

ORDINANCE NO. 14970

FILE OF CITY COUNCIL

BILL NO. 2 - 2012

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JANUARY 18, 2012

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AN ORDINANCE

Amends Article 911, Shade Trees, Section 911.03 by requiring a permit and fee of \$10 for each tree (not to exceed \$100) for all work done to shade trees in the public-right-of-way, establishing a permit and fee of \$10 to remove vegetation encroaching on the public right of way, and establishing a license and annual fee of \$50 for professional tree services to perform arboricultural work in the city.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 911, Shade Trees, Section 911.03 Permits and Licenses, to include the following:

**ARTICLE 911  
SHADE TREES**

**911.03 PERMITS & LICENSES**

**A. Shade Tree Permits**

1. A permit will be required for any and all work done to Shade trees. A permit fee of Ten (\$10.00) Dollars will be charged per tree not to exceed One Hundred (\$100.00) Dollars per occasion. A removal permit will include a permit for replanting by a specified date.

2. A Ten (\$10.00) Dollar permit, one per property, will be required to remove vegetation encroaching on the public right of way. The Shade Tree Commission reserves the right to review charges in special circumstances.

**B. Licensing Fee**

1. Professional tree services must obtain permits to perform arboricultural work on street trees. In order to obtain a Shade Tree License permittee must prove ISA certification and submit a Fifty (\$50) Dollar annual fee.

**C.** No person, without first obtaining a permit from the Superintendent of Parks, shall:

1. Prune, spray, plant, remove or cut any shade tree in public lands or a public right of way.

2. Attach a guy rope, cable, electric wire or other fixture to any tree, tree guard or support thereof in public lands or a public right-of-way. Temporary attachments shall be allowed if a permit is issued. The temporary attachments shall cause no harm to the tree and there shall be a prescribed timetable for removal of the temporary attachments.

3. Excavate, trench, tunnel, or bore, within the drip-line of any tree. Permit applications for such work will contain at a minimum an excavation plan indicating the tree protection zone and maintenance precautions to be used during construction.

4. Install lighting within tree crown. Any permit issued for tree crown lighting shall include a specified time of installation and time of removal, not to exceed one (1) calendar year.

D. The Commission shall by regulation set the application procedure, technical requirements and recommend fee schedules for all permits issued under this Article and the regulations issued under said Article.

E. Permit Time Requirements

1. A permit shall be secured not less than five (5) days in advance of the time the work is to be done.

2. All work done under any permit issued under this Article shall be completed within the time period specified on the permit, not to exceed sixty (60) days from the date issued.

3. The Superintendent of Parks may extend the duration of the permit for good cause shown.

4. The Superintendent of Parks or his designee shall be notified within five (5) days after completion of the work to allow for inspection.

F. A person who is refused a permit may make an appeal to the Commission in writing within twenty (20) days following the denial. Following a notice and hearing before the Commission, the Commission shall issue a written decision within twenty (20) days. Further appeals of Commission decision shall be taken under the provisions of the Local Agency Law, 2 Pa.C.S.A. § 751 *et. seq.* to the court of common pleas of Lehigh County. (14863 §1 12/3/10).

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
Julio A. Guridy, Pres.	x	
Frank Concannon		
Jeanette Eichenwald		x
Ray O'Connell, VP	x	
Cynthia Y. Mota	x	
Mike Schlossberg	x	
Peter G. Schweyer	x	
TOTAL	5	1

I hereby certify that the foregoing Ordinance was passed by City Council on February 15<sup>th</sup> and signed by the Mayor on February 24, 2012.

  
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 CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Department of Parks & Recreation.

- **Summary and Facts of the Bill**

Revisions to the Shade Tree Ordinance to establish permit and licensing fees.

- **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

A Shade Tree Permit will be required for any and all work done to Shade trees. A permit fee of \$10.00 will be charged per tree not to exceed \$100.00. A removal permit will include a permit for replanting by a specified date. A \$10.00 permit, one per property, will be required to remove vegetation encroaching on the public right of way. The Shade Tree Commission reserves the right to review charges in special circumstances.

The Licensing Fee will be required for professional tree services must obtain permits to perform arboricultural work on street trees. In order to obtain a Shade Tree License one must prove ISA certification and submit a \$50 annual fee.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

The Shade Tree Permit and Licensing Fee revenues would be expended only for:

1. Reimbursement to the City for the expense incurred either internally by the City, for work done by City employees, or for the actual cost of contracting out work done by non-City employees for all work done under the provisions of this Article to include at least:
2. Tree replacement of any kind;
3. Tree removal, pruning or other maintenance;
4. Plan reviews;
5. Administrative expenses for administering the provisions of this Article;
6. Grant matching expenses;
7. Professional training, education and certification;
8. Public education materials related to Urban Forest issues;

- **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

NA

- **Priority status/Deadlines, if any**

March 31, 2011

- **Why should Council unanimously support this bill?**

The revised ordinance is in the best interest of public safety and the City's green infrastructure.