

Chapter 25

Trees

Part 1 Street Tree Ordinance

- §25-101. Title
- §25-102. Definitions and Interpretation
- §25-103. Legislative Intent
- §25-104. Council Assumes Rights and Duties of a Shade Tree Commission
- §25-105. General Regulations
- §25-106. Permit Fees
- §25-107. Violations and Penalties

Part 1**Street Tree Ordinance****§25-101. Title.**

This Part shall be known as the “Street Tree Ordinance of Ivyland Borough.”
(*Ord. 2004-2, 3/11/2004, §1*)

§25-102. Definitions and Interpretation.

1. In interpreting this Part, the present tense includes the future; the singular number includes the plural and the plural includes the singular; and the word “person” includes natural person, partnership, firm, limited liability company, association, corporation, and all similar entities.

2. *Definitions.*

Borough—the Borough of Ivyland, Bucks County, Pennsylvania.

Borough Council—the duly elected or appointed members of the Borough Council of Ivyland Borough.

Right-of-way—the area of any public street, road, highway, or other publicly held thoroughfare within the boundaries of the Borough that has been designated as a public right-of-way.

Responsible property owner—the owner of real property upon which a street tree of any portion of a street tree is located, or whose property abuts the right of way in which the street tree is located. In the event that a street tree is located directly on a property line dividing two properties, the owners of both properties shall be responsible property owners and shall be jointly responsible for the obligations stated in this Part.

Street tree—any tree, shrub, or other woody plant that is planted in any right-of-way, or has at least half of its trunk, branches, or roots extending into any right-of-way.

(*Ord. 2004-2, 3/11/2004, §2*)

§25-103. Legislative Intent.

The Borough recognizes that properly planted, maintained, and protected street trees add to the aesthetics and health and welfare of the citizens of the Borough. Therefore, by means of this Part, the Borough Council of Ivyland Borough hereby exercises its authority under the Borough Code, 53 P.S. §45101 *et seq.*, to assume the rights and perform the duties of a Shade Tree Commission, and states its intent to establish rules and regulations to encourage the planting of appropriate street trees, to provide for the proper maintenance of street trees, to protect street trees, and provide guidelines for the removal and replacement of street trees.

(*Ord. 2004-2, 3/11/2004, §3*)

§25-104. Council Assumes Rights and Duties of a Shade Tree Commission.

Pursuant to 53 P.S. §47721, the Borough Council of Ivyland Borough hereby states its intention to exercise the rights of and assume the duties of a Shade Tree Commission as provided in the Borough Code, 53 P.S. §45101 *et seq.*

(*Ord. 2004-2, 3/11/2004, §4*)

§25-105. General Regulations.

1. The maintenance, care, removal, or replacement of any street tree as defined herein, and required compliance with any provision of this Part shall be the responsibility of the property owner on whose property the tree is located or whose property abuts the right-of-way in which the street tree is located.

2. No person, without first obtaining a permit, shall cut, prune, break, affix any foreign object to, interfere with the main root system of, spray with any chemical or insecticide, misuse or remove any device placed to protect, or in any way cause injury to any street tree within any public right-of-way or municipal park within the Borough. It is provided however, that no permit shall be required to (A) trim street trees to conform to the clearance requirements of this Part or any other Borough ordinance, (B) remove low-hanging or broken branches that create or may cause a public nuisance or danger, (C) carry out normal repair, upkeep, minor pruning and trimming, (D) prune, trim or cut for maintenance of public utility facilities, or (E) where immediately necessary for the protection of life or property.

3. No person, without first obtaining a permit, shall plant a street tree within any public right-of-way or municipal park within the Borough. The selection of an appropriate species for a new or replacement street tree shall be made from an approved list maintained by the Borough. Notwithstanding the foregoing, the Borough Council shall have the authority to refuse a permit for planting of a street tree which, in the Borough Council's opinion, is not suitable for the proposed location.

4. No person, without first obtaining a permit, shall remove a street tree from within any public right-of-way or municipal park within the Borough.

5. All mature street trees shall be kept trimmed to a minimum branching height of 10 feet, except that the Borough Council may require greater height clearances to eliminate traffic or other hazards.

6. Whenever, in the opinion of Borough Council or the Borough's duly authorized enforcement officer, a health or safety hazard exists caused by a street tree, the Borough Council or the Borough's enforcement officer may issue a written order to the responsible property owner to take action to correct the condition within 10 days of the date of the order. If, after written notification, the responsible property owner fails to take corrective action, the Borough may cause the required work to be done to correct the health or safety condition and shall bill the responsible property owner. If the responsible property owner fails or refuses to pay the bill within 30 days, the Borough may cause a lien for the unpaid amount together with a 10 percent administrative fee to be filed against the property. In addition, the Borough may exercise any other right or remedy to recover the unpaid amount including the administrative fee and reasonable attorney's fees.

7. Any street tree intentionally removed or accidentally lost or severely damaged for any reason shall be replaced by the responsible property owner, except in situations where changes in street construction, approved land development or other circum-

stances make such replacement impossible, or where replacing the tree would constitute a safety or health hazard under any circumstance, a decision not to replace a removed, lost or severely damaged street tree must be approved by the Borough Council. The selection of an appropriate species for a replacement street tree shall be made from an approved list maintained by the Borough. The replacement street tree shall be placed as close as reasonably possible to the location of the original street tree. Notwithstanding the foregoing, the Borough Council shall have the authority to refuse a permit for planting of a street tree which, in the Borough Council's opinion, is not suitable for the proposed location.

8. Whenever a street tree is removed, lost or severely damaged, the responsible property owner shall properly dispose of all portions of the removed, lost or damaged tree and debris. In the case of total removal or loss, the responsible property owner shall also remove the remaining stump within a reasonable period of time, but in no event longer than 60 days from the removal or loss of the street tree.

9. Stumps from street trees removed or lost before the effective date of this Part are found to be unsightly and likely to attract insects and other pests. Accordingly, upon direction by Borough Council or its duly authorized code enforcement official, a responsible property owner shall undertake the removal of any street tree stump located on the owner's property within a reasonable period of time, but in no event longer than 60 days from the date of such notice.

10. A street tree stump shall not be considered to be removed until any remaining portions of the stump are below grade level, and the area has been adequately covered with topsoil.

11. No property owner shall allow any tree to be located, or to grow in such a way as to block, damage, or cover the surface of a public sidewalk, curb, or street. Upon direction by the Borough Council, or its duly authorized code enforcement official, the responsible property owner shall promptly undertake the relocation of any such tree, or other corrective action within 90 days of being notified to do so.

12. In any case where a responsible property owner has been notified by the Borough Council or the Code Enforcement Officer to undertake some corrective action as required by this Part, but fails or refuses to do within the allowable time period, then the Borough Council may, in addition to the penalties provided for in this Part, elect to undertake the required corrective action at the responsible property owner's expense. If the responsible property owner fails to reimburse the Borough within 30 days of being notified to do so, then the Borough may seek collection of the reimbursement through an action at law, and may cause the unpaid amount to be filed as a municipal lien against the property.

13. No person shall pour salt water, oil, or any other material at any place in such manner that injury might result to any street tree.

14. In any case where a permit is required under this Part, the Borough may decline to issue such a permit when the Borough Council, the Borough's Code Enforcement Officer, or any other designated agent of the Borough finds that the action for which the permit is requested will be harmful to a street tree, likely to present an unreasonable danger to persons or property, unsuitable in terms of location or species, or for other good cause.

(Ord. 2004-2, 3/11/2004, §5)

§25-106. Permit Fees.

Fees for permits shall be set from time to time by resolution of the Borough Council. In the absence of an established fee or fees, the fee shall be zero.

(Ord. 2004-2, 3/11/2004, §6)

§25-107. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2004-2, 3/11/2004, §7; as amended by Ord. 2011-3, 11/9/2011)

Borough of Ivyland
Street Tree Permit and Application
No fee

Applicant's name:

Property address:

Owner's name (if different from the Applicant):

Applicant's telephone number:

Nature of application:

___ to remove a Street Tree ___ to trim a Street Tree

___ to plant a Street Tree ___ to spray or apply chemicals to a Street Tree

___ removal of Street Tree stump

___ to take some other action with regard to a Street Tree

Please describe:

Please provide a hand-drawn diagram showing the approximate location of the existing or proposed Street Tree or Street Trees or Stump(s) that are the subject of this Application. Please show the Street Tree (Or stump), other trees, edge of the street, the sidewalk, the house, any street lights, and any other helpful information.

STREET TREE PERMIT

The action or actions described in the above application are hereby approved, subject to the following comments or conditions. This Permit is not valid until the Applicant has acknowledged in writing these conditions.

Standard conditions:

- 1) If a contractor is hired to undertake any of the actions authorized by this permit, such contractor must comply with the Ivyland Borough Contractor Licensing Ordinance, as amended.
- 2) This permit shall expire 60 days after issuance.

Approved:

I acknowledge the above-listed conditions

For Ivyland Borough
Date:

Applicant
Date:

