

LIBERTY TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2021- 02

AN ORDINANCE OF LIBERTY TOWNSHIP REGULATING THE CUTTING AND REMOVAL OF CERTAIN TREES.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of this Municipality and to maintain the Roads and Streets of the Municipality in accordance with law for the ease and safety of travelers; and

WHEREAS, the Board of Supervisors finds that the minimum safe overhead clearance for public travel along roads, streets and alleys is fourteen (14) feet and that the minimum safe overhead clearance for public travel along public sidewalks or walkways is eight (8) feet; and

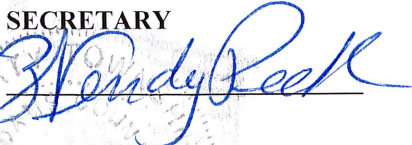
WHEREAS, Section 2907 of the Second Class Township Code, 53 Pa. C.S.A. § 67907, provides that the Board of Supervisors may by ordinance require owners of property to cut and remove trees located on the property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety, or welfare of the public or the right of the public to the unobstructed use of public roads or property.

THEREFORE, be it enacted and ordained by Liberty Township, and it is hereby enacted and ordained as follows:

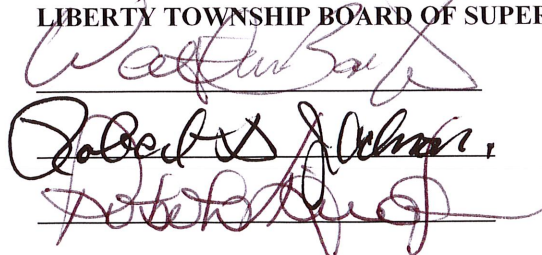
1. **Removal of Diseased or Dangerous Trees.** The Board of Supervisors may by this ordinance require owners of property to cut or remove trees located on their property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.
2. **Notice.** The Township shall provide property owners with thirty (30) days notice by certified mail, return receipt requested to remove or cut trees on their property. If within thirty (30) days after the date of notice to cut or remove the trees, the property owner has not complied with that order, the Board of Supervisors or their representative, may enter the premises and cut or remove the trees. All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees shall be surrendered to and remain the property of the property owners.
3. **Cost.** The cost of cutting or removal of trees by the township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens.
4. **Penalties.** In addition to the cost of tree removal being charged to the property owner, this ordinance may be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. The municipal Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83(c).
5. **Severability.** The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.
6. **Repealer.** All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed in so far as same affects this Ordinance.
7. **Effective date.** This Ordinance shall be effective five (5) days after adoption.

ENACTED AND ORDAINED THIS 2nd DAY OF March, 2021.

SECRETARY



LIBERTY TOWNSHIP BOARD OF SUPERVISORS



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