

CHAPTER XIX

TREES

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PART 1
RULES & REGULATIONS

§101 Definitions. When used in this Part 1, the following terms shall have the following meanings:

Commission. The Commission of the Municipality.

Department. The Municipality's Department of Public Works.

Director. The Municipality's Director of the Department of Public Works.

Manager. The Municipality's Manager or his/her designee.

Municipality. Mt. Lebanon, Pa.

New Tree. Any tree planted by the Municipality in a Public Area, except a replacement tree.

Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.

Public Area. Any public right-of-way or easement, or park or other real property owned by the Municipality.

Public Notice. Public Notice shall mean publication in a newspaper of general circulation once a week for two (2) consecutive weeks and written notification sent by first class mail to the last known address of abutting property owners. Public Notice of public hearings shall be published, and written notification mailed, to abutting property owners at least thirty (30) calendar days before the hearing date. Public Notice shall include the time, location and subject of the public hearing.

Replacement Tree. A tree planted in a location formerly occupied by another tree.

Work Days. Monday through Friday, excluding legal holidays when Municipal offices are closed.

§102 Parks Advisory Board. The Parks Advisory Board ("Board") shall have the following responsibilities regarding trees in the Municipality.

102.1 The Board shall assist in the development of a public education and information program concerning the importance and care of trees. In addition, the Director shall keep the Board informed of decisions made and actions taken relating to the planting, maintenance, and removal of trees; including:

102.1.1 List of trees available to be planted in public areas;

- 102.1.2 Department efforts at controlling diseases and pests damaging trees;
 - 102.1.3 Tree maintenance efforts; and
 - 102.1.4 Department rules and regulations regarding tree planting, maintenance, and removals.
- 102.2 The Board shall advise the Department in the Department's preparation, for the Commission's approval, of a plan (the "Tree Plan") for trees in public areas in the Municipality. The Tree Plan should include a list of existing trees, including species and location. The Tree Plan should also include suggested policies for the planting of trees, including suitable species for various environments. It should also identify locations for new plantings, desirable specie changes and related matters.
- 102.3 The Tree Plan should recognize the benefits of a public tree program and the need to control expenses of planting, maintenance, removal, cleanup and all other costs associated with a tree program. The Board shall review the Tree Plan annually, and/or at other times, at the request of the Director.
- 102.4 The Board may, with the approval of the Commission, solicit grants and contributions on behalf of the Municipality.

§103 Department Authorized Activity. The Department is hereby authorized to perform the following activities in regard to trees:

- 103.1 Prepare Policies, Rules and Regulations. Policies, rules and regulations, entitled "Municipal Policies, Rules and Regulations For Tree Work," shall be prepared by the Department and adopted, by resolution, by the Commission to control tree trimming, cabling, spraying, root cutting and other work on trees by contractors, abutting property owners and others.
- 103.2 Select and Plant New Trees in Public Areas. If a Tree Plan has been approved by the Commission in accordance with Section 3, the Department's selection and planting of new trees shall generally be in accordance with that plan. Prior to the planting of any new tree, if the cost of such tree will be assessed against an abutting property owner, a public hearing pursuant to public notice shall be held by the Commission unless the abutting property owner requests or agrees that the tree should be planted. Public notice of the hearing shall include the address, location and species of trees to be planted.
- 103.3 Hazardous Trees on Private Property. Trees on private property which, in the opinion of the Director, are sufficiently damaged, diseased or in such other condition as to constitute a hazard to the public or a threat to the survival of other trees, shall be ordered by the Director to be removed, partially removed

or treated by the owner of the property on which the tree is located. Property owners so ordered shall have twenty-five (25) days, following receipt of the order, to comply with the order or to appeal to the Manager. The Manager shall hear any such appeal and make a decision within ten (10) days of the hearing of the appeal. Decisions of the Manager shall be appealable as provided by law. Appeals to the Manager shall be in writing and decisions shall be in writing and shall include findings of fact. Following a decision by the Manager that a tree shall be removed, partially removed or treated, the property owner shall comply within twenty-five (25) days of the receipt of the decision by first class mail to the property owner. If the property owner shall fail or refuse to comply with such order, the property owner shall be subject to the penalties specified in §108. In addition, the Director is authorized, at his discretion, to remove the hazardous tree or portions thereof. All costs for such work shall be assessed against the property on which the tree is located and, if not paid, shall be a lien against the property in accordance with §104.

103.4 Hazardous Trees in Public Areas. Trees in public areas which, in the opinion of the Director, are sufficiently damaged, diseased or are in such condition as to constitute a hazard to the public or a threat to the survival of other trees, shall be removed, partially removed or treated by the Director. Prior to tree removals from public rights-of-way, written notice shall be provided to the owners of property abutting the tree(s) to be removed.

§104 Payments/Assessments/Liens. The cost of planting new trees in a public right-of-way, together with the cost of necessary guards and grading, shall be paid by the owner of the abutting property. Replacement trees shall be planted at no cost to such owner. All costs of tree removal, partial removal or treatment ordered by the Director for trees on private property shall be paid by the owner of the property on which such trees are located.

The amount assessed to a property owner for the planting of new trees shall be determined by the Director. Thereafter, the Director shall cause thirty (30) days written notice to be given to each person against whose property an assessment has been made. The notice shall state the nature and amount of the assessment and the time and place for payment thereof.

The amount assessed against any property shall be a municipal claim and, if not paid within the time specified in the notice, may be filed and collected by the Municipal Solicitor in the same manner as municipal claims are, by law, recoverable.

§105 Easements. The Municipality is authorized to accept the dedication of easements from private property owners to plant and maintain trees on private property. Such dedications of easements shall be in writing, executed and acknowledged by such property owners, and, if accepted by the Municipality, shall be recorded in the office of the Allegheny County Recorder of Deeds.

§106 Permits. The Department is authorized to issue permits for certain work on trees by persons not Municipal employees. Permits shall be required for the following acts:

- 106.1 Planting, treating, pruning, removing, or otherwise disturbing any tree located in a public area;
- 106.2 Trimming, pruning, or removing any tree or portions thereof, if such tree or portions thereof may reasonably be expected to fall in a public area and cause damage to persons or property, or interfere with pedestrian or vehicle traffic using the public right-of-way or public easements;
- 106.3 Placing in public areas, either above or below ground level, a container for trees, shrubs or other plants;
- 106.4 Transplanting any tree located in a public area;
- 106.5 Attaching any rope, wire, nail, sign, poster or similar manmade object to any tree located in a public area;
- 106.6 Damaging or cutting roots by tunneling, trenching or digging in a public area for the purpose of the installation or repair of a driveway, sidewalk, curb, pipe, conduit, electric wire and similar items.

Permits shall be in writing and shall specify the work permitted and the time period, not exceeding one (1) year. All work shall be performed in accordance with the Department's "Municipal Policies, Rules and Regulations for Tree Work." Such permits may be revoked by the Director if the terms and conditions of the permit or the "Municipal Policies, Rules and Regulations for Tree Work" are violated. Revocations may be appealed, in writing, to the Manager within five (5) work days of that notice of revocation. The Manager shall hear any such appeal and make a determination within ten (10) days of the hearing of the appeal. Decisions of the Manager shall be appealable as provided by law. Appeals to the manager shall be in writing and decisions shall be in writing and shall include findings of fact.

Nothing in this Section shall be construed to exempt public utility companies or their agents from any of the requirements of this Chapter.

§107 Violations. It shall be unlawful for any person to:

- 107.1 Cut, break, climb with spikes, disturb the roots of or otherwise injure or destroy trees in any public area or to authorize such actions. It shall not be considered a violation to trim trees or perform other activities with a valid permit from the Department specific to the tree(s) involved in accordance with §106 of this Ordinance.

- 107.2 Cause or authorize a wire or other conductor charged with electricity to come into contact with any tree in any public area in a manner that may injure or kill it without a written permit from the Department specific to the tree(s) involved.
- 107.3 Cause or authorize in any public area, any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid or solid substances deleterious to the tree to contact any tree or to enter the soil about the base or root system of a tree in any manner that may injure or kill it.
- 107.4 Interfere, cause or authorize an interference with the Municipality or any of its agents or employees while they are engaged in planting, inspecting, maintaining or removing trees.
- 107.5 Supervise or authorize construction, alterations, repairs or demolition activities in the vicinity of any tree in any public area without first placing sufficient guards or protectors as shall prevent injury or destruction of said tree arising out of such activities. The placement of guards or protectors shall be in accordance with Department rules and regulations or with written authorization of the Director.
- 107.6 Place or maintain upon the ground any asphalt, cement, stone or other material or substances in such manner as may obstruct free access of air and water to the roots of any tree in any public area.
- 107.7 Fasten any rope, wire, electric attachment, sign or other device to any tree in any public area or to any guard about such tree without a written permit from the Department specific to the tree(s) involved.
- 107.8 Plant, prune, fertilize or apply fungicides, insecticides or other chemical substances to any tree in any public area without a written permit from the Department specific to the tree(s) involved.
- 107.9 Remove or tamper with any object or device set for the protection or treatment of any tree in any public area without a written permit from the Department specific to the tree(s) involved.
- 107.10 Pile any building material or make any mortar or cement within six (6) feet of any tree in any public area.
- 107.11 Hitch or fasten any animal, bicycle or vehicle to any tree in any public area.

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

- 108.1 For willfully injuring or killing a living tree in any public area by cutting, debarking, breaking, by the use of herbicides, use of a 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 one hundred dollars (\$100) nor more than six hundred dollars (\$600) 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 accordance with §104 of this Ordinance.
- 108.2 For failure of a property owner to remove, partially remove or treat a tree on private property, as ordered in accordance with this ordinance, the property owner shall be fined not more than one hundred dollars (\$100) per day. Each day the property owner remains in violation shall constitute a separate offense.
- 108.3 For all other violations, where it is determined by the District Justice that such damage or destruction was not intentionally inflicted, a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) plus the cost of repairing or replacing the 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 accordance with §104 of this Ordinance.

Mt. Lebanon, PA

**Municipal Policies, Rules and Regulations
For Tree Work**

These policies, rules and regulations are adopted by the Commission pursuant to Ordinance No. 3061 enacted on September 23, 2002, and Resolution No. 21-02 adopted on September 23, 2002. Terms used in this document are as defined in the Ordinance.

I. Scope of Requirements

The Public Works Department is authorized to issue permits for certain work on trees by persons who are not municipal employees.

Nothing in these regulations shall be construed to exempt any person from the requirements of obtaining any additional permits or licenses as required by law.

II. Permit Applications

Permits may be issued if the following requirements are met:

An application has been signed by the applicant and submitted to the Director or the Department Superintendent indicating details such as location, number, size and species of trees to be affected. The purpose and methods to be used shall be described. Any additional information requested by the Director shall be provided.

III. Safety Practices

All work shall be performed in accordance with the following standards:

Title 29 CFR, Part 1910.333 (OSHA's General Industry Standards) Title 29 CFR, Part 1910.269 (OSHA's General Industry Standards)

PennDOT Work Zone Traffic Control Publication 203 — April 1, 1994 (67 PA Code, Chapter 203)

IV. Rules and Regulations For Arbor Work

A. Requirements Pertaining to the Pruning of Trees

1. All pruning shall be performed in accordance with the International Society of Arboriculture Tree Pruning Guidelines — 1995, as revised from time to time, and the following standards of the American National Standards Institute:

ANSI Z 133.1 1994 Tree Care Operations; Safety Practices

ANSI A 300 1995 Tree Care Operations; Plant Maintenance/Standard Practices

2. All work pertaining to the treatment of trees for insects, disease or other pests shall be completed by a person(s) with a current pesticide application license and proof of license shall accompany the municipal application.
3. No tree shall be cut back in such a manner that its health will be impaired or that it constitutes a hazard to person or property. Exceptions include tree removal or emergency relief of an immediate hazard to person or property. Any such emergency procedures must be reported within one (1) day following the emergency to the Director or his/her designee, and plans for completion or follow-up work must be submitted for approval.
4. Authority to prune street trees does not include the cutting back of sound, healthy tree branches outside the stated purpose of the permit issued.
5. It shall not be permitted for any person or firm to “top” any tree in a public area. Topping is the severe reduction of upper branches of a tree without consideration for its normal growth habitat or natural form.
6. All deadwood and all broken limbs or other defective tree parts which constitute a hazard to the health of the tree, to public safety, or to property shall be removed.
7. Tree branches shall be removed and controlled in such a manner as not to cause damage to other parts of the tree or to other plants, people or property.
8. All tools used on a tree known to contain an infectious tree disease shall be properly disinfected immediately after completing work in such tree and prior to being used on any other tree.
9. All cutting tools and saws used in tree pruning shall be kept adequately sharpened to assure clean cuts without jagged edges.
10. All cuts are to be made to a side branch (lateral), at least one-third ($\frac{1}{3}$) of the diameter of the branch being cut where feasible.
11. When removing branches too large to be held securely in one hand during the cutting operation, such branches shall be cut off in segments, leaving a stub beyond the intended final cut. Final cuts shall then be made in a manner to prevent any unnecessary tearing of the bark or wood.
12. All final pruning cuts shall be made sufficiently close to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub, so

that closure can immediately begin under normal conditions. Clean cuts shall be made in all cases.

B. Standards of Workmanship for Pruning and Removal

1. The use of climbing spurs or spikes shall be permitted only in the process of removing a tree.
2. Trees in public areas or poles in the public right-of-way shall not be used as an anchor for any mechanical device or any process for any reason.
3. During the process of removing a tree or any part of a tree, the work site shall not be left unattended unless the tree and its branches are in a safe location.
4. Unless the tree work area is totally barricaded or otherwise kept free of hazards while pruning or removing trees, at least one responsible worker shall coordinate safe operations on the ground at all times while work is in progress.
5. Severed or partially cut branches shall not be left in the upper portion of any tree after the tree workers leave the work area.
6. Whenever large tree sections are being cut which may endanger a person or property, such materials shall be secured by ropes and lowered safely in a controlled manner.
7. Cleanup of branches, logs or any other debris resulting from any tree pruning or removal shall be promptly and properly accomplished. The work area shall be kept free of hazards at all times during the cleanup operation. The accumulation of brush, branches, logs or other debris shall not be allowed upon a public area in such a manner as to result in a public hazard.
8. All removal of trees in public areas shall be done in a manner such that the remaining stumps will be left as close to ground level as possible. If stump removal is required, they shall be ground at least eight (8) inches below ground level or removed intact.
9. Excavations resulting from tree or shrub removal must be filled in to conform to the surrounding ground level with a clean earth fill lightly compacted and free of debris. Surface material shall be restored to match adjacent material.

C. Authorized Types of Tree Pruning

Authorized types of tree pruning shall be in accordance with the National Arborist Association's Pruning Standards for Shade Trees as summarized herein:

1. Class I — Fine Pruning

Fine pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and 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 branch up to one-half (½) 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.

2. Class II— Standard Pruning

Standard pruning shall consist of the removal of dead, dying, diseased, decayed, interfering, objectionable, obstructing, and 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 branch up to one (1) inch in diameter, as described above, may remain within the main leaf area when it is not practical to remove it.

3. Class III — Hazard Pruning

Hazard pruning shall consist of the removal of dead, diseased, decayed, and obviously weak branches, two (2) inches in diameter or greater.

4. Class IV — Crown Reduction Pruning

Crown reduction pruning shall consist of the reduction of tops, sides or individual limbs. It involves the removal of a parent limb or dominant leader at the point of attachment of a lateral branch. This practice is to be undertaken only for the following reasons:

- a. Where branches interfere with utility lines.
- b. When there has been significant crown dieback.
- c. When due to storm damage or prior incorrect pruning, it is appropriate to prune for safety and aesthetic reasons.

D. Utility Line Clearing

1. A representative from the utility company shall contact the Superintendent of the Department one (1) week prior to pruning to clear wires around trees in public areas.
2. A daily schedule must be submitted (faxed) by the utility company to the Superintendent as to location and number of crews in the municipality.

3. Pruning techniques must be discussed and approved with the Director/ Superintendent of the Department prior to beginning work on trees in public areas.
4. No climbing spurs shall be used by trimmers on trees in public areas unless the tree is being removed.
5. No brush or limbs shall be deposited on municipal property or right-of-ways as a result of clearing utility lines.

E. Utility Line Installation — Gas, Water, Phone, etc.

1. Prior to any utility line replacement or installation, a representative of the utility company shall apply for a street opening permit accompanied by a sketch in detail of the proposed work.
2. The utility company representative shall contact the Director or Superintendent of the Department to review the type of construction to be used for the installation of the line.
3. The types of installation acceptable for the installation of utility lines in proximity to trees in public areas are drilling, lining and if no other alternative is feasible, open trenching.
4. When utility installation is completed, the trees must be fertilized to compensate for the root loss. A root invigorating method of fertilizing is acceptable and must be performed by a qualified applicator.
5. No tree in a public area may be removed without prior review and permission of the Department Director or Superintendent.

F. Installation of Curbs and Sidewalks in Public Areas

1. Sidewalks — roots less than two (2) inches in diameter of trees in public areas may be cleanly pruned without obtaining a permit. A permit is required to prune roots two (2) inches in diameter or larger. Sidewalk semi-circles are permitted to avoid trees or large roots but a minimum four (4) foot wide sidewalk must be maintained.
2. Curbs — Pruning or removal of roots two (2) inches in diameter or larger must be as directed by the Department Superintendent. Replacement of concrete curbing with metal curbing to avoid trees or large roots may occur only if permission is granted by the Municipal Engineer.

G. Tree Types in Public Areas

1. Only the following tree varieties shall be planted in public areas:

Maples	--	Red Sunset Armstrong Crimson King Schwedler Autumn Flame
Ash	--	European Hesse Green Marshall Seedless Summit
Linden	--	Greenspire Little Leaf Chancellor
Sweetgum		
Pear	--	Cleveland Select Respire

2. In public areas near overhead utility power lines, only the following tree varieties shall be planted:

Amur Maple

Hedge Maple

Crabappel	--	Red Barron Harvest Gold
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Pear	--	Jack Jill
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Hawthorn	--	Crusader
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Mt. Lebanon, PA
Resolution No. 21-02

A Resolution of Mt. Lebanon, PA, Adopting The Municipal Policies, Rules and Regulations For Tree Work.

WHEREAS, The Commission has enacted Ordinance No. 3061, regulating the planting, maintenance and removal of trees in the Municipality, providing for removal of hazardous trees and assessing the cost of planting new trees in some public areas; and

WHEREAS, Ordinance No. 3061 provides that the Department of Public Works may prepare, for Commission adoption by resolution, regulations to control tree pruning, spraying, root cutting and other work on trees in the Municipality; and

WHEREAS, the attached Municipal Policies, Rules and Regulations For Tree Work have been prepared by the Department of Public Works and reviewed by the Commission;

NOW, THEREFORE, BE IT RESOLVED by the Commission of Mt. Lebanon, PA, that the Commission hereby adopts the Municipal Policies, Rules and Regulations For Tree Work in the form attached hereto as Exhibit A.

Adopted this 23rd day of September, 2002.

ATTEST:

MT. LEBANON, PA

Manager/Secretary

President of the Commission