

# **Chapter 25**

## **Trees**

### **Part 1 Shade Trees**

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**Part 1****Shade Trees****§25-101. Title.**

This Part shall be known as the “Shade Tree Ordinance of the Borough of Hatboro.”  
(*Ord. 888, 12/20/1993, §1*)

**§25-102. Definitions and Interpretation.**

In interpreting this Part, the present tense includes the future, the singular includes the plural and the plural the singular; and the word “person” includes natural person, partnership, firm, association, and corporation.

*Borough*—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, United States of America.

*Borough Council*—the duly appointed member of the Borough Council of the Borough of Hatboro.

*Commission*—the duly appointed members of the Shade Tree Commission of the Borough of Hatboro.

*Right-of-way*—the area of any public street, road, highway, or other publicly held thoroughfare within the corporate limits of the Borough that has been designated by law as a public right-of-way.

*Shade tree*—any tree, shrub, or other woody plant, which is planted in any right-of-way, or has at least one-half of trunk, branches, or roots extending into any right-of-way.

(*Ord. 888, 12/20/1993, §2*)

**§25-103. Legislative Intent.**

The Borough recognizes that properly planted, maintained, and protected shade trees add to the esthetics and health and welfare of the citizens of the Borough. Therefore, it shall be the intent of this Part to establish a Shade Tree Commission for the Borough of Hatboro, define the mission of that commission and establish rules and regulations to encourage the planting of appropriate shade trees, provide for the proper maintenance of the trees, protect shade trees, and provide guidelines for the removal and replacement of shade trees.

(*Ord. 888, 12/20/1993, §3*)

**§25-104. Shade Tree Commission.**

1. A Shade Tree Commission is hereby established. The Commission shall consist of three members who are citizens of the Borough, appointed to serve 5 year terms. The members of the current Shade Tree Commission in existence at the adoption of this Part shall continue to serve the remainder of their term, and then shall be reappointed or replaced in accordance with this Part.

2. The Shade Tree Commission shall have the power to issue permits required by

this Part, and to enforce the provisions of this Part as provided by law.

3. The Shade Tree Commission shall, when called upon, act as an advisory panel to Borough Council on all Borough matters having an environmental impact on the Borough including, but not limited to, land development, park development, or improvements, and downtown revitalization projects.

4. The Shade Tree Commission shall report to Borough Council through the Parks and Recreation Committee, or as the President of Council may otherwise direct.

(*Ord. 888, 12/20/1993, §4*)

#### **§25-105. General Regulations.**

1. The maintenance, care, or removal of any shade trees, as defined herein, and required compliance with any provision of this Part shall be the responsibility of the property owner on whose property the tree is located or whose property abuts the right-of-way in which the shade tree is located.

2. No person, without first obtaining a permit, shall cut, prune, break, affix any foreign object to, or in any way cause injury to any shade tree within any public right-of-way or municipal park within the Borough.

3. No person, without first obtaining a permit, shall plant a shade tree within any public right-of-way or municipal park within the Borough.

4. No person, without first obtaining a permit, shall remove a shade tree within any public right-of-way or municipal park within the Borough.

5. All mature shade trees shall be kept trimmed to a minimum branching height of 10 feet, except that the Commission may require greater height clearances to eliminate traffic or other hazards.

6. Whenever, in the opinion of the Commission, a health or safety hazard exists caused by a shade tree, the Commission may issue a written order to the responsible property owner to take action to correct the condition within 10 days of the date of the order. If, after written notification, the responsible property owner fails to take corrective action, the Borough shall have the required work accomplished to correct the health or safety condition and shall bill the responsible property owner. Failure to remit by the responsible property owner may result in a lien placed against the property by the Borough.

7. Whenever a new shade tree is planted within 10 feet of a curb or public sidewalk, a root barrier of a type approved by the Commission shall be required.

(*Ord. 888, 12/20/1993, §5*)

#### **§25-106. Special Provisions for Shade Trees Located in Retail-Commercial District.**

In addition to the foregoing general provisions, the following special provisions shall apply to shade trees located in the retail commercial districts of the Borough.

A. A minimum sidewalk opening of 4 feet square shall be required for each shade tree. The opening shall be paved with a flush, smooth, hard surface such as brick or concrete pavers laid on sand.

B. Only the following types of trees may be planted in the right-of-way:

Hybrid Red Maples, Lindens, Thornless Honey, Locusts, Pears, and Elms. The planting of any other type of tree shall require permission from the Commission.

C. Whenever a shade tree is removed in a retail-commercial district, the shade tree shall be replaced in accordance with this Part. All removed shade trees shall be replaced except when a change in street construction or land development makes it impossible, or would cause the replacement to be a safety or health hazard. A decision not to replace a removed shade tree must be approved by the Commission.

D. The Commission shall annually inspect all shade trees within the retail-commercial district and shall file a report with the Chamber of Commerce and Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of October.

(*Ord. 888, 12/20/1993, §6*)

**§25-107. Special Provisions for Shade Trees Located in Borough Parks, Open Space, and Recreation Areas.**

1. The Commission shall annually inspect all trees in the parks of the Borough and on all open space and recreational areas owned by the Borough, and shall file a report with Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of October.

2. Any new planting proposals shall be reviewed by the Commission and the Commission shall make recommendations on the type of tree that should be planted.

(*Ord. 888, 12/20/1993, §7*)

**§25-108. Permit Fees.**

Fees for permits shall be set from time to time by resolution of Borough Council.

(*Ord. 888, 12/20/1993, §8*)

**§25-109. Violations and Penalties.**

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 shall constitute a separate offense.

(*Ord. 888, 12/20/1993, §9; as amended by Ord. 907, 9/23/1996, §25-109; and by Ord. 1005, 5/23/2011*)

