



Borough of Denver
501 Main Street, Denver, PA 17517

**Shade Tree Commission Tree Pruning and
Removal Permit Application**

Date: _____

Permit Number: _____

Property Owner: _____

Address: _____

Telephone Number: _____ Email Address: _____

Work Being Performed By: _____

Telephone Number: _____ Email Address: _____

Nature of Work

PRUNING

REMOVAL

Attached is a copy of Chapter 183, Trees, from the Code of Ordinances of the Borough of Denver, governing the planting, care, and removal of shade trees, shrubs, and other plantings along the Borough's streets, highways, and right-of-ways.

Permit Granted By: _____ Date: _____



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Chapter 183. Trees

[HISTORY: Adopted by the Borough Council of the Borough of Denver 3-6-1989 by Ord. No. 434 (Ch. 25, Part 1 of the 1996 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Shade Tree Commission — See Ch. 52.

§ 183-1. Definitions and word use.

- A. As used in this chapter, the present tense includes the future; the singular number includes the plural, and the plural includes the singular; and the masculine includes the feminine and the neuter.
- B. Words and terms defined. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated:

BOROUGH

The Borough of Denver, Lancaster County, Pennsylvania.

COMMISSION

The Shade Tree Commission of the Borough of Denver.

COUNCIL

Borough Council of the Borough of Denver.

PERMIT

A written form issued by the Secretary of the Commission granting authority to perform specific work to shade trees.

PERSON

Any natural person, firm, association, partnership, corporation or any other legally recognized entity and the members of such partnership and the officers of such corporation.

SHADE TREE

Any tree, shrub or other woody plant in or upon any public right-of-way within the Borough or that part of any tree, shrub or other woody plant which extends within the lines of any right-of-way within the Borough.

§ 183-2. Permit required.

No person shall plant, prune, trim or remove any shade trees within the Borough without first making application upon forms furnished by the Commission and receiving an approved permit.

§ 183-3. Care provisions.

Property owners shall be responsible to maintain shade trees trimmed to a minimum height over streets and highways to provide a clearance of 13 feet and to keep shade trees trimmed overhanging a public sidewalk to provide a minimum clearance of eight feet. The Commission shall have the authority to designate a higher clearance where conditions make such clearance desirable. If a property owner shall neglect or refuse to trim shade trees after receiving written notification from the Commission to do so within a time specified by the Commission, the Commission may thereafter cause such trimming to be done at the expense of the property owner. The cost of such trimming shall be billed to the property owner and upon failure or refusal to pay, a municipal claim shall be filed against such premises.

§ 183-4. Tree planting and locations.

No shade tree shall be planted without receiving a permit from the Commission. In order to secure uniformity and successful growth, the species and location of any shade tree shall be reviewed by the Commission which shall determine whether such proposed tree is suitable.

§ 183-5. Treatment of trees.

A. No person shall, without first obtaining a permit therefor:

- (1) Cut, break or injure in any manner any shade tree.
- (2) Cut or interfere in any way with the main roots of any shade tree.
- (3) Place or plant any substance or material around the base of a shade tree except heavy mulch, ornamental flowers or vegetative ground cover such as ivy. Material or plantings at the base of a shade tree shall not exceed 12 inches in height.
- (4) Place or secure any rope, guywire, cable, sign, poster or any other fixture on any shade tree.
- (5) Cause or permit any saltwater, oil, dye or any other substance deleterious to tree life to lie, leak or flow on or into the soil about the base of any shade tree.
- (6) Fasten a horse or any other animal to stand so that such horse or other animal can injure any shade tree.

B. Nothing in this section shall be construed to prohibit the proper watering, with clean water, to foster normal tree growth or the proper spraying of approved fungicides and insecticides to control disease and insect pests.

§ 183-6. Protection of trees during construction.

Before and during the erection or repair of any building or structure or during other construction, the builder, contractor or property owner shall erect or cause to be erected suitable guards to protect the trunk and roots of any shade tree. Construction materials shall not be placed or stored so as to impede the passage of air and water to the roots of any shade tree within the construction zone.

§ 183-7. Diseased or unsafe trees.

The Commission may, upon 10 days' written notice, order the owner of property situated within the Borough to cut down and remove any diseased shade tree which in the judgment of the Commission threatens to infect and destroy adjacent healthy shade trees or which shall endanger public safety or property within the Borough. Upon failure of the property owner to comply with the order of the Commission within the specified time, the Commission shall have the work done and the property owner shall be billed the actual cost of the work. If the property owner does not pay such bill, the cost shall be filed as a municipal claim against the property.

§ 183-8. Appeals.

A property owner shall have the right to appeal any order of the Commission to Council. Any such appeal shall be filed in writing. Council shall hold a hearing upon such appeal in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. § 551 et seq.

§ 183-9. Violations and penalties.

A. The Commission shall have the authority to revoke any permit issued to any person violating any of the provisions of this chapter or of any order of the Commission and may require any damage to be repaired or replaced by the property owner or cause the same to be done at the expense of the property owner.

- B.** Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each violation occurring after written notification shall constitute a separate offense punishable by like fine and penalty. Such fines and penalties shall be collected as permitted by law. Upon summary conviction, the person found guilty may be assessed reasonable attorneys' fees incurred by the Borough in the enforcement proceedings in accordance with Section 3321(6) of the Borough Code. *Editor's Note: See 53 P.S. § 48321(6).* **[Amended 4-8-1996 by Ord. No. 475; 7-29-2013 by Ord. No. 612]**