

**LONDON GROVE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 214

AN ORDINANCE OF LONDON GROVE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE LONDON GROVE TOWNSHIP CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER 17 TITLED, "TREE REGULATIONS" WHICH ESTABLISH A TREE COMMITTEE; IDENTIFY THE MEMBERSHIP, TERM OF OFFICE, PURPOSE AND DUTIES OF SUCH COMMISSION; DEFINE AND ADOPT SPECIFIC REGULATIONS FOR STREET TREES AND PARK TREES; REQUIRE A PERMIT PRIOR TO WORK ON A STREET TREE OR PARK TREE WITHIN THE TOWNSHIP; AND TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of London Grove Township, Chester County, Pennsylvania, as follows:

SECTION 1. The London Grove Township Code of Ordinances shall be amended to adopt a new Chapter 17 titled "Tree Regulations" which shall provide as follows:

**"CHAPTER 17
TREE REGULATIONS**

Part 1. General Regulations

Section 17-101. Definitions.

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation located adjacent to, along or upon the side of any street and within the public right-of-way within London Grove Township.

Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation located in or along any public park, trail, or open space in the Township, owned, leased or managed by London Grove Township.

Section 17-102. Creation and Establishment of a Tree Committee.

Pursuant to the authority in Article XXIX of the Second Class Township Code, 53 P.S. §67901-67910, there is hereby created and established a Tree Committee for London Grove Township, Chester County, Pennsylvania, which shall consist of five members who shall be residents of the Township and who shall be appointed by the Board of Supervisors.

Section 17-103. Term of Membership.

The term of the members of the Tree Committee shall be five years; however, the Board of Supervisors shall appoint the first five members to staggered terms so that one member's term shall expire every year. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Board of Supervisors for the unexpired portion of the term.

Section 17-104. Compensation.

Members of the Tree Committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Section 17-105. Duties and Responsibilities.

The Tree Committee shall be responsible to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of Street Trees and Park Trees. Such plan will be reviewed and presented annually to the Board of Supervisors and upon their acceptance and approval shall constitute the official comprehensive tree plan for London Grove Township, Pennsylvania.

Section 17-106. Operation.

The Tree Committee shall choose its own officers, make its own rules and regulations and keep minutes of their meetings. A quorum of the members is three (3).

Part 2. Tree Regulations

Section 17-201. Street Tree Species to be Planted.

A list of the suitable species of trees that may be planted as Street Trees has been adopted in Section 22-502.8.H(8) of the London Grove Township Subdivision and Land Development Ordinance.

Section 17-202. Spacing.

The spacing of Street Trees shall be in accordance with the standards adopted in Section 22-502.8.H of the London Grove Township Subdivision and Land Development Ordinance or as otherwise approved by the Township's landscape architect.

Section 17-203. Distance from Curb and Sidewalk.

The distance that Street Trees may be planted from curbs or curb lines and sidewalks shall be based on the standards adopted in Section 22-502.8.H of the London Grove Township Subdivision and Land Development Ordinance, or as otherwise approved by the Township's landscape architect.

Section 17-204. Distance from Street Corners and Fire Hydrants.

No Street Tree shall obstruct the clear sight triangle required by Section 22-611.5.C of the London Grove Township Subdivision and Land Development Ordinance. No Street Tree shall be planted closer than 10 feet to any fire hydrant.

Section 17-205. Utilities.

No Street Tree may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Section 17-206. Street Tree and Park Tree Care.

The Township shall have the right to plant, prune, maintain and remove all Street Trees except Street Trees on state owned highways and Park Trees as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public land.

The Board of Supervisors may remove or cause or order to be removed, any Street Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners provided that the selection and location of said trees is in accordance with Sections 17-201 through 17-205 of this Ordinance.

Section 17-207. Tree Topping.

It shall be unlawful for any person, firm, or Township department to top any Street Tree or Park Tree. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision in the reasonable discretion of the Tree Committee.

Section 17-208. Pruning, Corner Clearance.

Every owner of any tree or shrub overhanging any street or right-of-way within the Township shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection or traffic control device or sign and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which 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 public property. If the owner of the tree or shrub fails to prune their tree or shrub as required in this section, after written notice and an opportunity to cure is provided by the Township, the Township shall have the right to prune any tree or shrub on private property and charge the cost thereof against the owner of the property and file a lien against the property if necessary to collect such costs.

Section 17-209. Dead or Diseased Tree Removal on Private Property.

The Township shall have the right to cause the removal of any dead or diseased trees or shrubs on private property within the Township, when such trees or shrubs 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 public property, or harbor insects or disease which constitute a potential threat to other trees or shrubs within the Township. The Township Tree Committee shall notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Township shall have the authority to remove such trees, charge the cost of removal on the property owner and file a lien against the property if necessary, to collect such costs.

Section 17-210. Removal of Stumps.

All stumps of Street Trees and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 17-211. Arborists Permit, Insurance and Indemnification

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing Street Trees or Park Trees within the Township without first applying for and procuring an annual arborist permit. The permit fee shall be \$50 annually; provided, however, that no permit shall be required for employees of any public utility company or the Township who are performing work on trees as part of their scope of employment. Before any permit shall be issued, each applicant shall obtain and file with the Township a certificate of insurance evidencing possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage. The applicant shall also sign an agreement indemnifying the Township or any person injured or damaged resulting from pruning, treating or removing Street Trees or Park Trees within the Township.

Property owners who perform their own work on their own property are exempt from the requirement to obtain a permit.

Part 3. Violation & Penalties

Section 17-301. Violations.

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary criminal offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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.

Section 17-302. Enforcement.

The Township Codes Department (Building Official or Fire Marshal), Director of Public Works or other employee of the Township designated by the Board of Supervisors shall have the right to investigate violations or to initiate an enforcement action.”

SECTION 2. Severability. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be effective 5 days following adoption, as by law provided.

ENACTED AND ORDAINED this 6th day of January, 2020.

ATTEST:

**BOARD OF SUPERVISORS
LONDON GROVE TOWNSHIP**


Dawn Maciejczyk, Secretary


Chairman


Vice Chairman


Member


Member


Member