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**PART 1**

**PUBLIC TREE RULES AND REGULATIONS**

**§101. Rules and Regulations.**

1. The Park and Shade Tree Commission has 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 streets of the Borough of Wyomissing (the "Borough"), and no such tree may be planted or removed except by Borough employees.
2. No person shall remove, destroy, break, cut, trim, scrape, paint, whitewash, fertilize or in any way deface, injure or interfere with the bark, branches, leaves, flowers, fruit or trunk of any shade tree ("public tree"), on any public street in the Borough.
3. Except for employees or contractors of the Borough no person shall spray or otherwise treat any public tree infected or infested with any parasite or insect pest, with a view to its preservation from disease or insect.
4. No person, firm or corporation shall attach any wire, insulator, antenna, satellite dish or any other device for holding such wire, to any public tree, and all wires shall be securely fastened so as not to come in contact with any public tree or any part thereof; nor shall any person, firm or corporation climb, direct or allow their employees to climb any public trees without permission from the Borough. The use of implements with sharp, penetrating points is positively prohibited for the purpose of climbing any public tree.
5. It shall be unlawful for any person, firm or corporation to cause or authorize any substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of any public tree.
6. No utility company shall permit any escape of gas so as to injure any public tree and should such leak occur, must immediately repair same, in such a manner as to prevent its recurrence.
7. No tight guards, nor any other device not approved by the Park and Shade Tree Commission, shall be attached to any public tree nor will the removal or injury of any guard or device approved by said Commission and intended for the protection of such public trees be permitted.
8. All excavations in the planting strip within 15 feet of the center of any public tree shall be under the immediate supervision of the Borough of Wyomissing Tree Department working on behalf of the Park and Shade Tree Commission.
9. In the erection, alteration, repair or removal of any building or structure, the owner thereof shall be responsible for the placing of such guards around all nearby public trees as shall effectively prevent injury to them, nor may stone, brick,

cement or any other building material be placed nearer than five feet from the trunk of any public tree in any manner which will impede the free passage of air and water to the roots of same.

10. No person shall attach any rope, wire, sign, poster, handbill or other object to any public tree or guard thereof.
11. Every permit issued by the Borough for sidewalks, curbing or excavations for any other purpose, shall have these rules and regulations printed thereon or attached thereto, making them a part thereof, and all operations performed under such permit shall be governed thereby.
12. Any person violating the provisions of this Part shall be subject to the penalties set forth in Chapter 1, Part 2B, §220 of the Codification of Borough Ordinances. No fine or penalty imposed for violation of any of these rules and regulations shall in any way interfere with or diminish the right of the Borough to recover damages which result from destruction or injury to public trees.

(Res. 02-11, 5/14/2002)



## **PART 2**

### **SHADE TREE REGULATIONS PERTAINING TO THE FORMER BOROUGH OF WYOMISSING HILLS**

#### **§201. Recitals.**

The above recitals are incorporated herein by reference and made a part hereof as though fully set forth herein.

(Ord. 1223, 12/27/2001, §1)

#### **§202. Adoption of Ordinances by Reference.**

The Code of Ordinances of the Borough of Wyomissing is hereby amended and supplemented by adopting by reference the following Chapters, Parts and Sections of the Code of Ordinances of the former Borough of Wyomissing Hills:

- A. Chapter XXVII, pertaining to shade trees to be applied only in Wyomissing Hills.<sup>1</sup>

(Ord. 1223, 12/27/2001, §2(e))

#### **§203. Amendments to Adopted Ordinances.**

Each ordinance hereby adopted by reference is amended to replace all references to "Wyomissing Hills Borough" and/or "Borough of Wyomissing Hills" with "Borough of Wyomissing."

(Ord. 1223, 12/27/2001, §3)

#### **§204. Construction.**

The ordinances adopted herein by reference are not intended to replace or repeal any ordinances of the Borough of Wyomissing, but are intended to be a supplement thereto and intended to apply only to Wyomissing Hills where designated in §203 above.

(Ord. 1223, 12/27/2001, §5)

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<sup>1</sup> On file at the Borough Office.

**§205. Provisions to Be Continuation of Existing Regulations.**

The provisions of this Part, so far as they are the same as those of ordinances and/or codes enforced immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the adopted ordinances adopted herein by reference.

(Ord. 1223, 12/27/2001, §6)

**§206. Repealer.**

All other ordinances of the Borough of Wyomissing Hills, other than those ordinances specifically adopted by reference by this Part and in Ord. 1222 [Chapter 27] of the Borough of Wyomissing, are hereby repealed, and all ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

(Ord. 1223, 12/27/2001, §7)

**§207. Severability.**

Should any part of this Part be found unconstitutional, illegal, invalid or unenforceable by any court of competent jurisdiction, such unconstitutionality, illegality, invalidity or unenforceability shall not affect, impair, nullify or otherwise prevent the implementation of the remainder of this Part.

(Ord. 1223, 12/27/2001, §8)

**§208. Effective Date.**

This Part shall take effect at 12:01 a.m., January 7, 2002.

(Ord. 1223, 12/27/2001, §9)

**§209. Code of Ordinances.**

The Code of Ordinances, as amended, of the Borough of Wyomissing, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Part. This Part shall become a part of this Code of Ordinances upon adoption.

(Ord. 1223, 12/27/2001, §10)