

ORDINANCE NO. 185

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS OF PROPERTY TO CUT AND REMOVE TREES LOCATED ON THEIR PROPERTY IF THE CONDITION OF SAID TREES, THROUGH DISEASE, OR OTHERWISE, UNREASONABLY EFFECTS OR INTERFERES WITH THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC OR THE RIGHT OF THE PUBLIC TO THE UNOBSTRUCTED USE OF PUBLIC ROADS OR PROPERTY.

WHEREAS, the Pennsylvania Legislature, pursuant to 53 P.S. 67907, has provided a procedure to require property owners to remove trees from their property which unreasonably effect or interfere with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property; and

WHEREAS, the Township of South Heidelberg believes the owner of said trees should bear the costs of removing them where said trees effect or interfere with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Duty to Remove Trees. It shall be the duty of all owners of property within the Township of South Heidelberg (the "Township") to cut and/or and remove trees located on their property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

Section 2. Standards for Removal. A determination by the Township that any trees located within the Township have a detrimental effect on the public shall be based upon consultation with appropriate professionals, including but not limited to the Township Engineer.

Section 3. Notification. If the Township determines that any trees located within the Township should have a detrimental affect on the public as described in Section 2 of this Ordinance, the owner(s) of the property on which the tree(s) is/are located, shall be notified by the Township by certified mail, return receipt requested, to cut and/or remove said tree or trees.

Section 4. Removal of Trees by Township. If, within thirty (30) days of notice pursuant to Section 3 of this Ordinance, the tree or trees identified in the notice have not been cut and/or removed, then officials of the Township may enter the property and cut and/or remove said tree(s).

Section 5. Costs. The costs of cutting and/or removal of the tree(s) 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.

Section 6. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.


Section 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of the Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted and such unconstitutional, illegal or invalid sentences, clauses, sections or part hereof not been included herein.

Section 8. Effective Date. This Ordinance should become effective five (5) days from the date of enactment.

Enacted and Ordained as an Ordinance this 10th day of April, 2003.

TOWNSHIP OF SOUTH HEIDELBERG

Attest:


Secretary

By 
Vice Chairman


Supervisor

Supervisor

ORDINANCE NO. 120

AN ORDINANCE THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, REGULATING PLANTING, REMOVING AND MAINTAINING OF TREES AND SHRUBS ALONG PUBLIC WAYS; REQUIRING CLEARANCE ABOVE STREETS AND SIDEWALKS; ESTABLISHING RESPONSIBILITY FOR REMOVAL AND TRIMMING OF TREES; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of South Heidelberg hereby ordains:

Section 1. Definitions. The word "person", as used in this Ordinance, shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

Section 2. Clearance Above Street and Sidewalk. Every owner of property in the Township shall be required to keep limbs and branches of all trees and shrubs growing upon such property or along the street, sidewalk, curb or alley abutting upon such property trimmed so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than eight (8) feet above the surface of the sidewalk or of less than fourteen (14) feet above the surface of the cartway and shoulder of any street or alley.

Section 3. Removal and Trimming of Trees. It shall be the responsibility of property owners in the Township to conform to the requirements of this Ordinance as to trees upon property owned by them, or along streets, alleys and sidewalks abutting upon such property, and, upon notice from the Township Manager, to trim or cut the branches or limbs of trees or shrubs as required by Section 2 hereof. Any person failing to comply with any such notice, within the time limit stated therein, shall be guilty of a violation of this Ordinance and, following the expiration of such time limit, the Township Manager shall have the authority to cause the work required by such notice to be done by the Township or under contract therewith, and to collect the cost of such work, with an additional amount of ten percent (10%) from such property owner in default.

Section 4. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

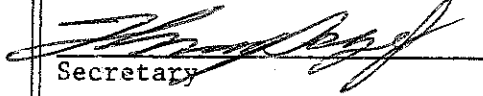
Section 6. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


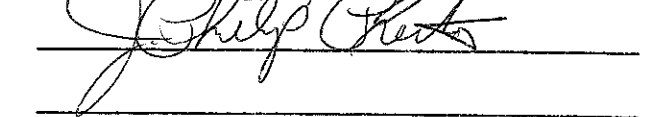
Section 7. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED AND ORDAINED this 18th day of June, 1990.

BOARD OF SUPERVISORS OF THE TOWNSHIP
OF SOUTH HEIDELBERG

Attest:


Secretary

(SEAL)