

ORDINANCE NO. 2017-0-

**AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON,
BUCKS COUNTY, PENNSYLVANIA,
AMENDING THE WARRINGTON
TOWNSHIP STREETS AND SIDEWALKS
ORDINANCE**

WHEREAS, Warrington Township, Bucks County, Pennsylvania, duly established regulations relating to streets and sidewalks within Warrington Township, located in the Code of Ordinances of Warrington Township Chapter 21, Streets and Sidewalks; and

WHEREAS, the Board of Supervisors of Warrington Township (“Board”), has determined that it is in the interest of public safety to provide regulations for trees and street trees along Township roads;

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania that Chapter 21, Streets and Sidewalks is amended to include a new Part 5, Street Trees to provide as follows:

Section 1. Chapter 21 of the Codified Ordinances shall be amended to include a new Part 5 as follows:

Part 5 Street Trees

501. Definitions

Terms used in this Part shall have the following meanings, whether or not the terms are capitalized. Unless otherwise expressly stated, terms not defined in this part shall construed consistent with their common and ordinary meaning.

Right-of-way – The area of any public street, road, highway or other publicly held thoroughfare within the corporate limits of the Township that has been designated by law as a public right-of-way.

Sight triangle – A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving an intersection. The extents of sight triangles shall be determined by using the most stringent requirements contained in the Pennsylvania Vehicle Code, Warrington Township Subdivision and Land Development Ordinance, or Warrington Township Zoning Ordinance, as applicable.

Street tree – Any tree, shrub or other woody plant, which is planted in any right of way, or has at least half of trunk, branches or roots extending into any right of way.

502. Maintenance of Trees

1. The maintenance, care or removal of any tree, and required compliance with any

provision of this Ordinance shall be the responsibility of the property owner on whose property the tree is located. The Township is responsible for the maintenance, care or removal of street trees.

2. No person, without first obtaining permission from the Township, shall plant a street tree within any public right of way.

3. All mature street trees shall be kept trimmed to a minimum branching height of ten (10) feet where they overhang any public walk or public street. However the Township may require greater height clearances to eliminate traffic and other hazards. All trees standing on private property and having branches projecting over a public walk or street shall be kept trimmed by the owner of such private property so that the lowest branches shall have a minimum height of ten (10) feet where they overhang any public walk or public street.

4. Whenever, in the opinion of the Director of Code Enforcement, a health or safety hazard is caused by a tree on private property that overhangs a public walk or street, the Director of Code Enforcement may issue a written order to the responsible property owner to take action to correct the condition within ten (10) days of the date of the order. If after written notification, the responsible property owner fails to take corrective action, the Director of Code Enforcement shall have the required work accomplished to correct the health and safety condition and shall bill the responsible property owner. Failure of the responsible property owner to pay the bill shall result in a lien upon the property which shall be filed and collected in the same manner as municipal claims are filed and collected.

5. Whenever, in the opinion of the Director of Code Enforcement, any vegetation or object located on private property obstructs the sight distance of motorists in the sight triangle, the Director of Code Enforcement may issue a written order to the responsible property owner to take action to correct the condition within ten (10) days of the date of the order. If after written notification, the responsible property owner fails to take corrective action, the Director of Code Enforcement shall have the required work accomplished to correct the health and safety condition and shall bill the responsible property owner. Failure of the responsible property owner to pay the bill shall result in a lien upon the property which shall be filed and collected in the same manner as municipal claims are filed and collected.

503. Removal of Trees

1. The Director of Code Enforcement may, upon concluding that a tree located on private property is diseased and dying, or damaged beyond recovery of health or poses a threat to property or safety, order the responsible property owner to remove the tree. The responsible property owner shall have ten (10) days from the date of the order to take action. If after written notice, the responsible property owner fails to take corrective action, the Director of Code Enforcement shall have the tree removed and shall bill the responsible property owner. Failure of the responsible property owner to pay the bill shall result in a lien upon the property which shall be filed and collected in the same manner as municipal claims are filed and collected.

2. In an emergency where a tree poses an immediate threat to health, property or safety, the Director of Code Enforcement may order the immediate removal of a tree. Prior to the removal of the tree, the Director of Code Enforcement, shall document how the tree poses an

immediate threat to health and safety. Prior to removal, the Director of Code Enforcement shall make a good faith effort to notify the responsible property owner. After removal, the Director of Code Enforcement shall bill the responsible property owner for the cost of removal. Failure of the responsible property owner to pay the bill shall result in a lien upon the property which shall be filed and collected in the same manner as municipal claims are filed and collected.

504. Violations and Penalties

Any person, firm or corporation who shall violate any provision of this ordinance shall upon conviction thereof, be guilty of a summary offense, and may be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs; and/or undergo imprisonment not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section 2. Repealer. This Ordinance hereby repeals any provision inconsistent with the Ordinance now in effect or of other Ordinances, to the extent of such inconsistency.

Section 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance

Section 4. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED on this ____ day of _____, 2017.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:

Barry P. Luber
Township Manager

Shirley A. Yannich, Chair

Fred R. Gaines, Vice Chair

Matthew W. Hallowell, Sr., Member

Millie A. Seliga, Member

Carol T. Baker, Member