

SHADE TREE COMMISSION
Act of May 31, 1907, P.L. 349, No. 251
AN ACT

Cl. 11

To provide for the planting and care of shade-trees, on highways of townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania, and providing for the cost thereof.

Section 1. Be it enacted, &c., That in townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania there may be appointed, in the manner hereinafter provided, a Commission of three freeholders, to be known and designated as the Shade-tree Commission of the said township, borough, or city, who shall serve without compensation, and who shall have exclusive and absolute custody and control of, and power to plant, set out, remove, maintain, protect, and care for, shade-trees, on any of the public highways of the said townships, boroughs, and cities, the cost thereof to be provided for in the manner hereinafter stated: Provided, That in townships, boroughs, or cities in which a Commission for the care of public parks shall have been created, said Commission shall, upon the acceptance of this act as provided in section two, be charged with the duties of the Commission as above provided, and shall, for that purpose, be possessed of all the powers herein mentioned and granted.

Section 2. The commissioners of any township of the first class, or the councils of any borough or city, in the State of Pennsylvania, may, by majority vote in the case of the commissioners, or by joint resolution in the case of the councils, accept the provisions of this act; and when such majority vote or joint resolution shall have been duly passed and approved, and such Shade-tree Commissioners appointed, or, in their stead, the duties and powers herein provided have been devolved upon an existing park commission, then, from that time and in that event, this act and all its provisions shall be in full force and application in such township of the first class, borough, or city, so accepting; and such commissioners shall be appointed, for terms of three, four, and five years, respectively, and, on the expiration of any term, the new appointment shall be for five years, and any vacancies shall be filled for the unexpired term only; and in townships of the first class the said appointment shall be made by the commissioners thereof; and in boroughs, by the chief burgess, and in cities, by the mayor thereof: Provided, That in cities where a Commission exists for the care of public parks, the term and appointment of such Commission shall not be changed by this act, but shall be and remain as provided by the act of Assembly, and by the ordinance of councils creating such Commission for the care and maintenance of public parks. And such Shade-tree Commission shall, twice in every year, report in full its transactions and expenditures for the municipal fiscal year then last ended, to the authority under and by which it was

appointed: Provided, That an existing park commission, acting under this enactment, may embody its report in its regular report to the councils, as by law or ordinance provided.

Section 3. That when such shade-tree commissioners, or park commissioners so acting, shall propose the setting out or planting or removing of any shade-trees, or the material changing of the same in any highway, they shall give public notice of the time and place appointed for the meeting at which such contemplated work is to be considered, specifying in detail the highways, or portion thereof, upon which trees are proposed to be planted, removed, or changed, in one or more--not exceeding two in all--of the newspapers published in said township, borough, or city, once each week for at least two weeks, prior to the date of said meeting.

Section 4. The cost of planting, transplanting, or removing any trees in any highway, and of suitable guards, curbing, or grating for the protection thereof, when necessary, and of the proper replacing of any pavement or sidewalk necessarily disturbed in the doing of such work, shall be borne by the owner of the real estate in front of which such trees are planted, set out, or removed; and the cost thereof as to each tract of real estate shall be certified by the commissioners to the township commissioners, or to the presidents of the councils in boroughs and cities, and also to the person having charge of the collection of taxes for the said township, borough, or city; and upon the filing of said certificates, the amount of the cost of such improvement, of which notice shall also be given to each property owner involved, accompanied with a copy of the aforesaid certificate, together with a notice of the time and place for payment, shall be and become a lien upon said real estate, in front of which said trees have been planted, set out, or removed; said lien to be collectible, if not paid in accordance with notice as herein provided, in the same manner as other liens for taxes are now collectible against the property involved.

Section 5. The cost and expense of caring for said trees after having been planted or set out, and the expense of publishing the notices provided for in section three, shall be borne and paid for by a general tax, to be levied annually in the manner that taxes for township, borough, and city purposes are now levied in such townships of the first class, boroughs, or cities; such tax not to exceed the sum of one-tenth of one mill on the dollar on the assessed valuation of the property in such townships of the first class, boroughs, or cities; and the needed amount shall each year, in due time, be certified by the shade-tree commissioners to the proper authorities charged with the assessment of taxes in said townships, boroughs, or cities, to be assessed and paid, as other taxes are assessed and paid, and to be drawn against as required by said commissioners, in the same manner as moneys appropriated for township, borough, or city purposes, are now drawn against in said townships, boroughs, or cities: Provided, That the commissioners of any township of the first class, and the councils of any borough or city, accepting the provisions of this act, may provide for the expense of the maintenance of trees on highways, in accordance

with the provisions of this section by actual appropriation, equal to the amount certified to be required by the said Commission, in lieu of the specific assessment above authorized.

Section 6. The Commission, under which the provisions of this act shall be carried out, in any township of the first class, borough, or city, shall have power to employ and pay such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require; and to make, publish and enforce regulations for the care of, and to prevent injury to, the trees on the highways of any township, borough, or city accepting the provisions of this act; and to assess suitable fines and penalties for violations of this act, provided such regulations shall have been published at least twice in one or more, not exceeding two, newspapers of the township, borough, or city, involved, after having been submitted to and being approved by the commissioners of the township of the first class, or the councils of the borough or city affected; and such fines and penalties, so assessed for violations of this act, shall become liens upon the real property of the offender, and be collectible by the constituted authorities as liens for taxes upon real property are now collected.

Section 7. All the moneys due and collected from fines or penalties or assessments, in consequence of the acts of said Shade-tree Commission in enforcing this act, shall be paid to the treasurers of the townships, boroughs, and cities accepting its provisions, and shall be placed to the credit of said Commission, subject to be drawn upon by the said Commission for the purposes of this act.

Section 8. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 9. This act shall take effect immediately; but its provisions shall not be and become binding upon any township, borough, or city until it has been duly accepted, as provided in section two.