

CITY OF CORRY

*Ordinance*

ORDINANCE NO. 1633

COUNCIL BILL NO. 23-02

Presented By: Mrs. Lindstrom

AN ORDINANCE RESTATING IN THE ENTIRETY ORDINANCE 1451, PROVIDING THE CITY OF CORRY Policies, Regulations and Standards necessary to ensure the City of Corry will realize the many benefits provided by its Community Forest.

BE IT HEREBY ORDAINED by the City Council of the City of Corry, Erie County, Pennsylvania, and it hereby enacted by authority of the same that Ordinance 1451, shall be amended and restated to read as follows:

ARTICLE 1 - GENERAL PROVISIONS

**101. TITLE:**

The official title of this Ordinance is the "Corry Tree Ordinance".

**102. EFFECTIVE DATE:**

This Ordinance shall take effect on April 1, 2023.

**103. DEFINITIONS:**

All words in this Ordinance shall have their customary dictionary definition except as specifically defined herein.

As used in this chapter, the following terms or phrases have the indicated meanings, unless the context clearly indicates otherwise:

**103.1.** The word "City" shall mean the City of Corry

**103.2.** The phrase "Tree Committee" shall mean the Municipal Tree Committee of the City of Corry.

**103.3.** The phrase "City Council" shall mean the City of Corry City Council.

**103.4.** The phrase "street trees, Community Forest or shade trees" shall mean trees within and/or overhanging the City Street right-of-way (R.O.W.).

**103.5.** The phrase "stub topping" shall mean the same as the improper arboricultural practice of "topping," the heading of limbs back to an arbitrarily set line.

103.6 The phrase "tree" means (according to Webster): 1. A woody perennial plant with one main stem or trunk, which develops many branches; most trees are over ten feet tall. 2. A treelike bush or shrub: as, a rose tree.

**104. COMMUNITY DEVELOPMENT OBJECTIVES:**

This Ordinance is intended to promote, protect, and facilitate the public health, safety, and general welfare by addressing continual improvement of the Community Forest within the City of Corry Comprehensive Plan as incorporated in "A Comprehensive Plan for the City of Corry and Wayne Township," completed in 1996; an urban forester shall be utilized as a consultant to assist with health and maintenance of the Community Forest of the City of Corry.

**105. TREE COMMITTEE**

There is hereby enacted and established a Tree Committee for the City of Corry.

**105.1. Intent**

The purpose of the Tree Committee shall be promoting perpetual and continual Community Forest improvement, educating the public about trees, promoting responsible tree planting on public and private property, promoting proper tree maintenance, and developing innovative project funding from a variety of sources.

**105.2. Composition of Tree Committee.**

The Committee shall consist of five (5) voting members, said committee to be known as the "Municipal Tree Committee of the City of Corry"

**105.3. Vacancies on the Tree Committee.**

City Council shall appoint members as necessary to fill vacancies on the Committee Terms of office shall be for three (3) years.

**105.4. Tree Committee Officers.**

The Committee shall set regular meeting dates and times and shall establish rules for the organization of the Committee. They shall annually elect, from their voting membership, officers consisting of a Chairperson, Vice-Chairperson, Secretary and Treasurer. They shall keep minutes of each meeting and, together with the city administration, shall keep a record of all monies and expenditures of the Committee.

**105.5. Tree Committee Meetings**

All meetings shall be advertised by the City of Corry as provided by law and shall be open to the public and posted on the City's website.

**105.6. Tree Committee Procedures.**

The Tree Committee shall keep a journal of its activities. They may execute proposed activities upon agreement of a majority of its voting members and approval of City Council when the activity constitutes a deviation from either the annual approved plan of work or the budget. The Tree Committee may retain professionals on specific issues or problems with approval from City Council.

**106. TREE COMMITTEE DUTIES**

**106.1. Duty to provide an annual budget.**

The Tree Committee shall prepare an annual budget for monies allocated from the City General Fund.

**106.2. Duty to Solicit Funds.**

The Tree Committee shall investigate availability of and apply for grants, loans or contributions from other governmental agencies, public or private corporations or entities and individuals.

**106.3. Tree Committee reserves the right to review Development Plans.**

Plans for major subdivisions and land developments shall be reviewed by the Tree Committee and recommendations made for tree selection and planting locations.

**106.4. Duty to provide standard "Tree Specifications"**

Permits will be required to plant, prune or remove a tree from the "tree lawn". \*\*\*Pruning branches under three (3) inches in diameter will not require a permit. Trimming branches three (3) inches or larger in diameter require permit\*\* Spacing and variety recommendations for planting and maintenance will be provided with permit. Standards setting forth the species of trees that are suitable for planting in various situations and locations; prescribing the care and precautions that should be complied with, should such plantings be undertaken; and other standards of work practices.

**106.5. Duty to Hear Complaints.**

The Tree Committee may investigate complaints from any person concerning the planting, health and care of trees with the community forest reporting to the City Code Compliance Officer.

**107 SHRUBBERY AND TREES:**

**107.1** No tree or shrub of any kind shall be planted closer than thirty (30) inches to the street line or sidewalk, nor shall be allowed to grow closer than eighteen (18) inches, except at heights often (10) feet or more, or with a variance approved by the Zoning Board of Adjustment, upon a recommendation from the Tree Committee.

- 107.2** The following trees shall not be planted in front or side yards: Poplar, Willow and Cottonwood.
- 107.3** The following trees shall not be planted in any area or district within the City of Corry: Box elder and American elm
- 107.4** Trees may be planted within the public R.O.W. between the sidewalk and street only if there is a minimum clear area of five (5) feet from curb to the sidewalk. All such plantings shall be centered in the clear area. Where no curbs exist, trees shall be planted three (3) feet from the public walk, or future walk location. All trees, planted in public R.O.W.s shall be acceptable varieties taken from appendix "G" of the Davey's Report or otherwise approved by the Tree Committee upon recommendation from an arborist or forester. Reference: "Standard Specifications for Street Trees"

**108. HARMONY AMONG AGENCIES**

**108.1.** Cooperation between Departments and Agencies

Department of Parks and the Tree Committee shall cooperate and communicate with other Public Works Department Personnel, City Administrator's Office, Planning Department, Community Development Department and all other city, state, and federal agencies regarding any work planned or taking place.

**108.2.** Resolution of conflicts between Trees and Sidewalks.

Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree.

**108.3** Exemptions.

**108.3.1.** Exemption for Horticultural and Agricultural Use.

Nothing included in the provisions of this Ordinance is intended to prohibit agriculture, silviculture, horticulture or nursery operations within the City.

**109. NUISANCE OR HAZARD**

The Tree Committee may make recommendations to remove any tree or part thereof in the City of Corry that is in an unsafe condition or which by reason of its nature is injurious to humans, sewers, electric power lines, gas lines, water lines, or other public improvements, is affected with any injurious fungus, insect, or other pest, or which has been declared a public nuisance.

**109.1.** The following may be declared public nuisances under this Ordinance:

**109.1.1.** Any otherwise healthy tree, shrub, or other plant, whether

located on city-owned property or on private property which dangerously obstructs the view in the 'visibility triangle' at the street intersections,

**109.1.2.** Any tree or shrub which obstructs the free passage of pedestrian (10ft measured from sidewalk surface) or vehicular traffic or which obstructs a street light or traffic control device,

**109.1.3.** Any tree or shrub on public property that is dead or near dead and constitutes a public safety hazard,

**109.1.4.** The tree interferes with overhead lines and creates a public safety hazard,

**109.1.5.** Those parts of trees standing on private property, overhanging the street right-of-way or other public areas.

**110. TREE PROTECTION:** (Tree lawn or public trees)

**110.1.** Protection from Posting and Wire

No person shall fasten any rope, wire, electric attachment, sign or other devices to a tree or to any guard about such tree not expressly intended to promote the health of the tree.

**110.2.** Protection from Fire.

No person shall allow fire or heat from any source to come in contact with any tree in the street R.O.W.

**111 SPECIMEN AND HISTORIC TREE PRESERVATION:**

**111.1.** Historic Tree Criteria.

Historic tree shall be any tree that has been designated by the City Council, after public hearing and due notice to the owner of the tree, as a tree of notable historical interest and value to the City because of its location or historical association with the community.

**111.2.** Designation as a Specimen or Historic Tree may occur in any one of the following ways

**111.2.1.** The Director of Parks shall be authorized to nominate certain public trees as Specimen or Historic Trees.

**111.2.2.** A property owner may request such designation at any time. To do so, the property owner shall submit an expert evaluation by a landscape architect, horticulturist, urban forester, historian or other recognized expert;

**112. TREE PERMITS**

The City Code Compliance Office, as the agent for the Tree Committee, shall issue the Tree Permit provided that the proposed activity conforms to the Ordinance Regulations and Standards. When such permit is issued it must be prominently displayed at the work site.

**113. FINANCE**

**113.1** A City Tree Program shall consider that whenever a bond issue is passed or appropriation made for the purpose of replacing and/or widening of any City street, that there be included within such bond issue or appropriation sufficient funds for the use of Tree Committee to replace any trees destroyed or damaged in the course of such improvement and to plant more trees within the improved area.

**113.2.** City Council may allocate funds to the Tree Committee and may authorize the use of public works employees and equipment, from time to time, to assist in tree activities.

**113.3.** The Tree Committee is authorized to receive contributions from private agencies, organizations and individuals, in addition to any funds that may be appropriated for its use by City Council.

**113.4.** A presently established account known as the "City of Corry Tree Fund" shall be utilized for the deposits of all Tree Committee revenues.

**113.5.** All funds raised by the Tree Committee shall be used for promoting the objectives of the Tree Committee.

**114. PENALTIES**

**114.1. NOTICE OF VIOLATION:** If the Code Compliance Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action and specifying the maximum number of days to correct the violation. The notice shall include the fact that the recipient has the right to appeal to the Tree Committee Board within a prescribed period of time.

**114.2. ENFORCEMENT ON VIOLATION:** If the Notice of Violation is not complied with, the Code Compliance Officer has the authority to institute enforcement proceedings through Quality of Life Ticketing.

**114.3. ENFORCEMENT PENALTIES AND REMEDIES:** Any person or persons violating any of the terms of this ordinance may, be subjected to Quality of Life Ticketing. Maximum fine is \$100. May be applied daily if no good faith efforts have been made to abate.

**115. REPEAL**

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Ordained and enacted into law by the City Council of the City of Corry this 20<sup>th</sup> day of March, 2023, in lawful session regularly assembled.

ATTEST:

LAURA L. THOMAS, CITY CLERK

MICHAEL E. BAKER, MAYOR