

Chapter 25

Trees

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Part 1**Standards and Regulations for Tree Cutting**

In the interest of enhancing healthy forest growth and reducing the hazard of fires, tree cutting is permitted on developed or undeveloped lots under the conditions that follow. [Ord. 3-93]

A. Maintenance of Wooded Lots and Forested Areas**§25-101. Selective Tree Cutting for Maintenance/Firewood.**

1. The clearing of dead, naturally broken, or deformed, and disease-infested wood is encouraged. No permit shall be required for clearing dead wood and underbrush. Permits for cutting trees shall be given with priority to naturally broken, deformed, diseased, and stunted trees and trees presenting a hazard to buildings or roadways, provided the owner or his/her agent presents a narrative plan which is in conformity with the standards and practices of forest maintenance, including the preservation and cultivation of major trees of the forest or woodlot. Such plans shall include provisions for clearing and removal of slash, or burning such debris within the provisions of the local, County, and State regulations governing open burning.

2. No more than ½ cord of live wood (which measure shall include branches two or more inches in diameter) per ½ acre per year may be removed and so noted on the plan. Violators of this provision shall be subject to the minimum tree replacement requirements of §25-218 of this Part.

(Ord. 2-82, 3/8/1982, §5-2002; as amended by Ord. 3-93, 6/14/1993)

§25-102. Timbering on Undeveloped Land.

1. Major trees represent a natural resource for lumber, paper, and many other products used around the household or in industry. Therefore, the careful selection and removal of mature trees is an acceptable practice and is in keeping with standard forest maintenance procedures. A "mature" tree for the purposes of this Section is defined as a tree with a main stem or trunk diameter of 14 inches or greater measured at 24 inches above the natural grade. The selection and marking of trees to be harvested shall be accomplished or supervised by the Service Forester and/or his agent.

2. Tree replacement in accordance with §25-118 of this Part shall be required if, in the opinion of the Service Forester, the timbering operation will result in a significant depletion of trees of comparable worth.

(Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993)

B. Clearing of Building Sites

§25-111. Purposes and Objectives.

Inadequate attention during development to the ecologic function of trees can result in immeasurable environmental and economic damage to property. Therefore, the following guidelines have been established to permit construction while minimizing the impact to existing woodland and encouraging reforestation with species native to the area.

(Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993)

§25-112. Scope.

The removal of trees for reasons other than those described in Part 1A “Maintenance of Wooded Lots and Forested Areas,” or as mandated by Part 2 of this Chapter, shall be considered as removal of trees for development purposes. The removal of all or a majority of trees on a building lot, prior to applying for either a clearing permit or a building permit, shall be considered a violation of these provisions and subject to the minimum tree replacement requirements of §25-118.2 of this Part.

(Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993)

§25-113. Plans and Permits.

For the purposes of this Part, issuance of either of the following permits shall constitute the permit otherwise required by the terms of this chapter:

A. *Clearing Permit.* A lot owner wishing to remove selected trees in anticipation of building on his lot, but prior to obtaining a building permit, must obtain a clearing permit. The application for this permit shall include a plot plan indicating the location of the proposed driveway, house, well (if applicable), and septic system (if applicable).

B. *Building Permit.* Each application for a building permit shall include the aforementioned plot plan with the information relative to the location of the driveway, house, etc.

(Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993)

§25-114. Requirement for Preservation of Trees During Development.

Trees and other natural features of a building site shall be preserved as far as possible, consistent with the objectives of this Part and of Part 5C, “Slope Controls,” of the Zoning Ordinance [Chapter 27], as amended.

(Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993)

§25-115. Guidelines for Selecting Trees for Preservation.

An on-site review will be conducted by the designated code official in the company of the lot owner/developer. A preliminary stakeout of the proposed site for the driveway, well, house and septic system will be conducted in an effort to determine the extent of necessary tree removal. Upon reaching an agreement on the number and location of trees to be preserved, the trees will be identified by spray painted markings and the number of trees to be preserved will be recorded. Any dispute regarding the trees to be

preserved may be referred to the Service Forester for his recommendation.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-116. Requirement for Replacement of Trees.

Any trees designated for preservation which are subsequently damaged or removed shall be replaced in accordance with the minimum tree replacement requirements listed in §25-118 below.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-117. Protection of Trees During Construction.

During construction and grading, effective steps shall be taken to protect all trees slated for preservation as well as trees outside the area of development. Any visible damage to any part of these trees, i.e., root, crown, or trunk, shall be repaired immediately.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-118. Minimum Tree Replacement Requirements.

1. Trees designated for preservation that are damaged or removed shall be replaced with trees of comparable worth (or of a higher value) on a one for one basis. Replacement trees shall meet the following minimum requirements:

A. Coniferous trees shall have a minimum height of 6 feet.

B. Deciduous trees shall have a caliper of 1½ inches, measured 24 inches above the top of the roots.

2. Violations involving the removal of all or a majority of trees on a lot without obtaining a permit shall be subject to the replacement of trees at a rate to be determined by a professional landscape architect or the Service Forester. A scale drawing of the replacement plan, showing the location and type of each tree to be planted, shall be submitted to the designated code official for approval.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-119. Replacement of Dead Trees.

Existing or newly planted trees that die within 1 year from the date of construction completion and/or the planting date shall be removed and replaced at the discretion of the designated code official. If the condition (alive or dead) of the trees is questionable, an additional period of time may be granted or an expert will be consulted before replacement action is mandated.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-120. Interpretation.

The provisions of this Part shall not be interpreted in a manner making it impossible to use a lot for construction purposes. All disputes which cannot be resolved through the intervention of the Service Forester may be brought before the Borough Council for resolution.

(*Ord. 2-82, 3/8/1982; as amended by Ord. 3-93, 6/14/1993*)

§25-121. Responsibility of Subdividers.

Any person or persons presenting a subdivision plan shall be guided by the purposes and intent of this Part in submitting and fulfilling plan standards as set forth in the Subdivision and Land Development Ordinance [Chapter 22], §§22-501, 22-503 and 22-603.2. Final approval of a subdivision plan by the Borough Council shall constitute the permit otherwise required by the terms of this Chapter.

(*Ord. 2-82, 3/8/1982, §5-2002; as amended by Ord. 3-93, 6/14/1993*)

Part 2**Unlawful Growth of Trees, Grass, Weeds and Other Vegetation****§25-201. Unlawful Vegetation Prohibited.**

It shall be considered unlawful to permit the growth of trees, grass, weeds and other vegetation under the following instances:

A. Encroachment Upon Adjoining Rights-of-Way.

(1) No person owning or occupying any property within the Borough shall permit any trees, hedges, bushes or shrubbery of whatsoever kind or nature, to grow or remain in the right-of-way within 5 feet from the edge of the road surface. Further, such vegetation is prohibited on any area of the property if, by encroaching upon adjoining rights-of-way, it interferes with pedestrian or vehicular traffic using said rights-of-way, or hampers proper drainage of the roadway. [Ord. 2-97]

(2) Any trees, hedges, bushes or shrubbery growing upon any property in the Borough in violation of any of the provisions of this Section is hereby declared a nuisance and detrimental to the health, welfare and safety of the inhabitants of the Borough.

B. Damaging or Dangerous Growth. No person owning or occupying any property within the Borough shall permit noxious weeds to grow on the property - if such growth results in creating a clear and convincing nuisance or health hazard to the occupants of a neighboring property, nor shall they permit accumulations of trash or garbage, or any debris that would constitute a fire hazard. Such noxious growth or hazardous accumulations are hereby declared a nuisance and detrimental to the health, safety and economic welfare of the inhabitants of the Borough.

C. Control of Grass, Weeds and Other Vegetation on Improved Properties. No person, firm, partnership or corporation owning or occupying any property improved with a structure, whether for residential or commercial purposes (with the exception of large recreational or agricultural tracts), within the Borough shall permit any grass or weeds or vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain on such premises, including any portion of the premises within the street or right-of-way, so as to exceed a height of 12 inches. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough. [Ord. 14-96]

(Ord. 2-82, 3/8/1982, §5-2003; as amended by Ord. 2-88, 2/8/1988; by Ord. 3-93, 6/14/1993; by Ord. 14-96, --/1996; and by Ord. 2-97, 3/10/1997)

§25-202. Clearing of Nuisances.

The owner of any property, whether undeveloped, vacant, or occupied by the owner, or the occupant of developed property when said occupant is other than the owner, shall be responsible for complying with the provisions of this Part.

(Ord. 2-82, 3/8/1982, §5-2004; as amended by Ord. 3-93, 6/14/1993)

§25-203. Enforcement.

Procedures when cutting or clearing or replacement of trees is required by the Borough:

A. The Borough Manager or any officer, employee, or other official he designates is hereby authorized to give notice by personal service or by United States mail to the owner or occupant, as the case may be, of property in violation of the provisions of this Chapter, directing such owner or occupant to remove, trim, or cut weeds or other vegetation, or trees, hedges, bushes or shrubbery, or to replace trees as necessary, so as to conform with the requirements of this Chapter.

B. Compliance shall be required as follows:

(1) Compliance shall be within 20 days after the issuance of such notice when a violation under this Part of this Chapter has been cited. [*Ord. 3-93*]

(2) Compliance shall be within 30 days after the issuance of such notice when a violation of §25-201.A has been cited. [*Ord. 2-88*]

(3) Compliance shall be within 10 days after the issuance of such notice when a violation of §25-201.B or .C has been cited. [*Ord. 2-88*]

(4) Allowances will be made for conditions which make compliance within the required time frame excessively difficult (such as weather). However, a written agreement outlining how and when the violations are to be resolved must be submitted and accepted by the Borough. [*Ord. 3-93*]

C. In case any person shall neglect, fail or refuse to comply within the stated time period when any cutting or clearing is required, the Borough authorities may remove, trim or cut such weeds, vegetation, trees, bushes, hedges or shrubbery, and the cost thereof plus 20 percent, together with any additional penalty authorized by law, may be collected by the Borough from such person in the manner provided by law.

D. Occupancy permits, where applicable, shall not be issued until all outstanding violations are rectified. [*Ord. 3-93*]

(*Ord. 2-82, 3/8/1982, §5-2007; as amended by Ord. 2-88, 2/8/1988; by Ord. 3-93, 6/14/1993*)

§25-204. 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. 2-82, 3/8/1982, §5-2008; as amended by Ord. 5-92, 6/8/1992; and by A.O.*