

ORDINANCE NO. 1246

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY RESCINDING ORDINANCE NO. 1234 RELATING TO TREE TRIMMING, AND RE-ENACTING AN ORDINANCE REGULATING THE TRIMMING AND REMOVAL OF TREES ALONG SIDEWALKS AND/OR WITHIN THE RIGHTS OF WAY OF THE BOROUGH; AND ESTABLISHING AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains the following:

SECTION 1. DEFINITIONS AND INTERPRETATION. The word "person", as used in this Ordinance, 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.

SECTION 2. CLEARANCE ABOVE STREET AND SIDEWALK.

- A. Every owner of property in the Borough shall be required to keep the limbs and branches of all trees growing upon such property or along the Borough right-of-way, street, sidewalk, curb or alley abutting upon such property trimmed so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than eight (8) feet above the surface of the sidewalk or of less than fourteen (14) feet above the surface of the roadway of any street or alley below such limbs or branches.
- B. No branches or foliage may extend from the trunk of any tree over any street (curb to curb), alley, or any Borough right of way a distance of $\frac{1}{2}$ the width of said street, alley or right of way. In the event the person who or which is responsible for the tree in violation of this Ordinance believes that said tree is not a danger to the public, then said owner may employ, at the sole cost and expense of such owner, a certified arborist approved in advance by the Borough to evaluate the tree. In the event such approved certified arborist is consulted, the owner shall submit a written report to the Borough from the certified arborist that shall set forth, in detail, the action to be taken regarding such tree, which action the said owner, at said owner sole cost and expense, shall have completed within 30 days from the date of notice to the owner from the Borough that the said tree is in violation of this ordinance. Every written report prepared by an approved certified arborist and submitted to the Borough shall contain a recommendation as to how often the tree in violation of this Ordinance must be re-evaluated and the owner of such tree shall be responsible for having such evaluations completed following the procedure hereinabove set forth in this Section 2B.

SECTION 3. REMOVAL AND TRIMMING OF TREES. It shall be the responsibility of the owners of real estate in the Borough to conform to the requirements of this Ordinance as to trees upon real estate owned by them or along streets, alleys and sidewalks abutting upon such real estate, and, upon notice from the Borough Council, to remove any tree or trees growing in violation of the restrictions above, and to trim or cut the branches or limbs of trees as required above. 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 Borough Council shall have the authority to cause the work required by such notice to be done by the Borough or under contract

therewith, and to collect the cost of such work, with an additional amount of ten percent (10%) from such property owner in default.

SECTION 4. PENALTY FOR VIOLATION. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 and not more than three hundred dollars (\$300.00) and costs of prosecution, or in default thereof, to undergo imprisonment for a term not to exceed thirty (30) days.

SECTION 5. REPEALER

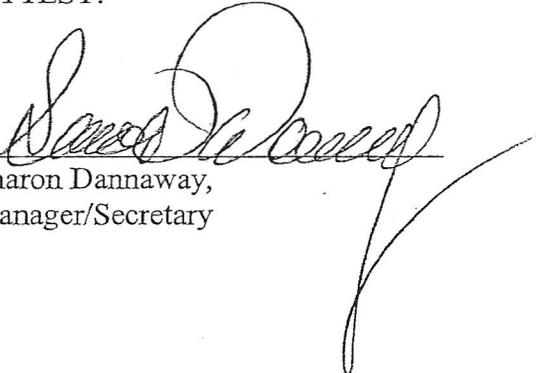
Any Ordinance or Resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed. For purposes of complying with the Borough Home Rule Charter only, a copy of Ordinance 1234 is attached hereto and is hereby repealed in its entirety.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective at the earliest possible date provided by law.

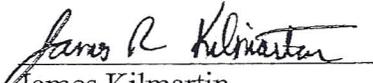
ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough Council on this 2nd day of October 2006.

ATTEST:


Sharon Dannaway,
Manager/Secretary

BOROUGH OF TYRONE

By:


James Kilmartin
Mayor/President of Council