

**AN ORDINANCE OF MANSFIELD BOROUGH, TIOGA COUNTY, PENNSYLVANIA,  
AMENDING THE BOROUGH'S ORDINANCES TO ENACT A REVISED SHADE TREE  
ORDINANCE TO PROVIDE FOR GUIDANCE TO THE SHADE TREE COMMITTEE (A FIVE-  
MEMBER SHADE TREE COMMISSION), NOTICE OF MEETINGS REGARDING WORK,  
APPEAL TO BOROUGH COUNCIL AND PENALTIES FOR VIOLATION.**

**WHEREAS**, the Borough Council of the Borough of Mansfield, Tioga County, Pennsylvania, deems it to be in the best interests and safety of the citizens and residents of The Borough of Mansfield to enact the following Shade Tree Ordinance;

**NOW THEREFORE**, be it enacted and ordained by the Borough of Mansfield, Tioga County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

**Section 1. Definitions**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

**Street Trees:** "Street Trees" are herein defined as any tree, shrub, bush or other woody plant or vegetation on Borough right-of-ways and/or between property lines on either side of all streets, avenues, or ways within the Borough.

**Park Trees:** "Park Trees" are herein defined as any tree, shrub, bush, or other woody plant of vegetation in public parks, having individual names, and all areas owned by the Borough, or to which the public has free access as a park. This shall occur with the permission and/or consent of the property owner if such property is not owned by or within the right-of-way of the Borough.

**Green Space:** "Green Space" is herein defined as the typical planting space for trees located between the curb and sidewalk.

**Shade Tree Committee:** "Shade Tree Committee" (or "Committee") herein refers to the five-member commission defined and authorized by § 2722. (b) and (d) of the Borough Code.

**Shade Trees:** "Shade Trees" are herein defined as any Street Tree, Park Tree, tree planted in any Green Space, or any other tree planted pursuant to the terms of this Ordinance.

**Section 2. Creation of the Shade Tree Committee**

There is hereby created and established a Shade Tree Committee for the Borough of Mansfield, PA, which shall consist of five members, citizens, residents or property owners of the Borough, who shall be appointed by the current Committee members and approved by the Mansfield Borough Council.



### **Section 3. Term of Office**

The term of office for the five persons shall be for a term of five years. The terms of office will be staggered so that the council shall appoint members to staggered terms so that one term expires every year. In the event that a vacancy shall occur during any term of any member, his or her successor shall be appointed for the unexpired portion of the term.

### **Section 4. Compensation**

Members of the Committee will not be compensated.

### **Section 5. Duties and Responsibilities**

It shall be the responsibility of the Committee to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, selection of species, pruning, planting, replanting, removal or disposition of tree and shrubs in parks, along streets and in other permitted public areas. The Committee will also assist and educate the public in the proper procedures required to maintain healthy and attractive Street and Shade Trees. When there may not be any green space for planting between the curb and sidewalk, the Committee may make a request for approval to plant on the private property of a homeowner. If deemed appropriate, the tree planting will be within ten feet of the inside edge of the sidewalk. All tree planting plans for new developments and redevelopments must be reviewed and approved by the Committee. The Committee, when requested by the Borough Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within its scope of work.

### **Section 6. Operation**

The Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. If the Committee proposes to plant, transplant or remove shade trees on any street, pursuant to § 2720.3. of the Borough Code, notice of the time and place of the meeting at which the work is to be considered shall be given in one newspaper of general circulation once a week for two weeks immediately preceding the time of the meeting. The notice shall specify in detail the streets or portions upon which trees are proposed to be planted, transplanted or removed.

### **Section 7. Tree Selection and Spacing**

Rather than listing certain species that are deemed appropriate, the following guidelines will be followed: Small trees (20 feet or less), shall be spaced at least 25 feet apart; medium trees (25 to 35 feet), shall be spaced 30 to 35 feet apart; large trees (40 feet and more), shall be spaced 40 or more feet apart. There will be some flexibility in planting for trees that have a narrower canopy, i.e., their growth pattern is more vertical and less wide, allowing for closer planting. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed above. No trees



may be planted closer to any curb or sidewalk than the following: Small Trees, 1.5 feet; Medium Trees 2.5 feet; and Large Trees, 4 feet.

#### **Section 8. Distance from Curb and Sidewalk**

No Street Tree shall be planted closer than 35 feet of any street corner or 10 feet of any private driveway, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fire hydrant and 5 feet from any underground utilities.

#### **Section 9. Utilities**

No Street Trees other than Small Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

#### **Section 10. Public Tree Care**

The Borough shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the boundary lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Committee may request to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. Any homeowner desiring to remove a Street Tree from the green space, must first get approval from the Committee.

#### **Section 11. Tree Topping and the Protection of Street Trees**

It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Committee. Homeowners should avoid any activity that could damage the health of the Street Trees, including the following: No attachments will be allowed on trees, no chemicals, salt or other substances shall be applied to or around a tree to cause injury; when mowing or trimming around trees, care should be given to prevent "girdling" and injury to the roots of the trees, do not remove more than one-third of the leaf cover during pruning, to prevent overexposure to sunlight. On larger trees, do not allow climbing spikes to be used. The deliberate damaging of any shade tree will be subject to the penalties as outlined in Section 17.

#### **Section 12. Pruning, Corner Clearance**

Every owner of any tree overhanging any street or right-of-way within the Borough shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 15 feet for any roadway and 8 feet for any sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs



which constitute a threat to the safety of the public. The Borough shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

### **Section 13. Dead or Diseased Trees Removed on Private Property**

The Borough shall have the right to cause the removal of any dead or diseased trees on private property within the borough, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the borough. It will also be the responsibility of the Committee to recommend for removal or pruning any diseased trees that are on private property. The Committee's recommendation will be forwarded to the Borough Manager of Mansfield for enforcement. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Borough shall have the authority to remove such trees, and if charged to the property owner, the costs shall be certified, assessed against the property owners and collected in accordance with Chapter 21A of the Borough Code.

### **Section 14. Removal of stumps**

All stumps of street and park trees shall be removed below the surface of the ground so that the top stump shall not project above the surface of the ground.

### **Section 15. Sidewalk Heaving due to Tree Roots**

In the event of tree roots causing the heaving of sidewalk flags to the extent that there is a violation of the Borough Sidewalk Ordinance, it will be the responsibility of the homeowner to contact the Committee to develop a mitigation plan for the displaced sidewalk flags.

### **Section 16. Oversight by the Borough Council**

The Borough Council shall have the right to review the conduct, acts and decisions of the Shade Tree Committee. Any person may appeal any ruling or order of the Shade Tree Committee to the Borough Council who may hear the matter and make a final decision.

### **Section 17. Penalty**

Pursuant to § 2720.4. of the Borough Code, Council may assess penalties for the violation of regulations relating to shade trees and any penalty assessed may result in a lien upon the real estate of the offender and may be collected as municipal claims are collected. All penalties or assessments imposed under this subchapter shall be paid to the borough treasurer, to be kept in a separate fund and utilized only for the purposes authorized by Subchapter B of the Borough Code, related to Shade Trees.

### **Section 18. Severability and Reservation of Statutory Authority**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given



effect without the invalid provisions or application, and to this end the provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid for any reason such as unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein. Furthermore, this Ordinance is not intended to limit any powers, authority, or rights set forth in Subchapter B of the Borough Code, related to Shade Trees, and the Borough Council and Shade Tree Committee reserves any and all powers, authority, and/or rights enumerated in Subchapter B of the Borough Code, related to Shade Trees.

#### **Section 19. Abrogation**

This Ordinance supersedes and replaces Shade Tree Commission Regulations as set forth in Chapter 44 of the Code of the Borough of Mansfield, which part is hereby repealed.

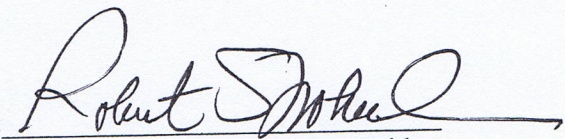
#### **Section 20. Effective Date**

This Ordinance shall become effective five (5) days after the adoption hereof.

Adopted, enacted, and ordained into law by Borough Council on behalf of the Borough of Mansfield, Tioga County, Pennsylvania, on this 13th day of June, 2018.

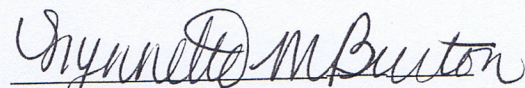
#### **MANSFIELD BOROUGH COUNCIL**

Signed:

  
Robert Strohecker, Council President

(SEAL)

ATTEST:

  
Lynnette Burton, Secretary



THIS ORDINANCE HAS BEEN REVIEWED AND APPROVED BY THE MANSFIELD  
BOROUGH MAYOR ON THE 13<sup>th</sup> DAY OF JUNE, 2018.

Signed: \_\_\_\_\_

A handwritten signature in dark ink, appearing to be 'Michael Detweiler', written over a horizontal line.

Michael Detweiler, Mayor