

**TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA
ORDINANCE NO. 2006-800**

**AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 59, WEEDS AND BRUSH, PROVIDING
ARTICLE I, TREES, SHRUBS AND OTHER PLANTS REGULATING THE REMOVAL
AND MAINTENANCE OF CERTAIN TREES, SHRUBS AND OTHER PLANTS
WITHIN THE TOWNSHIP AND ESTABLISHING RESPONSIBILITY FOR
REMOVAL, MAINTENANCE, PRUNING AND TRIMMING AND PROVIDING
PENALTIES FOR VIOLATION**

BE IT ORDAINED AND ENACTED by the TOWNSHIP OF TINICUM, County of Delaware, Commonwealth of Pennsylvania, as follows:

ARTICLE I

TREES, SHRUBS AND OTHER PLANTS

§59-7. Purpose and Intent.

It is the purpose of this Ordinance to promote and protect the public health, safety and the general welfare by providing for the regulation of the planting, maintenance, trimming, pruning, and removal of trees, shrubs and other plants within the Township of Tinicum. It is the intent of Board of Commissioners of Tinicum Township that the terms of this Ordinance shall be construed to promote the protection of community residents, the public at large and property from damage caused or threatened by the improper planting, maintenance, trimming, pruning, or removal of trees, shrubs and other plants within the Township.

§59-8. Obstruction and Interference.

No owner, occupier or agent of such owner or occupier of real property within Tinicum Township shall be permitted to allow a tree, shrub or other plant, or any limbs or branches thereof on his or her property, to obstruct or interfere with the health, safety or welfare of the public or otherwise obstruct the view of any street intersection or obstruct or hinder passage on any public street, roadway or sidewalk. The owner, occupier or agent of such owner or occupier of real property within Tinicum Township must cut, trim or prune their trees, shrubs and other plants and branches and limbs thereof so as to provide a minimum space of eight (8) feet above the surface of any sidewalk and fourteen (14) feet above the surface of any public street, roadway or ally.

§59-9. Removal of Dead and Diseased Trees from Private Property.

No owner, occupier or agent of such owner or occupier of real property within Tinicum Township shall allow a tree, shrub or other plant or any limbs or branches thereof to remain on his or her property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to the person or property of others.

§59-10. Removal and Failure to Comply.

The Code Enforcement Officer shall provide the property owner, occupier or agent of such owner or occupier with written notification that a tree, shrub, plant or their respective branches or limbs should be trimmed, pruned or removed for violation of this Ordinance. The owner, occupier or agent of such owner or occupier shall have thirty (30) days after service of the notice by Certified Mail, Return Receipt Requested or service by posting the property, to trim, prune or remove such trees, shrubs or plants. If the property owner, occupier or agent of owner or occupier, fails to comply with such notice, Tinicum Township may enter upon the property and remove such trees, limbs or branches found to be hazardous to public safety, charging the cost thereof to the property owner, occupier or agent of such owner or occupier, together with a penalty of ten percent (10%) for the use of Township labor and equipment, with such charge to be a lien against the real estate of the owner and collected in the same manner as other municipal liens or by personal action commenced in the Court of Common Pleas of Delaware County.

§59-11. Interference with Tree Work.

No one shall hinder, prevent, delay or interfere with Tinicum Township, its agents, servants and employees, while engaged in carrying out the enforcement of this Ordinance.

§59-12. Penalties

Any person, firm, entity or corporation which 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) per violation and/or to imprisonment for a term not to exceed thirty (30) days, or both. Each day's failure to comply with any provision hereof, shall constitute a separate violation, punishable by a like fine or penalty.

59-13. Repealer

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. The Township reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

59-14. Severability

Should any section, subsection, paragraph, sentence, law or phrase of this Ordinance be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

59-15. Effective Date

This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Tincum Township Board of Commissioners on the 20th day of November, 2006 by Thomas Giancristoforo, Jr. as President of the Tincum Township Board of Commissioners.


**TINICUM TOWNSHIP
BOARD OF COMMISSIONERS**

BY:



THOMAS J. GIANCRISTOFORO, JR.

ATTEST:



Jean L. McCoy
TOWNSHIP SECRETARY

(ORD800-06)