
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 905 Session of
2015

INTRODUCED BY M. DALEY, ROSS, HARPER, GINGRICH AND FREEMAN,
APRIL 6, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 6, 2015

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in recreation places,
3 shade trees and forests, further providing for care, custody
4 and control, for notice of work and for shade tree
5 commission.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 2720(b) and 2720.3 of Title 8 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2720. Care, custody and control.

11 * * *

12 (b) Planting, transplanting or removal.--

13 (1) Council may, by ordinance, and with or without the
14 petition of a majority of the property owners, upon any
15 public street in the borough, plant, transplant or remove
16 shade trees. Council may, with or without petition, require
17 the planting and replanting of suitable shade trees along and
18 upon the sides of the streets, upon alignment and at points
19 as may be designated by ordinance, by the owners of property

1 abutting the street at the points designated. Any ordinance,
2 rule or regulation enacted under this chapter may establish
3 or reference an inventory of existing shade trees in the
4 borough and a list of shade tree species suitable for
5 planting or transplanting.

6 (2) Before the enactment of any ordinance requiring the
7 planting, replanting, transplant or removal of shade trees,
8 council may consider the following factors:

9 (i) The effect the action proposed by the ordinance,
10 or maintenance related to the ordinance, may have on the
11 environment.

12 (ii) The long-term effects and short-term effects
13 the ordinance may have on public and private property,
14 including the benefits provided to property, the
15 replacement and maintenance costs for private and public
16 improvements and potential interference with utility
17 rights-of-way or service.

18 (iii) The effect the action proposed by the
19 ordinance may have on pedestrian and traffic safety,
20 including impairment of any clear sighting at
21 intersections and other rights-of-way.

22 § 2720.3. Notice of work.

23 If council proposes to plant, transplant or remove shade
24 trees on any street, notice of the time and place of the meeting
25 at which the work is to be considered shall be given in one
26 newspaper of general circulation once a week for two weeks
27 immediately preceding the time of the meeting. The notice shall
28 specify in detail the streets or portions upon which trees are
29 proposed to be planted, transplanted or removed. In the event
30 that a shade tree commission is to undertake the work, the

1 commission shall provide the notice. During the meeting at which
2 the work is to be considered, council or the commission shall
3 address the factors set forth in section 2720(b)(2) (relating to
4 care, custody and control).

5 Section 2. Section 2721 of Title 8 is amended by adding a
6 subsection to read:

7 § 2721. Shade tree commission.

8 * * *

9 (b.1) Regulations of commission.--Before the approval and
10 enactment of any regulation in accordance with this section, the
11 commission shall present to council information on the factors
12 set forth in section 2720(b)(2) (relating to care, custody and
13 control).

14 * * *

15 Section 3. This act shall take effect in 60 days.