

OBTAINING A TREE PERMIT

1. Fill out and submit to City Hall a "Tree Trimming / Cutting Permit Application"

OR

2. Make an appointment for a site visit with the city arborist by calling (814) 533-2089

3. If a Tree Permit is required, please fill out applicable paperwork at City Hall which will include the Tree Permit Condition Sheet, Tree Permit and possibly a Geologic Hold Harmless.

4. Once your replacement trees are installed, please call for an installation inspection by calling (814) 533-2089

NOTICE:

A tree permit only considers and authorizes the cutting of trees designated by the permit applicant and as approved by the City. If the owner wishes to cut trees that are not designated for removal on the permit, contact the City to inquire as to whether an amendment to this permit is possible.

At the site visit the City Arborist will conduct brief visual inspection(s) from the ground to determine whether it is readily apparent that the subject tree(s) qualify for cutting under Chapter 1026 of the Codified Ordinances Of Johnstown, Pennsylvania. However, the City does not conduct more detailed hazard tree assessment(s) of the tree. If, after visual inspection, it is not readily apparent that the tree qualifies for a permit under Chapter 1026, the owner/applicant is responsible for demonstrating that the tree meets the applicable conditions and criteria required for a permit under Chapter 1026. For example, some trees may look healthy and still have root decay or other abnormalities that cannot be detected by a brief ground level visual inspection. Therefore, detailed testing by a certified arborist is recommended and might include an aerial inspection of the above ground tree structure and canopy, pathological review of roots and soil samples, or coring and resistographing of the trunk. If further investigation reveals potential hazards, call the City Arborist for potential removal and revision to the tree permit.

Johnstown, PA Code of Ordinances

1026.02 PERMIT REQUIRED; TIME LIMITS FOR COMPLETION.

(a) Permits Required.

(1) Planting, maintenance or removal. No person, firm or utility shall plant, prune (canopy and root), remove, cut or otherwise disturb any tree on any street or municipal-owned property without first filing an application with the Public Works Department and procuring a permit from the Shade Tree Commission.

A. A permit must be obtained and be on file in the Office of the Public Works indicating approval of and permission by the Shade Tree Commission, in writing, for the action to be taken. If a contractor is to do the work sought, the contractor must be authorized by permit. The name, address and telephone number of the contractor must be identified on the permit.

B. Applications for permits must be made at the Office of the Public Works. The cost of the permit is ten dollars (\$10.00).

C. The application for the permit requires the location; the number of trees to be removed and/or replaced; species/variety of each tree; the name of the individual or contractor removing, trimming or planting said tree(s); the presence of electric, water, and sewer lines; distance from intersections; proximity to neighboring trees; and other information the Shade Tree Commission deems necessary to determine whether a permit should be issued. The Shade Tree Commission shall issue the permit provided for herein, when, in their judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature.

D. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

(2) Removal, damage, replanting and replacement. No person or property owner shall remove or damage a tree from public property for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the Shade Tree Commission. The person or property owner shall bear the cost of removal and replacement of all trees. Stumps shall be removed below ground level so that the top of the stump shall not project above the surface of the ground.

(3) Emergency removal. When an emergency condition or situation exists such as trees severely damaged by acts of nature (e.g., lightning, storm, automobile accident) or similar situations, and when it has been determined that the tree(s) poses an immediate and specific threat to public safety, pedestrian or vehicular traffic or property, the Commission or City Manager may authorize immediate removal of the tree without Commission review or permit.

(4) Severe site constraints. In cases where there exists a severe site constraint so that compliance with this chapter would directly result in a danger to the public health, welfare and/or safety, the Shade Tree Commission may waive any or all necessary requirements. For purposes of this section, "site constraint" is defined to mean the location, use, and/or existing physical condition or features of the site, where compliance will interfere with the following:

- A. Overhead or underground utilities;
- B. Utility poles, signs, fire hydrants, or parking meter standards;
- C. Reduce visibility necessary for public safety; and/or
- D. Crowd or confine tree growth.

(b) Violation and Penalty. The City Manager, or his designee, is authorized to enforce this chapter and issue violation notices. Any person, business or entity who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the requirements thereof, shall, upon conviction thereof, be fined no less than twenty-five dollars (\$25.00) and no more than three hundred dollars (\$300.00). Said fine may include a separate restitution in an amount equal to the replacement value of the tree or value of damage committed. Each day on which a violation occurs or continues shall be deemed a separate offense. The imposition of any fine for any violation of this chapter shall not excuse such violations or permit the same to continue.

(c) Appeal Process. An applicant aggrieved by the Shade Tree Commission's denial of their application to remove or trim a tree, may appeal to the City Council.

(1) Written notice. Applicant must file written notice of such an appeal with the City Manager within ten days of receiving notice of denial from the Shade Tree Commission.

(2) Action by City Council. The City Council shall act on the appeal within thirty days of the date of appeal to review and either affirm or reverse the denial. In considering the case, the City Council shall include in its review a "finding of fact" prepared by the Shade Tree Commission. Failure of the Council to act within the thirty day period shall result in automatic granting of the approval per the original application.

(3) Council findings. The City Council may affirm or reverse the determination of the Shade Tree Commission and shall either adopt or modify the findings of fact by the Shade Tree Commission, of which, may be reduced to writing or may be entered into the minutes.

(Ord. 4820. Passed 2-28-01.)

1026.03 PERMIT APPLICATIONS; REVOCATION; CONDITIONS FOR ISSUANCE; BOND.

(a) An application for any permit required under this chapter shall be made in writing to the Bureau of Parks, Department of Public Works. Such permit shall describe the work to be done, specify species or variety, size, nursery grade and location, and briefly specify the method of planting, method of support and trimming of all trees or shrubs concerned and contain a definite expiration date. The Bureau shall have the authority to designate a suitable type of tree and may refuse a permit to plant any type of tree which, in its opinion, is not suitable to the location. The permit may be revoked at any time upon proof, satisfactory to the Bureau, that any of the terms or conditions upon which such permit was issued has been violated.

(b) The Bureau, at its discretion, may, as a condition precedent to the issuance of a permit, require a contractor, authorized by the homeowner to plant a tree, to guarantee such tree for one year against defects in materials or workmanship. If death of the tree results within this time period for either of such reasons, the contractor will incur the cost of removal, the cost for a new

tree and the cost of replanting for each tree planted. All trees shall be removed so that the stump is not more than three inches higher than the ground.

A contractor hired to trim or remove a tree must file a bond with the Bureau, sufficient to cover injury to any person or property damage.

(Ord. 4234. Passed 4-8-81.)