



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, CREATING AN ENVIRONMENTAL ADVISORY COUNCIL, PROVIDING OPERATING PROCEDURES AND STATING THE POWERS OF THE COUNCIL.

WHEREAS, the Council of the Borough of Tarentum, County of Allegheny, Commonwealth of Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of Tarentum Borough to be advised as to environmental issues within the Borough, the protection and preservation of natural resources within the Borough, possible uses of open land in the Borough, and creating inventories of natural areas with unique features within the Borough; and

WHEREAS, the Council of the Borough of Tarentum has the power to make and adopt ordinances necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough; and,

WHEREAS, Section 11501 of the Act of Dec. 21, 1973, P.L. 425, No. 148, Chapter 30C - Environmental Advisory Councils authorizes the governing body of any Borough to establish, by ordinance, an Environmental Advisory Council to advise other local government agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources including air, land and water resources, located within its territorial limits.

WHEREAS, Borough Council desires to merge the responsibilities of the Environmental Advisory Council with that of the Shade Tree Commission for a more effective administration of these joint efforts; and;

WHEREAS, pursuant to the Borough Code, 8 Pa.C.S. § 2721, entitled "Shade Tree Commission", Borough Council is authorized to establish a shade tree commission and delegate to the shade tree commission the exclusive care, custody and control of shade trees and authorization to plant, transplant, remove, maintain and protect shade trees on the streets and highways in the borough, and;

WHEREAS, the shade tree commission may make and enforce regulations for the care and protection of shade trees as necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens, and;

WHEREAS, the intent of this Ordinance is to create an Environmental Advisory Council who shall jointly operate as a Shade Tree Commission within the Borough, and shall have the authority to carry out all of the roles and responsibilities described under Borough Code, 8 Pa.C.S. § 2721, entitled "Shade Tree Commission."



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Council of the Borough of Tarentum, and it is hereby ordained and enacted by authority of same as follows:

Section I. Title and Repealer.

1. This Ordinance shall create an advisory council to be known as the Environmental Advisory Council of Tarentum Borough and shall continue to function until this ordinance is revoked.
2. All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section II. The Environmental Advisory Council.

1. An Environmental Advisory Council is hereby established. The council shall consist of five members who are citizens of the Borough, appointed to serve three (3) year terms except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year.
2. All council members shall be appointed by the Tarentum Borough Council.
3. Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.
4. Council members shall receive no compensation for their services but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.
5. Tarentum Borough Council shall designate the chairman of the Environmental Advisory Council.
6. The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials, planning commission and other such local governmental agencies.
7. The Environmental Advisory Council shall keep records of its meetings and activities and shall make an annual report which shall be made available to Borough Council and the general public. Minutes of each meeting shall be forwarded to the governing body.
8. The governing body of Tarentum Borough may at its discretion, from time to time, appropriate funds for the expenses incurred by the Council.

Section III. Definitions and Interpretations.

1. In interpreting this ordinance, the present tense includes the future; the singular number includes the plural, and the plural includes the singular; and the work person includes natural person, partnership, firm, association and corporation.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

- a. BOROUGH – The Borough of Tarentum.
- b. BOROUGH COUNCIL – The duly elected members of the Tarentum Borough Council.
- c. COMMISSION – The duly appointed members of the Environmental Advisory Council, formerly known as the Shade Tree Commission of the Borough.
- d. COUNCIL – The duly appointed members of the Environmental Advisory Council.
- e. RIGHT-OF-WAY – The area of any public street, road, highway or other publicly held thoroughfare within the corporate limits of the borough that has been designated by law as a public right-of-way.
- f. SHADE TREE – Any tree, shrub or other woody plant, which is planted in any right of way, or has at least one half of trunk, branches or roots extending into any right of way.

Section IV. Intent and Purpose.

1. The purpose of the said Environmental Advisory Council shall be to advise other governmental agencies, including, but not limited to, the elected officials of the Tarentum Borough, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within the territorial limits of the Borough and to establish a liaison for cooperation with Environmental Advisory Councils of other municipalities or like agencies at the municipal, county, state or federal level and also with nongovernmental organizations that have an interest in improving natural resources and the environment.
2. In furtherance of the aforementioned purpose, one aspect of protecting and managing natural resources includes regulation of shade trees located within the Borough. To that end, the Borough recognizes that properly planted, maintained and protected shade trees add to the aesthetics and health and welfare of the citizens of the borough. Therefore, it shall further be the intent of this ordinance to vest within the Environmental Advisory Council a joint role of the “Shade Tree Commission” for the Borough, define the mission of that Council and establish rules and regulations to encourage the planting of appropriate shade trees, provide for the proper maintenance of the trees, protect shade trees and provide guidelines for the removal and replacement of shade trees.

Section V. Merger of Shade Tree Commission Responsibilities.

1. The Environmental Advisory Council shall be merged with the Shade Tree Commission, and shall carry out all of the roles and responsibilities described in Borough Code, 8 Pa.C.S. § 2721, entitled “Shade Tree Commission”.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

2. The Environmental Advisory Council shall jointly operate as the Shade Tree Commission of Tarentum Borough. As such, the Environmental Advisory Council shall have the exclusive care, custody and control of shade trees and authorization to plant, transplant, remove, maintain and protect shade trees on the streets and highways in the borough.
3. The Environmental Advisory Council may make and enforce regulations for the care and protection of shade trees as necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens.

Section VI. Powers of the Environmental Advisory Council.

The Environmental Advisory Council shall have the following powers:

1. Identify environmental problems.
2. Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the area of this municipality.
3. Make recommendations as to the possible use of open land areas of this municipality.
4. Promote a community environmental program.
5. Keep an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and other unique natural areas.
6. Advise the appropriate local governmental agencies in the acquisition of property, both real and personal.
7. To undertake such environmental tasks as requested by the governing body of this municipality.
8. Assume responsibility for the custody, care and protection of shade trees within the municipality.
9. To issue permits required by this ordinance, and to enforce the provisions of this ordinance as provided by law.
10. To act as an advisory panel to Borough Council on all borough matters having an environmental impact on the borough, including, but not limited to, land development, park development or improvements, and downtown revitalization projects.
11. To report to Borough Council through the Borough Manager, or as the President of Borough Council may otherwise direct.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

Section VII. General Provisions for Shade Trees.

1. The maintenance, care or removal of any shade tree as defined herein, and required compliance with any provision of this ordinance shall be the responsibility of the property owner on whose property the tree is located or whose property abuts the right of way in which the shade tree is located.
2. No person, without first obtaining a permit, shall cut, prune, break, affix any foreign object to, or in any way cause injury to any shade tree within any public right of way or municipal park within the borough.
3. No person, without first obtaining a permit, shall plant a shade tree within any public right of way or municipal park within the borough.
4. No person, without first obtaining a permit, shall remove a shade tree within any public right of way or municipal park within the borough.
5. All mature shade trees shall be kept trimmed to a minimum branching height of ten (10) feet, except that the Council may require greater height clearances to eliminate traffic and other hazards.
6. Whenever, in the opinion of the Council, a health or safety hazard caused by a shade tree, the Council may issue a written order to the responsible property owner to take action to correct the condition within ten (10) days of the date of the order. If after written notification, the responsible property owner fails to take corrective action, the borough shall have the required work accomplished to correct the health or safety condition and shall bill the responsible property owner. Failure to remit by the responsible property owner may result in a lien placed against the property by the borough.
7. Whenever a new shade tree is planted within ten (10) feet of a curb or public sidewalk, a root barrier of a type approved by the Council shall be required.

Section VIII. Special Provisions for Shade Trees Located in Commercial District.

1. In addition to the foregoing general provisions, the following special provisions shall apply to shade trees located in the commercial districts of the borough.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

- a. A minimum sidewalk opening of four (4) feet square shall be required for each shade tree. The opening shall be paved with a flush, smooth, hard surface such as brick or concrete pavers laid on sand.
- b. Only the following types of trees may be planted in the right of way: Hybrid Red Maples, Lindens, Thornless Honey, Locusts, Pears and Elms. The planting of any other type of tree shall require permission from the Council.
- c. Whenever a shade tree is removed in a Commercial District, the shade tree shall be replaced in accordance with this ordinance. All removed shade trees shall be replaced except when a change in street construction or land development makes it impossible, or would cause the replacement to be a safety or health hazard. A decision not to replace a removed shade tree must be approved by the Council.
- d. The Council shall annually inspect all shade trees within the Commercial District and shall file a report with Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of October.

Section IX. Special Provisions for Shade Trees Located in Parks, Open Space and Recreation Areas.

1. The Council shall annually inspect all shade trees in the parks of the borough and all open space and recreational areas owned by the Borough, and shall file a report with Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of October.
2. Any new planting proposals shall be reviewed by the Council and the Council shall make recommendations on the type of tree that should be planted.

Section X. Permit Fees.

1. Fees for permits shall be set from time to time by Resolution of Borough Council.

Section XI. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision of this ordinance shall upon conviction thereof, be guilty of a summary offense, and may be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs; and/or undergo imprisonment not to exceed ninety (90) days. Every day that a violation of this ordinance continues shall constitute a separate offense.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #21-05

Section XII. Severability.

1. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section 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.

IN WITNESS WHEREOF, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this 4th day of May, 2021.

ATTEST:

BOROUGH OF TARENTUM


 Michael L. Nestico, Borough Manager


 Scott Dadowski, President of Council

EXAMINED AND APPROVED by me this 4th day of May, 2021.


 David A. Regoli, Esq., Solicitor


 Eric Carter, Mayor