



SUSQUEHANNA TOWNSHIP
1900 LINGLESTOWN ROAD
HARRISBURG, PENNSYLVANIA 17110
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ORDINANCE 08-09

AN ORDINANCE amending Ordinance No. 61-9, enacted September 14, 1961, and entitled, “An Ordinance regulating the trimming of trees, bushes, and other vegetation prejudicial to the public safety in Susquehanna Township, Dauphin County, Pennsylvania”, and as further amended by Ordinance No. 74-18, enacted May 29, 1974, all of which are contained in Chapter XXV, “Trees”, of the Code of Ordinance of the Township of Susquehanna, Dauphin County, Pennsylvania The Board of Commissioners of the Township of Susquehanna, Dauphin County, Pennsylvania, hereby ordain as follows:

Section 1: Purpose and Intent

The purpose of this ordinance is to establish a desirable amount of tree cover on public lands within the township; maintain township trees in a healthy and non hazardous condition through good arboricultural practices; establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable suburban forest; promote conservation of tree resources; and select, situate and maintain street trees appropriately to minimize hazard, nuisance, landscape damage and maintenance costs.

Section 2: Definitions

The following words and phrases are used in this Ordinance:

1. **Public Right of Way (Street or Highway):** The entire width of every municipal way or right-of-way when any part is open to the use of the public for purposes of vehicular and pedestrian traffic.
2. **Shade Tree Commission; or Commission:** The governing body that has jurisdiction over all street trees in Susquehanna Township.
3. **Permit:** Permission in writing as issued by the Shade Tree Commission to do specific work under this Ordinance.
4. **Person:** Any individual, firm, association, partnership, corporation, company, organization or public utility.
5. **Shade Tree; or Tree:** Any planted tree located within the right-of-way of the public streets and highways of the township, including the tree lawn.
6. **Township:** Susquehanna Township.
8. **Tree Lawn:** The area lying between the sidewalk and that portion of the street used for vehicular traffic.
9. **Cartway:** The portion of a street or alley which is improved, designated or intended for vehicular use.

In this Ordinance, the singular shall include the plural and masculine shall include the feminine.

Section 3: Shade Tree Commission Duties and Responsibilities

- A. The Shade Tree Commission shall be composed of five members who shall be residents of the township, who shall be appointed by the Township Board of Commissioners and who shall serve without compensation. Shade Tree Commission terms shall be staggered so that one term expires every year. When a vacancy occurs on the Shade Tree Commission, a successor shall be appointed by the Township Board of Commissioners to serve the remainder of the unexpired term. On the expiration of the term of any Shade Tree Commissioner, a successor shall be appointed by the Township Board of Commissioners to serve a term of five years.
- B. The Commission shall have exclusive custody and control of the Shade Trees in the Township. Susquehanna Township is authorized to plant, remove maintain and protect shade trees along public streets and highways.
- C. It is the duty of the Susquehanna Township Board of Commissioners to determine the needs of the Township regarding shade trees on public streets. To assist the Board of Commissioners, the Shade Tree Commission should make recommendations to the Board of Commissioners, and conduct regular meetings.

The Commission may *also* perform shade tree inspections and notify residents when action is required. Citations with regard to shade tree violations shall be issued by the Township building or code enforcement officials and not by Shade Tree Commission members.

Section 4: Property Owner Duties and Responsibilities

It is the responsibility of the property owner to:

- A. Maintain the health, appearance and safety of the Shade Trees in the tree lawn and within the public right-of-way. This includes pruning low hanging and dead branches, removing dead trees, and planting appropriate replacement trees.
- B. Maintain any trees, bushes, and other vegetation within the township rights-of way to allow for full visibility of signs.
- C. Comply with notices received from the Township regarding tree care.
- D. Comply with all conditions of permits issued by the Shade Tree Commission. This may include priming, tree removal, stump grinding and/or tree replanting.

If any property owner shall neglect or refuse to comply with trimming, removal, stump grinding, or replanting requirements, the Commission through Township staff, may cause such trimming or maintenance to be done at the expense of the owner and the entire cost filed and collected by the Township Solicitor in the same manner as municipal claims are filed and collected.

Section 5: Permit Requirements

A permit is required to remove any Shade Tree in the tree lawn or located within the public right of way. The Commission has the authority to deny tree removal requests. Permits must be obtained by the homeowner or contractor before work begins.

A permit is required to plant any tree not on the approved tree list, which can be obtained from the Township website or at the Township office. A completed Shade Tree Permit Application for planting shall include the species to be planted and preferred planting location, and will be reviewed by the Commission.

A permit is required to conduct any work around the roots of a Shade Tree that will interfere

with or cause damage to the roots, including laying sidewalk or driveway within 10 feet of a Shade Tree.

Dead branches may be trimmed without a permit. Any branch, dead or alive, that is below the minimum height requirements in Section 8 must be trimmed, and no permit is required. A permit is required to trim any living branch that is greater than 1 inch in diameter and that is above the heights listed in Section 8.

Section 6: Permit Process

Shade Tree Permit applications are available from the Township website or at the Township office. The application must be completed in full and returned to the Township office. Applications received at least 7 days prior to the monthly Shade Tree Commission meeting will be reviewed at the next meeting. The homeowner will be notified of the Commission's decision within 5 days of the meeting. If the application was approved, a permit will be issued and mailed to the homeowner, or can be picked up at the Township office.

Section 7: Appeal

Pursuant to law, a person with proper standing may appeal a final order to the Dauphin County Court of Common Pleas.

Section 8: Pruning and Tree Care Standards

- A. All trimming and pruning of Shade Trees shall be done in a manner to ensure natural growth and a natural appearance. Care of mature trees requires a high level of skill. In most cases, homeowners will need to call upon professional assistance for the care of their trees. Pruning standards are available at the Township office.
- B. A minimum clearance of tree branches must be maintained at fourteen (14) feet above street surface and eight (8) feet above sidewalks. On smaller trees the branches shall be kept trimmed to protect the public safety.
- C. Dead branches over 2 inches in diameter must be removed.
- D. Flush cuts are prohibited. A flush cut is a pruning technique too close to the trunk in which both branch and stem tissue are removed.
- E. All pruning must use the undercut method to avoid tearing of the bark.
- F. Final cuts must be made a minimal distance from the parent stem, outside the branch collar. No stubs should remain greater than 1 inch past the branch collar.
- G. Tree topping is prohibited. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter which removes the normal canopy and disfigures the tree.

Section 9: Unnecessary Harm to Trees and Root Systems

- A. No person shall damage, mutilate, kill or destroy any Shade Tree.
- B. No person shall damage, injure, or in any manner interfere in any way with the main roots of any Shade Tree.
- C. No person shall excavate any ditches, tunnels or trenches or lay any sidewalk or driveway within a radius of ten (10) feet of any shade tree without first obtaining a written permit from the Commission. In the event that street trees or their roots have been damaged due to negligence or poor root pruning practices, the contractor or property owner shall be subject to the penalties described in Section 17.
- D. Alternative methods shall be considered to prevent root cutting that may result in

tree instability or decline, including: 1) Grind a raised sidewalk edge, 2) Ramp the walking surface of lifted slab with pliable paving, 3) Route the sidewalk around the tree roots, 4) Install flexible paving or rubberized sections.

Section 10: Removal of Tree Stumps

After removal of a tree, the remaining stump shall be removed to a point not less than six inches below the grade of the surrounding area.

Section 11: Replacement Trees

- A. As a condition to any permit to remove any shade tree, the township may require that the property owner plant, at their own expense, another tree in place of the one removed. Any replacement tree shall be planted within six months of the removal of the previous tree.
- B. Replacement trees shall be measured at a point six inches above planting level. All trees shall be of 1 ½ inches to two inches in diameter at this point.
- C. Shade trees planted within the street right of way shall be located no less than twenty feet from any intersection of two streets. They shall not be located as to hinder or block operation of fire hydrants.

Section 12: Repair or Replacement of Damaged Trees

In the event of a shade tree being damaged by a person, the Commission may make a charge for repairs to the tree, plus the devaluation of the tree, plus the cost of removal and replacement, against the person causing the damage or destruction to the tree.

Section 13: Removal of Fallen Trees

In the event any shade tree or trees are felled by storm or other accident, the tree shall be removed from the cartway by the Township without charge. Property owners shall be responsible for other removal or cleanup. Replacement of such trees will be required at the expense of the property owner.

Section 14: Trees on Private Property

The Township shall have the right to require the removal of any dead or diseased tree on private property, or require the trimming of a tree on private property, if the dead tree or the low hanging branches overhang or endanger the public right of way and constitute a hazard to life and/or property in the opinion of the Shade Tree Commission, or harbor insects or disease which constitute a potential threat to other trees within the Township. The Shade Tree Commission will notify the owners of such trees in writing.

Section 15: Contractor Requirements

All tree maintenance contractors who trim, remove or otherwise maintain trees located within the township rights-of-way shall possess general liability insurance coverage with a policy limit of not less than \$500,000 for each occurrence. Contractors shall follow all rules and regulations of the Shade Tree Ordinance.

Section 16: Permit Fees

The fees for all Permits will be set by the Shade Tree Commission subject to approval

by the Board of Commissioners.

Section 17: Violations and Penalties

Any person or persons, firm or corporation who violate any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$600, plus the costs of prosecution. Each day during which the violation occurs or persists shall constitute a separate offense. The Shade Tree Commission, to the extent provided by ordinance of the Township, may assess penalties for the violation of its regulations and or this article as far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

Section 18: Enforcement

This Ordinance shall be enforced by the Shade Tree Commission in conjunction with the cooperation of the Township Commissioners, Township Police and other Township Departments.

Section 19: Collection of Costs

Payment of costs for work done by the Township shall be due and payable 30 days after proper invoice by the Township to the property owner. If the property owner does not make payment within 30 days, these costs shall be considered as an assessment to the property and the Township Solicitor shall file a lien against the property to ensure payment as may be provided by law.

Section 20: Exceptions Permitted

The Shade Tree Commission shall have the power in appropriate cases to permit deviations from strict compliance with this chapter whenever, due to special circumstances, literal enforcement of this chapter would be impossible, impractical, or not in the best interest of the township.

Section 21:

If any section or any part of any section is held to be unconstitutional, illegal, or invalid for any reason, the remaining sections of this Ordinance or where a part of a section is unconstitutional, illegal, or invalid, the remaining part of said section and all of the other remaining sections of the Ordinance shall not be affected by the unconstitutionally, illegality, or invalidity and shall remain in full force and effect.

Section 22:

This Ordinance shall become effective immediately.

Enacted and ordained this 13th day of March, 2008.

ATTEST:

**BOARD OF COMMISSIONERS
TOWNSHIP OF SUSQUEHANNA**

Gary L. Myers, Manager

Jacquelyn Patton, President

