

ORDINANCE NO. 2007-6

AN ORDINANCE BY AND FOR THE TOWNSHIP OF HEIDELBERG, LEHIGH COUNTY PENNSYLVANIA, TO ALLOW FOR THE TRIMMING OF TREES ON PRIVATE LAND THAT ARE NEXT TO TOWNSHIP ROADS AND CREATE A DANGER TO PUBLIC SAFETY.

WHEREAS, The Township of Heidelberg (hereafter referred to as "Township") has recently encountered a problem with several property owners failing to maintain their properties, so that trees are interfering with public right of ways and creating a safety hazard for residents of the Township.

WHEREAS, The Second Class Township Code, specifically 53 P.S. 67907 allows for a Township of the Second Class to create an ordinance whereby they can require a property owner to remove trees which are a safety concern. If the property owner does not remove the tree, the Township can later do so and bill the property owner for such costs.

WHEREAS, It is the intention of the Township to create such an ordinance for the removal of trees as provided under the Second Class Township Code.

NOW, THEREFORE, The Board of Supervisors of the Township of Heidelberg, Lehigh County, Pennsylvania hereby ordains:

Section 1: Definitions

Tree - Any planting, where the trunk is more than six (6) inches in diameter. Tree shall also include dead or dying plantings, remains or trunks from previously removed trees, etc.

Road - Any Township cartway, highway, or roadway; whether paved, stone, dirt, or gravel; which is maintained and has been dedicated to or is owned by the Township of Heidelberg, Lehigh County

Right of way - Any Township property outside of the paved road or cartway, which the Township maintains from time to time and uses for other purposes such as drainage swales, ditches, utility easements, etc.

Section 2: Ordinance-Removal from Road/Cartway

- A. All Trees in Heidelberg Township shall be kept trimmed so that the minimum clearance where they overhang or project into any public road

shall be fourteen (14) feet. However, the Township is hereby given the right to designate a higher clearance on certain highways, where heavy traffic or other conditions make it expedient.

- B. All trees, plants, or shrubs standing on private property and having branches projecting into or over a public road or right-of-way, shall be kept trimmed by the owner or such private property so that no portion thereof shall extend into or over a road below the minimum clearance specified above, or such other clearances as may be specified by the Township.
- C. The Township shall be permitted to notify a property owner to remove trees which are diseased, dead, or rotting and have been deemed, in the judgment of the Board of Supervisors, to be unreasonably affecting the health, safety, or welfare of those traveling on public roads.
- D. If within thirty (30) days after the date of notice by certified mail, return receipt requested, to trim and/or remove the tree(s), the property owner has not complied with that order, the Board of Supervisors may enter the premises and remove the tree(s).

Section 3: Penalty

In case the owner of such property shall neglect or refuse to trim and/or remove such trees, plants or shrubs upon being notified in writing by the Township to do so, the Township may, after expiration of the date specified in said notice, cause such trimming and/or removal to be done at the expense of the owner, and the entire cost thereof shall be a lien upon said premises and shall be filed and collected by the Township in the same manner as municipal claims are filed and collected.

Section 4: Severability

If a court of competent jurisdiction declares any provision of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 5: Repealer

As of the effective date of this Ordinance, all prior Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 6: Enactment

This Amendment shall be effective five (5) days after the date of passage.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Heidelberg, Lehigh County, Pennsylvania, in lawful session assembled this day *8th* of *November*, 2007.

TOWNSHIP OF HEIDELBERG

By: *David O Fink*
David O. Fink, Chairman

By: *[Signature]*
Steven Bachman, Vice Chairman

By: *Lee Behler*
Lee Behler, Supervisor

ATTEST:

Janice M. Bortz
Janice M. Bortz, Secretary
Heidelberg Township

I, Janice M. Bortz, Secretary of the Board of Supervisors of the Township of Heidelberg, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted at a meeting of the Supervisors aforesaid convened and held on this the *8th* day of *November*, 2007.

Witness my hand and seal of said Township this *8th* day of *November*, 2007.

Janice M. Bortz
Janice M. Bortz, Secretary