

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY CREATING A CHAPTER 25 TREES, AMENDING CHAPTER 21 STREETS AND SIDEWALKS, CHAPTER 22 SUBDIVISION AND LAND DEVELOPMENT AND CHAPTER 27 ZONING.**

**The Board of Supervisors of the Township of Ferguson hereby ordains:**

Section 1: Chapter 21, Streets and Sidewalks, Appendix A, Ferguson Township Road Construction Standards, II. Specifications, N. Street Trees 1. Is hereby amended by deleting the reference to the Ferguson Township Tree Planting Guide and replacing with reference to Chapter 25 – Trees.

Section 2: Chapter 22, Subdivision and Land Development is hereby amended by amending Section 202, Definitions, Improvements by deleting reference to shade tree and replacing it with street tree; Section 401, Preliminary Plan Contents and Review, A. Requirements for Subdivision and Land Development Plans, (3) Proposed Development, (s) replacing shade trees with street trees; Section 502 Streets, 2. Design Standards for Rural Arterial, Urban Arterial, and Collector Streets, by adding reference to Chapter 25 for street tree installation; Section 509 Shade Trees by renaming this section Street Trees, and referencing Chapter 25; Section 509, Part 5A Design Standards for Development in the Terraced Streetscape District, Section 509A, Streetscape Design Standards paragraph E. by amending the entire paragraph to reference Chapter 25;

Section 3: Chapter 27 Zoning, Section 701 Traditional Town Development, 4. Site Plans, G. Landscaping (1) Standards, (a) Street Trees. is hereby amended by referring to Chapter 25 establishing street locations, tolerance, number, species, standards and maintenance of street trees within the planting strip, Section 702 Plan Process and Procedure 4. General Master Plan, C. Plan Requirements, (4) (a) and (b) by changing the reference from the “Guide to Planting in Ferguson Township” to the “Ferguson Township Regulations and Standards for Arbor Work”, 6. Specific Implementation Plan D. (2) by changing the reference from the “Guide to Planting in Ferguson Township” to the “Ferguson Township Regulations and Standards for Arbor Work”.

**Section 4: Chapter 25, Trees is hereby added to the Code of Ordinances as follows:**

**Sec. 1.00. Purpose.**

The Ferguson Township street and park tree ordinance acknowledges the urban forest as a necessary part of Township infrastructure. It states trees and green space are equal with other Township infrastructure and services as important components of the health, safety and welfare of residents and visitors. This green infrastructure provides numerous benefits to the Township including environmental (carbon storage, increased biodiversity and air pollution mitigation, climate modification and stormwater mitigation); social (improved human health and quality of life); and economic (increased property values and business and decreased energy use). The failure to properly replace and maintain our urban forest reduces its ability to provide these important ecosystem processes and services. This ordinance addresses the management, maintenance and enforcement policy necessary for a healthy urban forest. As the Township improves the health of the urban forest, human health and safety, quality of life and the Township as a whole are improved. Thus, the purposes of this ordinance are:

To protect public health, safety and welfare by providing for efficient and effective street and park tree management and maintenance. To protect and enhance our plant, air, soil and water resources and the ecosystem processes and services they provide.

**Sec. 2.00. Definitions.** For the purpose of this ordinance, the following definitions shall have the following meanings:

*Board of Supervisors* – the elected governing body of Ferguson Township.

*Canopy* - The upper portion of a tree's limbs, branches and leaves.

*Commission*- The Tree Commission of Ferguson Township.

*Public Works Director* -The Ferguson Township Public Works Director or his/her designee.

*Hazardous Tree*- A tree determined by a qualified arborist or Public Works Director to constitute a threat to the health and/or structure of other trees and/or a risk to property damage or personal injury. This could include trees that have been assessed as having improbable, possible, probable or imminent risk ratings.

*Notice*- Notice shall mean either publication in a newspaper of general circulation once a week for two consecutive weeks, or written notification sent by first class mail to property owners immediately affected, or notification posted on the affected tree. Notice of public hearings shall be published and sent to affected property owners within 30 calendar days of the hearing date.

*Park Tree*- Any tree located in a park controlled by the Township or its designated agent.

*Person*- Any individual, firm, partnership, association, corporation, company or organization of any kind and includes the plural of each.

*Public Area*- Any public right-of-way, park, easement or other area to which the Township has title.

*Public Tree*- Any tree located in a public right-of-way, park easement or other area to which the Township has title.

*Private Tree*- A tree whose trunk is entirely on private property.

*Reduction Cut*. A pruning cut that shortens a limb to a lateral branch large enough to resume growth of the pruned limb. A reduction cut removes or shortens a branch to a side branch that is at least one-third the diameter of the branch being cut.

*Replacement Tree*. A tree planted in a location formerly occupied by, or directly adjacent to, another tree.

*Street Tree*. A public tree located in the public right-of-way.

*Thinning Cut*. A pruning cut that removes a branch at its point of origin on the trunk or limb.

*Tree Condition*. A measure of both a tree's structural stability and health.

*Tree Protection Zone*. The 3-dimensional area within a tree's drip line from the trunk to the edge of the canopy.

*Tree Risk Rating*. A method that ranks both the relative degree of risk and consequence of tree failure by considering tree condition and defects, the size of the tree part prone to failure and the vulnerability and value of any target that may be struck. Tree risk ratings include:

Improbable- Tree is not likely to fail even in severe weather.

Possible- Failure could occur, but is unlikely during normal weather conditions.

Probable- Tree failure is expected under normal weather conditions.

Imminent- Tree failure has started or will occur in near future.

*Work Days.* Monday through Friday, excluding legal holidays when Township offices are closed.

*Tree.* A woody perennial plant, usually having one dominant vertical trunk and a mature height greater than fifteen feet.

*Tree Lawn.* The area found between the inside edge of the curb and the edge of the sidewalk, or from the edge of pavement to the edge of the sidewalk or from the edge of pavement to edge of the public right-of-way.

*Tree Drip Line.* The perimeter of a tree's canopy as measured by a circle extending upward from the ground to the outermost tips of branches.

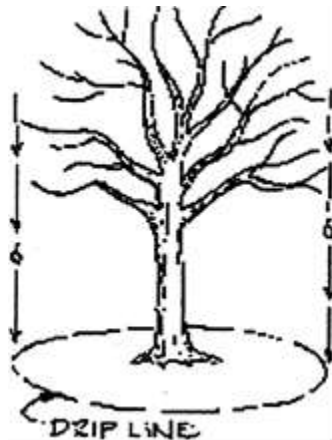


Figure 1. Tree dripline. Area within dripline is tree protection zone.

**Sec. 3.00. Authorized Activities of Department of Public Works**

The Departments of Public Works is authorized but not limited to perform activities in regard to public trees including: adopting policies, rules and regulations for tree management and maintenance; selecting and planting trees in public areas; ordering the removal of nuisance, hazardous and/or diseased trees on private and public property; overseeing tree maintenance operations; overseeing tree planting and maintenance operations undertaken by contractors; reviewing land development plans for landscaping including zoning and building permit applications; completing and updating inventories of public trees; completing and updating tree and landscape management plans; completing annual work plans and budgets; and developing and implementing programs of public participation and education.

**Sec. 4.00. Tree Commission.**

*(A) Creation and membership.*

A Ferguson Township Tree Commission is hereby created which shall consist of five members appointed by the Board of Supervisors, each of the five appointments to be subject to confirmation by a majority of all members of the Township Supervisors. Members shall be selected on the basis of education, experience or demonstrated interest in the fields of arboriculture, forestry, horticulture, landscape architecture or urban design.

Such Commissioners shall be appointed for four year staggered terms. A vacancy on the Commission, which occurs for reasons other than the expiration of a term, shall be filled by the Board of Supervisors for the unexpired portion of the term.

The Commission shall meet at least quarterly and may adopt appropriate by-laws to conduct meetings and business. The Public Works Director shall coordinate staff support for the Commission. Upon request, additional technical assistance may be provided by other Township departments.

The Commission's role is advisory to the Public Works Director and the Township Manager.

*(B) Organization, records and meetings.*

(1) Members of the Commission shall elect a chairman, vice-chairman and such other officers as they may determine necessary. All officers shall be eligible for reelection.

(2) The Commission shall keep a written record of its meetings in accordance with law. The Commission shall provide the Township Supervisors with minutes, annual work plans and annual or other reports of its activities, as may be requested or required. For the purpose of taking action a quorum of three members must be present.

*(C) Responsibilities.*

The Commission shall have the following responsibilities:

(1) The Commission shall advise the Public Works Director, and Township Supervisors, on the planting, design, maintenance, management and removal of street, park, and other public trees. Such advice may include:

- (a) Recommendations of tree species for planting in public areas;
- (b) Recommendations for controlling diseases and pests damaging trees;
- (c) Recommendations on arboricultural standards regarding tree preservation, planting, maintenance and removal;
- (d) Recommendations for public education programs concerning the importance and care of trees;
- (e) Recommendations on landscape design and other ordinances;
- (f) The preparation and review of a community tree plan;
- (g) The preparation of an annual report of activities;
- (h) The preparation of an annual work plan and budget; and
- (i) The preparation and acceptance of grants and contributions.

(2) The Commission shall conduct all appeals and public hearings required by this ordinance. In accord with sections 5.00(C) and 7.00(B) of this ordinance, the Commission shall (a) hear appeals by property owners of nonemergency orders by the Public Works Director to eliminate public hazards and nuisances and (b) in a published notice of the public hearing, hear and recommend approval or denial of permit requests

for the planting, removal and pruning of public trees including those requested by the Township in nonemergency situations. A decision of the Commission can be appealed within 10 days to the Board of Supervisors. Further appeal is as provided by law.

(3) The Commission, through the Department of Public Works, Department of Planning and Zoning and/or the Centre Region Parks and Recreation Department shall provide review and advice on the preparation and/or amendment of a management plan for street, park and other public trees in the Township. The plan should recognize the ecosystem processes and services provided by the Township's public tree program and include a list or inventory of existing trees (including species, condition and location). The plan should also include objectives, strategies, standards and policies for: 1) the planting of trees (including suitable species for various environments, tree planting standards and spacing of trees); 2) the management of tree risk; 3) programs of public participation and education; 4) tree management and maintenance; 5) landscape design; 6) funding and fund raising; and 7) other elements of a public tree program. In reviewing and advising on the plan, the Commission may consult with other Township authorities, boards and commissions. The Commission shall review the plan every five years or at other times at the request of the Public Works Director.

(4) The Commission may, with the approval of the Board of Supervisors, solicit grants and contributions on behalf of the Township. Grants and contributions will be administered by the Township. The Commission shall develop strategies to secure funding for Township beautification initiatives. All funds obtained by the Commission on behalf of the Township shall be expended for the specific purpose(s) or under the stipulations set by the contributor.

(5) The Commission, at the request of the Public Works Director, or other Authority, Board or Commission or Department, shall review private and public land development plans applications to determine the impact of such plans on public trees and to make recommendations on steps needed to mitigate said impacts. The Commission shall review all proposed tree planting plans for neighborhood and other development proposals, and shall have the authority to propose changes. The Commission shall review proposed plans of public improvements to Township parks, plazas, streetscapes and other public places, and shall have the authority to propose changes.

(6) To facilitate review of all private and public land development, the Public Works Director may establish a subcommittee comprised of two members of the Tree Commission and the Public Works Director. The subcommittee shall have the authority to review and comment on private and public land development plans on behalf of the Tree Commission. The subcommittee shall meet as required and may report to the Tree Commission at the next regularly scheduled meeting of the Tree Commission.

(7) The Commission shall educate the public about the environmental, aesthetic, human health and economic benefits to the Township and its citizens of both publicly and privately owned trees and green space.

(8) The Commission shall encourage corporations, local business and neighborhood associations in the Township to improve the appearance of trees and landscaping contiguous to their properties or within their neighborhoods.

**Sec. 5.00. Hazardous and Nuisance Trees on Public and Private Property.**

(A) *Trees of imminent risk: Emergency measures.*

Whether in the public right-of-way or public area if the condition and/or risk rating of any tree, or any part thereof, is imminent and as such constitutes an imminent danger to the public, to the public right-of-way or to other trees or property on Township property, whether such condition is a result of disease, injury, structure, poor condition, act of God or any other cause, and is such that there is imminent or likely danger of the trees or any part thereof failing, falling, dropping or collapsing upon, or is such that it in any other way is imminently or likely to cause injury to any person within close proximity or is imminently or likely to cause damage to any vehicle, structure, building or other property that is within close proximity, then the Public Works Director shall be authorized to, or may by contract with an authorized agency, remove, prune, treat or otherwise abate the imminent risk, or cause the same to be done, in order to render safe such risk condition for any tree.

For trees on private property, if the condition and/or risk rating of any tree, or any part thereof, is imminent in the opinion of the Public Works Director or Township Arborist, and as such constitutes an imminent danger to the public, to the public right-of-way or to other trees or property on Township property, whether such condition is a result of disease, injury, structure, poor condition, act of God or any other cause, the Public Works Director may require the pruning or removal of trees of imminent risk. If within thirty days after the date of notice by certified mail with return receipt requested to prune or remove the trees, the property owner has not complied with that order, then the Public Works Director shall be authorized to, or may by contract with an authorized agency or contractor, remove, prune, treat or otherwise abate the imminent risk, or cause the same to be done, in order to render safe such risk condition for any tree. The cost of pruning and removal of trees by the Township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens. Further penalties for violations of this subsection shall be those provided in section 10.00(A).

*(B) Potentially hazardous trees: Tree of probable or possible risk on private property.*

For trees on private property which, in the opinion of the Public Works Director or Township Arborist, are sufficiently damaged, diseased or in such condition as to contribute a probable or possible risk to the public, to the public right-of-way or to other trees or property on Township property, whether such condition is a result of disease, injury, structure, poor condition, act of God or any other cause, the Tree Commission may order the pruning or removal of trees of probable or possible risk by certified mail, return receipt requested. Property owners required to prune or remove trees of probable or possible risk shall have 30 days following receipt of the order to prune or remove such trees, to appeal through the Public Works Department to the Tree Commission. The Tree Commission shall hear the appeal and make a determination within 60 days of the receipt of the appeal. Decisions of the Commission shall be appealable to the Board of Supervisors. Further appeal is as provided for by law. If the property owner does not appeal the order within thirty days of notice, or does not prune or remove the trees within 14 days of the appeal decision, then the Public Works Director shall be authorized to, or may by contract with an authorized agency or contractor, remove, prune, treat or otherwise abate the imminent risk, or cause the same to be done, in order to render safe such risk condition for any tree. The cost of cutting and removal of trees by the Township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens. Further penalties for violations of this subsection shall be those provided in section 10.00(A).

*(C) Nuisance by disease and or pests: Abatement measures to protect the public.*

In any instance which in the professional judgment of the Public Works Director or Township Arborist, trees located on public property have the appearance of being infested by pests, such as emerald ash borer or other nuisance-type pests, or has the appearance of being infected by Dutch elm disease, elm yellows disease, oak wilt or any other infectious disease, as such terms

are known and used by and among Certified Arborists, the Public Works Director, Township Arborist or his agent shall inspect the condition of such trees. If upon such inspection any tree is found to harbor any such pest or infectious disease as referenced above the Public Works Director shall be authorized to declare the trees, or any part thereof, to be a nuisance and through the Department of Public Works, order the removal, pruning, treatment or abatement of the trees, or part thereof, within such period of time deemed appropriate by the Public Works Director.

For trees on private property within the Regional Growth Boundary for the Township, in any instance which in the professional judgment of the Public Works Director, trees located on private property have the appearance of being infested by pests, such as emerald ash borer or other nuisance-type pests, or has the appearance of being infected by Dutch elm disease, elm yellows disease, oak wilt or any other infectious disease, as such terms are known and used by and among Certified Arborists, the Public Works Director or his agent shall inspect the condition of such trees. If upon such inspection any tree is found to harbor any such pest or infectious disease as referenced above the Tree Commission may require the removal, pruning or treatment of trees. If within thirty days after the date of notice by certified mail, return receipt requested, to remove, prune or treat trees, the property owner has not complied with that order, the Public Works Director shall be authorized to declare the trees, or any part thereof, to be a nuisance and through the Department of Public Works, order the removal, pruning, treatment or abatement of the trees, or part thereof. The cost of cutting and removal of trees by the Township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens. Further penalties for violations of this subsection shall be those provided in section 10.00(A).

*(D) Order by Department.*

No provision of this section shall be construed so as to preclude the Public Works Director, Tree Commission or Board of Supervisors from issuing an order to a property owner to remove, prune or treat any tree or cause the same to be done, in any instance in which the Director in the exercise of his/her authority deems such action to be necessary for public health or safety.

**Sec. 6.00. Protection of Public Trees.**

*(A) Duty to protect.*

In any public park, public area or in any public right-of-way to which the Township has title, no person shall without written permission, as outlined in Section 6.00 of this ordinance, cut, prune, break, destroy, overthrow, injure, scrape, paint, deface or remove any public tree; or cut, disturb or interfere in any way with the roots of any tree; or remove leaves, flowers or fruit from any tree; or spray with any chemicals or insecticides any tree; or place any rope, sign, poster or other fixture on a tree or tree guard or other device erected to protect such tree; or injure, misuse, or remove any guard or device placed to protect such tree. The penalties for violations of this section which shall be those provided in sections 10.00 (B1 and B2).

*(B) General protection of public trees.*

The penalties for violations of this section shall be those provided in sections 10.00 (B1 and B2).

(1) Hitching animals, etc., to trees.

No person shall fasten a dog or other animal in any manner to a tree or tree guard or other device erected to protect such tree, nor cause a dog or other animal to stand so that such dog or animal can injure a tree.

(2) Regulations and Standards for Arbor Work.

The planting, removal, pruning, treatment or maintenance of any public tree shall be done in accordance with the Township's Regulations and Standards for Arbor Work.

These rules and regulations may only be amended by the Board of Supervisors by resolution to add new technical standards and criteria recognized by the tree care profession.

(3) Township Tree Planting List

The planting of any public tree shall be done in accordance with the Township's Tree Planting List. The tree planting list may only be amended by the Board of Supervisors by resolution to add new technical standards and criteria recognized by the tree care profession.

(4) Protection of public trees during grading, building construction or repair work on public or private property. In the grading for, destruction, erection or repair of any building or structure, the property owner thereof shall place, or require to be placed, a chain link fencing, or such guards as approved by the Public Works Director, around the driplines of all nearby public trees as shall effectually prevent injury to such trees. Any trenching, excavating, filling or pruning of limbs or roots within the dripline of any public tree shall be done with written permission of the Department of Public Works as outlined in Section 7.00. All root and canopy pruning and other tree work shall be done in accordance to the Township's Regulations and Standards for Arbor Work.

(5) Pouring injurious substances to injure trees.

No person shall purposely pour salt, salt water, acid, oil, wood killer or any injurious substance in such a way as to injure any public tree.

(6) Attaching wires, etc. to trees.

No person shall, without written permission from the Department of Public Works, attach any wire, insulator or any device for the holding of a wire to any shrub or tree growing or planted in or upon any public property, in any park or in or upon any public right-of-way in the Township.

(7) Free passage of water and air to tree roots.

Every person placing or maintaining upon the ground in a public right-of-way any stone, cement or other substance or combination thereof, which shall impede the free passage of water and air to the roots of any public tree shall leave such open space of ground outside of the trunk of the tree as may be designated by the Department of Public Works and the Township's Rules and Regulations for Arbor Work.

(8) Electric wires not to contact trees.

Every person having any electric wires running through, on or over a public highway in the Township shall securely fasten such wires so that they shall not come in contact with any tree.

**Sec. 7.00. Permits for Planting, Removal and Pruning of Public Trees.**

**(A) Permit required.**

(1) No street, park or other public tree shall be planted, removed or pruned (including pruning roots over two inches in diameter) without obtaining a written permit from the Department of Public Works. No person shall plant any tree in a location, or of a different species or variety, or of a different size, or contrary to the specifications as given on the permit by the Department of Public Works.

(2) A permit will be granted by the Department of Public Works to any person to plant, remove or prune trees on the condition that the work to be performed shall be under the supervision and control of the authorized agents of the Department. All permitted work



must be done in accordance with the Township's Regulations and Standards for Arbor Work. Each such permit shall be certified by a written permit issued from the office of the Department of Public Works.

*(B) Permit application: Review by Tree Commission.*

The Township Tree Commission shall review and recommend for approval or denial all permit applications for the planting, removing and pruning of public trees requested by property owners. The Commission shall recommend for approval or denial all requests for planting, removing and pruning of public trees requested by the Township's Department of Public Works, other department or in neighborhood development or other development proposals.

*(C) Permit: Removal of public trees to accommodate grading or construction on private property.*

If grading or construction on private property requires the removal or canopy or root pruning of any public tree a permit from the Department of Public Works shall be required. Approved and permitted work shall be performed in accordance with the Township's Regulations and Standards for Arbor Work. If a permit for the removal of a public tree is granted by the Township to accommodate development on private property the applicant shall provide one of the following as a condition of the permit:

(1) Transplanting of the public tree to a location approved by the Public Works Director. The value of the tree as appraised by a method recognized by the Council of Tree and Landscape Appraisers, said appraisal shall be paid for by the applicant and provided to the Township as a bond for one year after the tree's transplanting. If the tree dies within the one year bonding period the applicant shall forfeit the bond to the Township.

(2) Providing the Township with payment for the value of the tree as appraised by a method recognized by the Council of Tree and Landscape Appraisers said appraisal shall be paid for by the applicant and provided to the Township.

*(D) Permit approval/denial by Tree Commission: Appeal to Board of Supervisors.*

The applicant or all affected property owners shall have 10 days following the approval or denial of a tree planting, removal or pruning permit by the Tree Commission to appeal in writing to the Board of Supervisors. The Board of Supervisors shall hear the appeal and make a determination within 60 days of the receipt of the appeal. Appeals shall be recorded and decisions shall be written and shall include findings of fact. Further appeal as provided by law.

**Sec. 8.00. Replacement Trees: Replacement Following Lawful Removal by Township.**

Whenever the Department of Public Works or other Township department removes or causes to be removed any tree of any kind within the Township boundaries that was planted by the Township and stood in any right-of-way, or that stood in any park or in or upon any other Township-owned land, the department shall plant, or cause to be planted, no fewer than one young tree having a minimum caliper of two inches and being deemed appropriate by the Department of Public Works

**Sec. 9.00. Easements for Tree Planting.**

The Township is authorized to accept easements, except required buffer yards, from property owners to plant and maintain trees on private property within 12 feet of the boundary of a public area. Such easements shall be in writing, executed, and acknowledged by such property owners, and shall be recorded in the office of the Recorder of Deeds.

**Sec 10.00. Violations and Penalties.**

*(A) Failure to comply with order or notice.*

Any person who shall fail to remove, prune, replace, replant or treat a hazardous or diseased/nuisance tree, or in any other way violate any provision of any section of this ordinance, including any section in which a penalty is not specifically provided, after receiving written order or notice from the Department of Public Works, or other form of charge of violation, as applicable, such person shall, upon conviction, be guilty of a summary offense and shall be subject to a fine of not less than \$1000 for each violation.

*(B) Unlawful public tree destruction, removal or injury.*

Any property owner, contractor or other person who, without the written permission of the Department of Public Works, cuts, breaks, destroys or removes any public tree, or permits or allows any other person, without the written permission of the Department of Public Works, to cut, break, destroy or remove any public tree shall, under the advisement of the Tree Commission and at the direction of Public Works Director shall:

(1) Plant or cause to be planted, or if there is a written agreement signed by such person and accepted by the Department of Public Works, by which such person agrees to reimburse the Township for costs incurred by it, permit the Department of Public Works to plant similar trees to replace the equivalent total cross-sectional area of the tree which was unlawfully cut, broken, destroyed or removed. In all instances of replacement pursuant to this subsection, such replacement trees shall be sufficient to replace the total cross-sectional area as measured at diameter at breast height (DBH) of the tree removed. For example, for every six-inch diameter tree removed, it shall be replaced with one six-inch tree, or four three-inch trees or nine two-inch trees, all in a manner satisfactory to and in locations approved by the Department of Public Works. It shall be a violation of this ordinance for any person to fail to replant any tree when, as, and if directed by the Department of Public Works to do so. For purposes of this article, the word similar shall mean and include a tree that has a minimum diameter of two inches or more and is approved by the Department of Public Works; or

(2) For willfully injuring or killing a living tree in any public area by cutting, debarking, breaking, pruning of roots over two inches, pruning for lights or views, by the use of herbicides, use of a vehicle or in any other manner wherein it is determined by that such damage or destruction was intentionally inflicted, such person shall, upon conviction, be guilty of a summary offense and shall be subject to a fine of not less than \$1000 for each violation as well as the cost of repairing or replacing each damaged tree shall be levied. The value of tree(s) to be repaired or replaced shall be determined by an International Society of Arboriculture Certified Arborist using a valuation method approved by the Council of Tree and Landscape Appraisers, said appraisal shall be paid for by the property owner, contractor or other person who injured or killed a living tree in any public area and said appraisal shall be provided to the Township.

*(C) Interference with Township Departments.*

No person shall prevent, delay, harass or interfere with the Department of Public Works or any other Township department, or any of their agents or employees, including any employees of the Department of Public Works in the planting, pruning, spraying or removing of a public tree, or in the removal of any stone, cement or other substance about the trunk or roots of a public tree, or in any other aspect of the administration and enforcement of the provisions of this ordinance. Any person who violates the provisions of this section shall upon conviction thereof be guilty of a summary offense and be subject to a fine of not less than **\$100.00**.

**ORDAINED and ENACTED** this 18<sup>th</sup> day of August, 2014.

**FERGUSON TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Richard J. Mascolo, Chairman

[ S E A L ]

ATTEST:

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Mark A. Kunkle, Secretary



# CENTRE REGIONAL PLANNING AGENCY

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2643 Gateway Drive, Suite #4 • State College, PA 16801  
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August 12, 2014

Mr. Mark Kunkle, Manager  
Ferguson Township  
3147 Research Drive  
State College, PA 16801

RE: FERGUSON TOWNSHIP TREE ORDINANCE

Dear Mark:

The Joint Articles of Agreement of the Centre Regional Planning Commission (CRPC) require that the CRPC review any proposed action of a governing body of a participating municipality relating to:

- 1. The location, opening, vacation, extension, narrowing or enlargement of any street, public ground, or watercourse;*
- 2. The location, erection, demolition or sale of any public structures located within a municipality;*
- 3. The adoption, amendment or repeal of any official map, subdivision and land development ordinance, zoning ordinance or planned residential ordinance.*

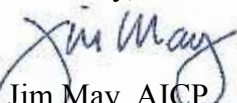
This process facilitates regional cooperation and coordination by allowing members of the CRPC to provide advisory comments to the governing body for its consideration.

At its regularly scheduled meeting on August 7, 2014, the CRPC reviewed the Ferguson Township Tree Ordinance.

The CRPC was supportive of the Ordinance and recommends that the Township Board of Supervisors approve the Ordinance.

Please call or e-mail if you have questions or if you require additional information.

Sincerely,

  
Jim May, AICP  
Director

c: Centre Regional Planning Commission  
Maria Tranguch, Director of Planning and Zoning  
Eric Vorwald, AICP, CRPA Senior Planner