with such penalty as may be prescribed in this Part, shall be assessed against the property owner and shall become a lien against the property. The Borough, upon completion of the corrections required by sections (1) and (2) above, shall file a notice of lien upon said property in the office of

the Prothonotary of Montgomery County. If property owner fails to satisfy said line within 30 days of the filing date, the Borough may seek to execute on the lien and/or proceed to collect the amount due by commencing an action in assumpsit.

(Ord. 525, 10/28/1996, §100-9)

**§25-210. Removal of diseased trees.**

1. All trees afflicted with disease, or those which threaten the public health, safety or welfare may be required, upon written notice of Commission, to be cut down and removed by the responsible property owner. This provision applies to any tree located in the Borough.
2. Upon failure to comply with such notice within 90 days of receipt, the Borough may have the work done and levy or collect the cost of said work from the owner of the property in the same manner described in §25-209(B) and (C) above. The time limit for compliance may be shortened by the Commission if warranted by an imminent danger of the spread of disease to other trees in the Borough.

(Ord. 525, 10/28/1996, §100-10)

**§25-211. Standards for new Shade Trees.**

1. Shade Trees shall be of symmetrical growth, free of insects, pest and disease, suitable for street use and in conformity with the standards of the American Association of Nurserymen.
2. The minimum trunk diameter measured at the height of 6 inches above the finished grade level shall be 2 1/2 inches.
3. All trees that are to be planted shall be approved by the Commission.
4. Shade trees shall not be planted until finished grading has been completed.
5. Shade trees shall be guaranteed for a period of at least 1 year from the date of planting and shall be certified to be alive and healthy by the Commission at the end of the guarantee period. Should a disagreement arise as to whether the planting is alive and healthy, a landscape architect shall be retained by the Commission, at the expense of the applicant.
6. Any tree deemed dead or unhealthy, in the opinion of the commission, shall be replaced by the applicant, the applicant shall not be held responsible for acts of vandalism occurring after the commencement of the guarantee period.
7. Replacements shall be made during the first spring or fall planting season following the death of plants. The cost shall be borne by the applicant.

## TREES

(Ord. 525, 10/28/1996, §100-11)

### **§25-212. Organization of Commission, Records & Reports.**

1. The Commission shall report annually to the Borough Council. This report is to include transaction and expenses of said Commission for the prior fiscal year.
2. The Commission shall keep a record of its resolutions, transactions, findings, and determinations, which records shall become public record, except to the extent that same are protected by either the Sunshine Law or which constitute privileged matters.

(Ord. 525, 10/28/1996, §100-12)

### **§25-213. Amendments.**

The regulations set forth in this Part, may from time to time, be amended by the Borough Council pursuant to the Borough code.

(Ord. 525, 10/28/1996, §100-13)

### **§25-214. Penalties.**

1. A violation of the provisions of this Part will result in the issuance of an enforcement notice by the enforcement officer. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred.

The enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. The advisement that if no corrective action is taken within the time period stated in the enforcement notice, then the enforcement officer will issue a citation, and the matter will be scheduled before the appropriate district justice for hearing on the violation of said ordinance.

2. The Rockledge Borough Police are also authorized by this Part to enforce any violation of said ordinance by the issuance of a citation, in the absence of the enforcement officer.
3. Any person violating the provisions of this Part shall, upon conviction before a district justice of appropriate jurisdiction, be liable to pay costs of prosecution and a fine as follows:
  - A. For willfully injuring or killing a living tree in any public area by cutting, debarking, breaking, by the use of herbicides, use of vehicle or in any other manner wherein it is determined by the district justice that such damage or destruction was intentionally inflicted, a fine of not less than \$100.00 nor more than \$600.00 plus the cost of repairing or replacing each damaged tree shall be levied. If the person found guilty of violating this Section is an abutting property owner, the cost of repair or replacing the damaged tree shall be assessed against the property in accord with §25-109(3) of this Part.
  - B. For failure of a property owner to remove, partially remove or treat a tree as ordered in accord with this Part, the guilty person shall be fined not more than \$100 per day. Each day the property owner remains in violation shall constitute a separate offense.
  - C. For all other violations, where it is determined by the district justice that such damage or destruction was not intentionally or willfully inflicted, a fine of not less than \$25 nor more than \$100 plus the cost of repairing or replacing the damaged tree shall be levied, if the person found guilty of violating this Part is an abutting property owner, the cost of repair or replacing the damaged tree shall be assessed against the property in accord with §25-104 of this Part.
4. In default of the payment of such fine and costs, such person shall be committed to the County jail for a period not to exceed 10 days for each violation or a maximum of 30 days.
5. All fines collected will be deposited to the General Fund of the Borough of Rockledge, to support the expenditures of the Shade Tree Commission.

(Ord. 525, 10/28/1996, §100-14)