

**TOWNSHIP OF WOODCOCK
CRAWFORD COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE TOWNSHIP OF WOODCOCK,
CRAWFORD COUNTY, REQUIRING CERTAIN ACTIONS BY
PROPERTY OWNERS RELATING TO THE TRIMMING AND
REMOVAL OF CERTAIN DANGEROUS OR DISEASED
TREES AND/OR SHRUBS; PROVIDING FOR PENALTIES
FOR NONCOMPLIANCE, A MEANS OF APPEAL, A
REPEALER, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of Woodcock Township, Crawford County, Pennsylvania (the "Township"), have determined that certain trees and/or shrubs within the Township are, through disease or otherwise, found to be of such a condition that they unreasonably affect 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 Second Class Township Code specifically empowers the Supervisors to regulate such trees and/or shrubs and, if necessary, to require their trimming or removal; and

WHEREAS, the Board of Supervisors have determined that it is in the best interest of the Township to regulate such trees and/or shrubs and, if necessary, to require their trimming or removal.

NOW, THEREFORE, on this 10th day of May 2016, **BE IT HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Woodcock Township, Crawford County, Pennsylvania, as follows:

SECTION 1. Recitals. That the above recitals are fully incorporated as if more fully set forth herein.

SECTION 2. Definitions. The word "person," 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. The term "Code Enforcement Officer" shall mean the Code Enforcement Officer appointed by the Board of Supervisors.

SECTION 3. Trimming of Trees

(a) **Clearance Above Street and Sidewalk.** Every owner of lands located in the Township shall be required to keep limbs and branches of all shrubs and/or trees growing upon such lands and along the street and/or sidewalk, abutting upon such lands, trimmed so that no part of such limbs and/or branches or of the foliage growing thereupon, shall have a clearance of less than ten (10) feet above the surface of the sidewalk and less than fourteen (14) feet above the surface of the roadway of any street.

(b) **Responsibility of Property Owner to Remove and Trim Trees and/or Shrubs.** It shall be the responsibility of property owners in the Township to conform to the requirements of this Ordinance as to shrubs and/or trees upon property owned by them, along streets, and/or sidewalks abutting upon such property, if any, and, upon notice from the Code Enforcement Officer of the said Woodcock Township to trim or cut the branches or limbs of shrubs and/or trees 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 Board of Supervisors shall, by proper motion of the Board, 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 (10%) percent from such property owner in default or to seek penalties and compliance as provided herein.

SECTION 4. Removal of Diseased or Dangerous Trees

(a) **Owner to Cut and Remove Trees.** Each owner of property located within the Township shall cut and remove trees located on such property if the condition of the trees through disease or otherwise, reasonably 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.

(i) Notwithstanding the affirmative obligation of the property owner to cut and remove such trees, the Board of Supervisors may, in their sole discretion, or that of their authorized agents or representatives, determine that a tree located on private property is in such a condition that it reasonably 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.

(ii) Upon making such a determination, the Board of Supervisors shall send, or cause to be sent, written notice to the property owner of the obligation to cut and remove the affected tree within thirty (30) days.

(b) **Notice; Failure to Comply.** If, within thirty (30) days after the date of notice by certified mail, return receipt requested, to remove such tree, the property owner has not complied with that order, the Board of Supervisors may enter the premises and remove the tree, or cause the tree to be removed, per the requirements and allowances of this Ordinance.

(c) **Cost of Cutting and Removal.** The cost of cutting and removal of such tree by the Township, with an additional amount of ten (10%) percent, shall be charged to the property owner. The charge shall be considered a lien against the real estate of the property owner and should be collected in the same manner as other municipal liens. In the event that the property owner does not pay within thirty (30) days if being invoiced for the cost of cutting and removal, the Township shall cause a municipal lien to be filed against the property and owner in the Crawford County Court of Common Pleas.

SECTION 5. Appeal of Cut and Remove Determination. In the event that an owner of property receives a notice to cut and remove a tree or shrub per this Ordinance, and the property owner disagrees with the Board of Supervisors' assessment of the condition of the tree, the

affected property owner may, within fifteen (15) days of receipt of the notice, request that the Township engage an independent and certified arborist to assess the tree in question and make a determination as to whether the tree is in such a condition that it reasonably 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.

(a) If the independent certified arborist determines that the condition of the tree is such that the Board of Supervisors was incorrect in its determination, then the Board of Supervisors shall withdraw its written notice.

(b) If the independent certified arborist determines that the condition of the tree is such that the Board of Supervisors was correct in its determination, then the property owner shall cut and remove the tree as required within thirty (30) days or such other shorter period of time deemed to be reasonable by the independent certified arborist.

(c) In the event that a property owner requests the Township engage a certified arborist to conduct the review contemplated by this subsection and it is determined that the condition of the tree is such that the Board of Supervisors was incorrect in its determination, then the Board of Supervisors shall pay the full cost for the arborists' services.

(d) In the event that a property owner requests the Township engage a certified arborist to conduct the review contemplated by this subsection and it is determined that the condition of the tree is such that the Board of Supervisors was correct in its determination, then the property owner shall pay the full cost for the arborists' services.

SECTION 6. Repealer. Any other ordinances or parts of ordinances in conflict herewith shall be, and the same are hereby, repealed.

SECTION 7. Penalty. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, and in default of the payment of the fine and costs shall be committed and sentenced to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense. For purposes of this Section, the doing of any act or thing prohibited by any provision of this Ordinance creates any affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

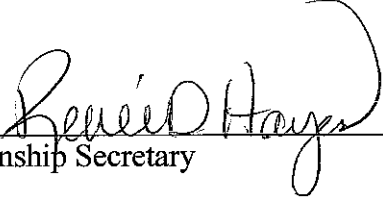
SECTION 8. Severability. If any sentence, clause, section, or Ordinance of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or Ordinances of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Woodcock Township, Crawford County, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or Ordinance thereof not been included herein.

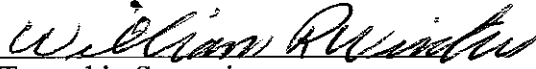
SECTION 9. Effective Date. This Ordinance shall be effective five (5) days after adoption.

DULY ORDAINED AND ENACTED this 10th day of May, 2016, by the Board of Supervisors of the Township of Woodcock, Crawford County, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF WOODCOCK

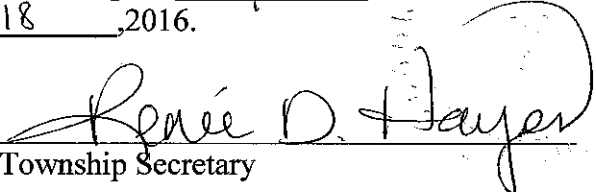

Township Secretary


Township Supervisor


Township Supervisor


Township Supervisor

I certify that the above is a true copy of the Township of Woodcock, Crawford County, Pennsylvania, Ordinance No. 2016-1 adopted by the Township on May 10, 2016 and advertised in the Tribune on April 18, 2016.


Township Secretary