

ORDINANCE NO. 635

AN ORDINANCE PROVIDING FOR THE CREATION OF A SHADE TREE COMMISSION, THE NUMBER, ORIGINAL COMPOSITION AND TERMS OF THE COMMISSIONERS, THE POWERS OF THE COMMISSION, REQUIRING AN ANNUAL REPORT TO BE SUBMITTED TO COUNCIL, NOTICE REQUIREMENTS PRIOR TO ACTION BEING TAKEN BY THE COMMISSION, CERTAIN COSTS AND EXPENSES TO BE PAID FOR BY THE BOROUGH, APPROPRIATIONS FOR THE COMMISSION, REPEAL OF INCONSISTENT ORDINANCES, AND EFFECTIVE DATE.

PURSUANT to Borough Code Section 2721 et seq., 53 P.S. Section 47721 et seq., BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Ford City as follows:

SECTION 1: SHADE TREE COMMISSION

Be it ordained and enacted by the Borough of Ford City that a Commission is established to be known as the "Shade Tree Commission".

SECTION 2: COMPOSITION OF COMMISSION

The Commission shall be composed of three residents of the Borough, who shall be appointed by the Council, and shall serve without compensation. Upon creation of the Commission, the Council shall appoint 1 member for a term of three (3) years, 1 member for a term of four (4) years, and 1 member for a term of five (5) years. On the expiration of the term of any commissioner, a successor shall be appointed by the Council to serve for a term of five (5) years. Vacancies in the office of commissioner shall be filled by the Council for the unexpired term.

SECTION 3: POWERS OF COMMISSION

1. The Commission shall have exclusive custody and control of the shade trees in the Borough parks and lands, and is authorized to plant, remove, maintain and protect shade trees on the streets and highways in the Borough.

2. The Commission may employ and pay, with Councils' approval, such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make and enforce regulations for the care and protection of the shade trees of the Borough. No such regulation shall be in force until it has been approved by the Council and enacted as an Ordinance.

SECTION 4: REPORT OF COMMISSION

The Shade Tree Commission shall annually report in full to the Council its transactions and expenses for the last fiscal year of the Borough.

SECTION 5: NOTICES BY COMMISSION

Whenever the Shade Tree Commission proposes to plant, transplant, or remove shade trees on any street, notice of the time and place of the meeting at which such work is to be considered shall be give in one newspaper of general circulation in the Borough 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 so

planted, replanted or removed.

SECTION 6: PAYMENT BY BOROUGH

The cost of planting, transplanting or removing any shade trees originally planted by the Borough, in and along the streets and highways in the Borough, of the necessary and suitable guards, curbing or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid for by the Borough.

SECTION 7: MAINTENANCE BY BOROUGH; TAX LEVY

The cost and expenses of caring for such trees after having been planted by the Borough and the expense of publishing the notice hereinbefore provided for shall be paid by the Borough.

The needed amount shall each year be certified by the Commission to the Council and shall be drawn against, as required by the Commission, in the same manner as money appropriated for Borough purposes.

The Council may levy a general tax, not to exceed the sum of one-tenth of one mill on the dollar on the assessed valuation of the property in said Borough taxable for county purposes, for the purpose of defraying the cost and expenses of caring for such shade trees and the expense of publishing the notice; or it may provide for the expense of the caring for trees already planted and of publishing the notice by appropriations equal to the amount certified to be required by the Commission.

SECTION 8: REPEALER

All prior ordinances which are inconsistent with this ordinance are hereby repealed to the extent of any inconsistencies.

SECTION 9: EFFECTIVE DATE

This ordinance shall become effective immediately upon passage.

DONE, ORDAINED AND ENACTED at a Regular Meeting of Ford City Borough Council held at Council Chambers on the 4th day of May, 1998.

BOROUGH OF FORD CITY

ATTESTS
(SEAL)

Connie Habousky
SECRETARY

BY: Homer G. Pendleton

EXAMINED AND APPROVED THIS _____ DAY OF _____, 1998.

John D. Zanetti
MAYOR