

CHAPTER 25

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PART 1

MAINTENANCE OF FOLIAGE

§101. Definitions.

As used herein, the following terms have the following meanings:

FOLIAGE — includes shrubbery, trees, hedges and other similar natural growths, whether possessing life or not.

PROPERTY OWNER — the owner, occupier or possessor of real estate abutting or lying in a public street within the Borough and shall include owners as well as lessees.

PUBLIC STREET — includes all streets, alleys, sidewalks and highways ordained by the Borough of New Oxford and over which the general public has a right to traverse.

(Ord. 207, 2/1/1965, §1)

§102. Responsibility.

1. A property owner shall maintain foliage growing or existing on his property in a condition so as not to endanger persons or objects on public streets, interfere with travel or use of public streets, or to create a hazard or obstruction on public streets.
2. In cases of foliage growing or existing on property boundary lines each property owner shall be as fully responsible as if the foliage grew or existed entirely on his property.

(Ord. 207, 2/1/1965, §2)

§103. Compliance with this Part.

Whenever the condition of foliage on property is such as to create a danger, hazard or obstruction on public streets, endangers persons or objects on public streets, or interferes with travel or use of the public street, the property owner shall, without notice, immediately correct the condition of said foliage to comply with the provisions of this Part. Whenever, in the opinion of the Mayor or Chairman of the Street Committee of Borough Council, the condition of foliage does not comply with the requirements of this Part, the Mayor or the aforesaid Chairman may notify the property owner to comply with this Part. Notice to comply shall be in writing and may be served upon the property owner personally or delivered by certified mail. If, after 10 days from delivery of

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said notice, the property owner has not corrected the condition of said foliage so as to comply with this Part, the Borough may do such work as necessary to correct the condition of said foliage, including removal, and bill the property owner the costs of said work. All such charges may be collected by placing a municipal lien upon the property involved or by an action in assumpsit. In the case of boundary line foliage, each property owner involved shall be jointly and severally liable and municipal liens for the entire cost may be placed against all properties involved.

(Ord. 207, 2/1/1965, §3)

§104. Emergency.

Notwithstanding the provisions of §103, whenever the condition of foliage is such as to constitute or create an emergency situation, the Borough may immediately, without notice, cause said condition to be corrected so as to be in compliance with this Part and may collect the cost of such work as provided in §104 of this Part.

(Ord. 207, 2/1/1965, §4)

§105. Liability.

Liability for damages or injuries sustained by any person resulting from foliage falling into, obstructing or interfering with a public street shall fully and exclusively be upon the property owner.

(Ord. 207, 2/1/1965, §5)

§106. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$50 nor more than \$600 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 shall constitute a separate offense.

(Ord. 207, 2/1/1965, §6; as amended by Ord. 242, 11/6/1969, §1; and by Ord. 384, 6/7/1999)

PART 2

TRIMMING OF TREES

§201. Definitions.

As used herein, the following terms shall have the following meanings:

SIDEWALK(S) — a path or paved footway at and along the side of a public street for use by the traveling public as pedestrians. The term "sidewalk" herein may include the paved footway, curb and gutter.

STREET(S) — includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

(As added by Ord. 425, 10/6/2008)

§202. Policy on Trimming of Trees.

The Borough of New Oxford, Adams County, Pennsylvania, recognizing the beauty, healthfulness and general advantage of the maintenance of trees on, along or overhanging its streets and sidewalks, and desiring to keep the same trimmed along these public thoroughfares for use by the traveling public within the Borough of New Oxford, declares it to be the policy of the Borough that such trees shall be adequately trimmed for the aforesaid purposes.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§203. Trimming by Public Utility Companies.

New Oxford Borough hereby authorizes public utility companies to provide for the necessary trimming of trees where required to protect and maintain utility wires or to facilitate proper street lighting; the cost of said trimming to be borne by such utility companies.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§204. Entry Upon Private Property for Purpose of Trimming.

Where it is necessary to enter upon private property in order to accomplish the said trimming, the work shall be done in such a manner as to comply with any reasonable requirements of owners or tenants.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

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§205. Borough's Authority to Remove Certain Trees.

The Borough may also cause to be removed any trees in, upon or along streets or sidewalks, which obstruct traffic or streetlighting or which impede or are dangerous to the traveling public.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§206. Manner of Trimming Trees.

Trees shall be trimmed in such a way that no branch thereof shall extend into or over a sidewalk or street at a height of less than eight feet above the surface thereof, and all such trees shall be trimmed so as not to obstruct the streetlighting or to interfere with overhead utility wires and with the proper maintenance of such public utilities.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§207. Pruning.

Tree pruning for street or roadway lighting shall be in accordance with formulas as set forth in Figure 4-A (recommending tree pruning to minimize conflict with roadway lighting) of "American Standard Practice for Roadway Lighting," sponsored by Illuminating Engineering Society and approved by American Standards Association, Inc., November 7, 1963, with periodic revisions.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§208. Wires.

1. It shall be unlawful to attach any electrically charged wire to any tree. Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Borough shall, in the absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed so that no injury shall be done to the poles or wires or shrubs and trees by contact.
2. Trees and shrubs must be pruned so that esthetics and health will not be impaired.
3. The Code Enforcement Officer or any properly designated officer or agent of the Borough shall have the authority to direct the utilities to prune trees and shrubs as deemed necessary for such public safety.

4. Owners of properties on which trees and shrubs to be pruned are located will be contacted prior to pruning and granted the privilege to have the trees and shrubs pruned by a tree trimming professional of their choice, at the owner's expense.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§209. Borough Under no Obligation to Trim or Remove Trees or to Pay Cost Thereof.

The Borough shall be under no obligation to trim or remove trees or to pay the cost thereof.

(Ord. 233, 11/6/1969; as amended by Ord. 425, 10/6/2008)

§210. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof be sentenced to pay a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(As added by Ord. 425, 10/6/2008)

