

TOWNSHIP OF OHIO
ORDINANCE NO. 308

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, CREATING AND ESTABLISHING THE RULES FOR A SHADE TREE COMMISSION OF THE TOWNSHIP OF OHIO.

Be it ordained by the Board of Supervisors of the Township of Ohio, and it is hereby ordained by the authority of the same:

Section: 1. Commission created

There is hereby created a commission to be known and designated "Shade Tree Commission of the Township of Ohio Pennsylvania."

Section 2. Membership

Said Commission shall consist of three (3) members as provided by law.

Section 3. Jurisdiction of Commission

The Commission shall have exclusive custody and control of the shade trees in and upon those areas designated as municipal parks within the Township of Ohio.

Section 4. Employees of Commission

The Commission may employ and pay such necessary assistants as may be required to perform the duties evolving upon it and to make, publish and enforce regulations for the care and protection of the shade trees in the Township, other than those contained in this ordinance, and for the removal of such as may be deemed a menace to the safety, aesthetic value, or public use of municipal parks, subject however to the amount of funds appropriated by Ohio Township Board of Supervisors for such purposes.

Section 5. Notice of Certain meetings

Whenever said Commission proposes to plant, transplant or remove shade trees from any municipal park, or which may be a menace to the users of such municipal park, the Commission shall notify the Board of Supervisors not less than seven (7) days prior to the meeting in which Ohio Township Board of Supervisors will consider such proposals.

Section 6. Approval of appointments and Regulations by Board of Supervisors.

Any appointment of members to the Commission shall be made only with the approval of the Board of Supervisors. Regulations, other than those contained in this ordinance, shall be in force only after their approval by the Board of Supervisors and after being enacted in an ordinance adopted by the Board of Supervisors.

Section 7. Regulations

A. The Shade Tree Commission of the Township of Ohio shall have authority over the shade trees in the municipal parks of the Township and shall have authority, upon agreement of the Board of Supervisors, to plant, remove, maintain and protect such trees.

B. Definitions

Shade Tree - Whenever used in these regulations shall be taken to mean any "shade tree," shrub or other woody plant in any municipal park in the Township of Ohio.

Person - Shall be taken to mean any individual, firm, association or corporation.

C. It shall be unlawful for any person, not duly appointed to the Shade Tree Commission, to cut, prune, break, climb with spurs, injure in any manner or remove any shade tree on Township property; to cut down or interfere in any way with the main roots of any shade tree; to spray with any chemicals or insecticides; to place any rope, guy wire, cable, signs, posters or other fixtures on a tree or tree guard; or to injure, misuse or remove any device placed to protect shade trees, except in case of immediate necessity for protection of life or property.

D. Planting of Shade Trees

(1) The Commission may refuse to plant any species of tree, which in its opinion is not suited to the location.

(2) All shade trees hereinafter planted in municipal parks of the Township of Ohio, if not already specified in a plan which has been adopted by the Commission, shall be spaced, located and be of the designated species as set forth in the Master Plan of the Commission.

E. All shade trees shall be kept trimmed so that the minimum height where they overhang any public walk within the municipal parks shall be 9 feet and where they overhang any public walk shall be 15 feet. However, the Commission reserves the right to designate a higher clearance on certain public walks where heavy traffic or other conditions make it expedient. It shall be the responsibility of the Shade Tree Commission and the Township of Ohio to maintain proper clearances.

- F. Whenever, in order to take down or prune any shade tree in the municipal park or having branches extending over the public walkway, it shall be deemed necessary to remove any wire or wires, every person having any such wires running through a public walkway shall immediately notify the public utility company of his intention in order that service may not be interrupted.
- G. Regulations of the Shade Tree Commission shall be enforced by the Township Manager, Township Police or other agents of Township of Ohio Board of Supervisors.

Section 8. Cost of Planting or Removal of Trees to be paid by Township of Ohio

The cost of planting, transplanting or removing any shade trees within Township of Ohio municipal parks shall be incurred by the Township of Ohio for those trees planted after 2013.

Section 9. Cost of Caring for certain trees to be paid by Township

The cost and expense of caring for trees now planted or hereafter planted by said Commission within the municipal parks of the Township shall be paid by the Township, the necessary amount being certified by the Commission to Board of Supervisors each year and appropriated by it in like manner as other monies for Township purpose.

Section 10. Use of an International Society of Arbor Culture Certified Arborist

The Shade Tree Commission shall utilize the services of an ISA Certified Arborist to consult with the Shade Tree Commission members on planting, maintenance and removal of any tree within Township municipal parks.

Section 11. Violations and Penalties

Any person acting or failing to act in violation of the within ordinance, upon conviction, shall be required to pay a fine of not more than Six Hundred (600.00) Dollars, and in default thereof, suffer imprisonment for a period not to exceed thirty (30) days.

Section 12. Repealed, Severability

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutional, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this ordinance. It is hereby declared as the intent of Township of Ohio that this ordinance would have been adopted as such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 13. Effective Date

This ordinance shall become effective on the 4th day of December, 2013.

DULY ORDAINED AND ENACTED.

ATTEST:


Secretary


BY: _____
Thomas R. Beatty, Chairman, Board of Supervisors

APPROVED this 4th day of November, 2013.