



## SHADE TREE WORK PERMIT APPLICATION (NO FEE)

Please fill out this application and return it to the Borough of Emmaus, 28 S. 4<sup>th</sup> Street, Emmaus, PA 18049. For questions, please call 610-965-1322.

PROPERTY ADDRESS: \_\_\_\_\_

OWNER'S NAME: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

The Emmaus Shade Tree Ordinance contains regulations pertaining to street trees planted within the Borough right-of-way (12 ft. from the curb/property line). As such, you are required to have permission to complete the work stated below:

☐ Remove a tree: \_\_\_\_\_

☐ Plant a new tree: \_\_\_\_\_

☐ Replace a tree: \_\_\_\_\_

☐ Prune a tree: \_\_\_\_\_

☐ Other: \_\_\_\_\_

WORK MUST BE COMPLETED BY: \_\_\_\_\_

FAILURE TO COMPLETE THIS WORK WILL RESULT IN THE IMPOSITION OF FINES AND/OR PENALTIES AS STIPULATED IN THE CURRENT EMMAUS SHADE TREE ORDINANCE, which may include a fine together with costs of remediation by the the Borough or subcontractor, and payment of legal fees.

For complete SHADE TREE ORDINANCE please refer to:

[www.borough.emmaus.pa.us](http://www.borough.emmaus.pa.us)—Code of Ordinances—Chapter 25 Trees

**§103. Trees on Private Property.** All property owners shall be responsible for the maintenance of trees and shall prune any tree overhanging the streets and highways of the Borough so that they will not obstruct the light from any streetlight or from any traffic sign, and so that there shall be a clear height of fourteen (14) feet above the surface of the street and ten (10) feet over the sidewalk. The Shade Tree Commission or its designee shall deliver or mail notice of noncompliance with this Part to a property owner, which notice shall advise the property owner of the noncompliance and directing the noncompliance be corrected within fifteen (15) workdays, unless the time is extended by the Commission or its designee. If a property owner fails to complete the work within the time limits specified in such notice, the Borough may cause such pruning to be done at the expense of the owner either by Borough employees or by a subcontractor, with the expense to be placed as a lien against the property, together with administrative expenses and legal and filing fees. (Ord. 1006, 9/5/2006)

**§104. Dead or Dying Trees in Public Right-of-Way.** Trees located in a public right-of-way must be maintained by the adjacent property owner. The Shade Tree Commission may direct a property owner to remove a dead or dying tree. In its discretion, the Commission may direct that the stump of the dead or dying tree be ground to a depth sufficient to allow for a replacement tree. The Commission shall decide whether the property owner is required to plant a tree in place of the removed tree. If the work is not completed within fifteen (15) work days or a time period deemed appropriate by the Commission, the Borough may cause such work to be done at the expense of the owner either by Borough employees or by a subcontractor, with the expense to be placed as a lien against the property, together with administrative expenses and legal and filing fees if not paid in accordance with the billing of the Borough.(Ord. 1006, 9/5/2006)

**§105. Hazardous Trees on Private Property and Public Areas.**

1. Trees Posing a Potential Hazard. When the Commission determines that a tree or portion of a tree on private property or in a public area is damaged, diseased or in such condition to cause a potential hazard to the public or to other trees on public or private property, the Shade Tree Commission shall be authorized to act consistent with the following:

A. If the tree is in a public area, the Commission shall direct that the tree shall be removed, pruned, or treated. Property owners so ordered shall have ten (10) days following receipt of the order to appeal to the Commission. The Commission shall hear the appeal and make a determination within ten (10) days of the receipt of the appeal. Following a determination by the Commission, the property owner shall comply within fourteen (14) days. If the property owner fails or refuses to comply, the property owner shall be subject to the penalties specified in §108(B). In addition, the Director is authorized to re-move said hazardous tree or portions thereof, all costs for such work shall be assessed and, if not paid, shall be a lien against the property.

B. If the tree is on an area of private property over which the Shade Tree Commission does not exercise jurisdiction, then the Shade Tree Commission is authorized to provide notice to the property owner that the tree is hazardous.

2. Trees Posing an Immediate Hazard. When the Commission or Director determines that a tree or portion of a tree in a public area is damaged, diseased or in such condition to cause an immediate hazard to the public or to other trees on public or private property (involving a direct and imminent threat to person or property), the Director may remove the hazard without notice or appeal. All costs for such work shall be assessed and, if not paid, there shall be a lien placed against the property. (Ord. 1006, 9/5/2006; as amended by Ord. 1072, 7/19/2010, §105)

**§107. Violations.** It shall be unlawful for any person to carry out any of the following activities concerning a public tree:

- A. Top any tree, which is the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough (at least one-third (1/3) the diameter of the branch being cut) to assume the terminal role.
- B. Climbing with spikes on any tree.
- C. Cause or authorize a wire or other conductor charged with electricity to come into contact with any tree in a manner that may injure or kill it.
- D. Cause or authorize any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid or solid substances deleterious to trees to contact any