

## **Chapter 25**

### **Trees**

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#### **Trees**

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**Part 1****Trees****§25-101. Placement of Trees along Streets.**

Shade trees shall not be planted (or set) between the curb and the outer edge of the paved portion of a walk.

(*Ord. 174, 6/5/1905, §2; as amended by Ord. 978, 5/31/2011*)

**§25-102. Penalty for Unlawful Placement of Trees along Streets.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 174, 6/5/1905, §3; as amended by Ord. 619, 6/20/1962, §1; by Ord. 846, 9/18/1991, §25-102; and by Ord. 978, 5/31/2011*)

**§25-103. Planting of North Carolina Poplar Trees Unlawful.**

1. It shall be unlawful for any person to plant or set out or to have planted or set out any North Carolina poplar tree, at any location within the lines of any street or alley in the Borough, or, on private property, at any place within 100 feet of any public sewer.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 978*]

(*Ord. 336, 11/1/1918, §1; as amended by Ord. 622, 6/20/1962, §1; by Ord. 846, 9/18/1991, §25-103; and by Ord. 978, 5/31/2011*)

**§25-104. Removal of North Carolina Poplar Trees.**

The Code Enforcement Officer shall be authorized and directed to remove, cut down or kill all North Carolina poplar trees growing on the avenues, streets, lanes, alleys and roads, or on any private property after 30 days from the approval of this Part.

(*Ord. 336, 11/1/1918, §2; as amended by Ord. 978, 5/31/2011*)



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**Part 2****Trees Overhanging Streets and Sidewalks****§25-201. Property Owners to Keep Trees Trimmed to Required Clearance above Streets and Sidewalks.**

It shall be the duty of every owner of property fronting upon or alongside any street or alley in the Borough to trim and keep trimmed all trees planted or growing upon that property or upon the sidewalk area adjacent to that property so that no part of the tree, or of its branches or foliage shall be closer than 15 feet above the surface of the roadway or the surface of the sidewalk.

*(Ord. 978, 5/31/2011)*

**§25-202. Property Owners to Remove Trees Causing Damage to Sidewalk.**

It shall be the duty of every owner of property in the Borough to remove any tree growing upon that property, or upon the sidewalk area adjacent to that property, upon notice from Borough when the roots of the tree have caused any part of the sidewalk to heave up, be cracked or otherwise disturbed, and then to repair or reconstruct the sidewalk, as required by Council, so as to place the walk in proper condition.

*(Ord. 978, 5/31/2011)*

**§25-203. Authority for Borough to Do Work and Collect Cost and Additional Amount.**

If any property owner shall fail or neglect to trim or remove any tree within the time stated in the notice from the Borough, or if any such work shall not conform in every way to the requirements of this Part, the Borough may, after notice, cause the work of construction, reconstruction or repair, as the case may be, to be done at the cost of such owner, and may collect the cost thereof, and 10 percent additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit.

*(Ord. 978, 5/31/2011)*

**§25-204. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor 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. 978, 5/31/2011)*

