

**UPPER LEACOCK TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014- 02

**AN ORDINANCE OF UPPER LEACOCK TOWNSHIP, LANCASTER COUNTY,
PENNSYLVANIA, REGULATING PLANTING, REMOVAL, AND MAINTENANCE OF
TREES, SHRUBS, HEDGES, VEGETATION AND OTHER OBSTRUCTIONS ALONG
PUBLIC HIGHWAYS; ESTABLISHING THE RESPONSIBILITY FOR REMOVAL
AND TRIMMING OF TREES, VEGETATION AND OTHER OBSTRUCTIONS; AND
PRESCRIBING PENALTIES FOR VIOLATIONS**

WHEREAS, the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, finds it desirable to regulate the removal and maintenance of trees, vegetation and other obstructions along public highways and prescribe regulations and penalties for violations thereof.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Leacock Township, and it is hereby enacted and ordained as follows:

Section 1. Title

This chapter shall be known as "The Upper Leacock Highway Tree and Vegetation Maintenance Ordinance."

Section 2. Declaration of threat

It is hereby declared that obstruction of the public rights-of-way of the Township by trees and parts thereof falling and encroaching into said rights-of-way from private property located outside said rights-of-way poses a substantial and imminent threat to the health, safety and welfare of the Township, its inhabitants and persons using the public rights-of-way of the Township.

Section 3. Exclusive control by Township

Under the authority of the Pennsylvania Second Class Township Code, 53 P.S. §65101 et seq., including §§66506, 67325, 67326 and 67907 thereof, the Township shall have exclusive custody and control of those trees or parts thereof that are located within the area of any Township street right-of-way and/or Township-owned property and is authorized to plant, remove and protect such trees.

Section 4. Property owner responsibility

In furtherance of the protection of the Township, its inhabitants and persons using the public rights-of-way of the Township, any owner of property located outside said rights-of-way

shall be responsible for the immediate clearing and removal of any tree or parts thereof if the condition of the tree or parts thereof, 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 5. Notice to remove

A. If within thirty (30) days after the date of notice by certified mail, return receipt requested, to remove the trees or parts thereof the property owner has not complied with that order, the Board of Supervisors or Township Manager may direct the appropriate Township personnel or authorized Township contractor to enter the premises and remove the trees or parts thereof.

B. Notwithstanding any other provisions of this chapter, the Township shall have the right, without prior notice to any property owner, to perform any act/acts necessary to abate clear, present and immediate threats to the public health, safety or welfare caused by the condition of trees or parts thereof that are located on private property outside of the right-of-way of any Township street.

Section 6. Assessment of costs against property owner

In the event of Township action as described in Section 5 above, the cost incurred by the Township pursuant thereto shall be collected by the Township Treasurer by the assessment of such costs against the responsible property owner as provided by 53 P.S. §68302, including the filing of a municipal lien, if necessary.

Section 7. Violations and penalties

Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Section 8. Repealer

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

Section 9. 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 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 parts hereof not been included herein.

Section 10. Effective Date

This Ordinance shall become effective five (5) days from the date of enactment by the Board.

ORDAINED AND ENACTED this 6 day of January, 2014.

**UPPER LEACOCK TOWNSHIP
BOARD OF SUPERVISORS**

By: Ronald L. Simmons
Ronald Simmons, Chairman

By: James J. Bennett
James Bennett

By: J. Harold Leaman
J. Harold Leaman

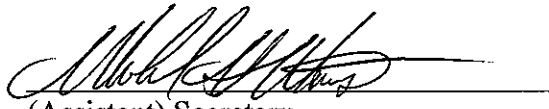
Attest: [Signature]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of Upper Leacock Township, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of Upper Leacock Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of Upper Leacock Township at a meeting duly held on the 6th day of January, 2014; such Ordinance has been duly recorded in the Ordinance Book of the Township; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of Upper Leacock Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of Upper Leacock Township, this 6th day of January, 2014.


(Assistant) Secretary