

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2019-7

**AN ORDINANCE OF THE TOWNSHIP OF LEHIGH,
NORTHAMPTON COUNTY, PENNSYLVANIA
ESTABLISHING LANDOWNERS' RESPONSIBILITY FOR
THE REMOVAL OF CERTAIN TREES LOCATED ON
PRIVATE PROPERTY WHICH INTERFERE WITH PUBLIC
RIGHTS-OF-WAY AND FOR THE REMOVAL OF TREES
FROM TOWNSHIP RIGHTS-OF-WAY AND PROVIDING FOR
THE ASSESSMENT OF COSTS THEREFORE AND PENALTIES IN
THE EVENT THIS ORDINANCE IS NOT FOLLOWED.**

WHEREAS, the Lehigh Township Board of Supervisors finds that the obstruction of the public rights-of-way of the Township by trees, shrubs or brush located in the Township right-of-way or by trees falling into said rights-of-way from private property located outside said rights-of-way poses a substantial and imminent threat to the health, safety and welfare of the Township, its inhabitants, and persons using the public rights-of-way of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lehigh, Northampton County, Pennsylvania, pursuant to the authority contained in the Second Class Township Code, as amended, at Sections 2308, 2325, 2326 and 2907 and Section 6112 of the Pennsylvania Motor Vehicle Code and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. Removal of Traffic Hazards by Property Owner. It shall be the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of any driver constitutes a traffic hazard. When the Board of Supervisors, or its designated agent determines on the basis of an engineering or traffic investigation that a traffic hazard exists, it shall notify the owner and order the hazard to be removed within ten (10) days.

The failure of the owner to remove the traffic hazard within ten (10) days after notice as set forth above, is a summary offense and every day the owner fails to remove it shall be a separate and distinct offense.

SECTION 2. Emergency Removal of Trees in Township Right-of-Way. In furtherance of the protection of the Township, its inhabitants, and persons using the public rights-of-way of the Township, any owner of property located outside of a Township right-of-way shall be responsible for the immediate clearing and removal of any tree which falls for any reason whatsoever, from such property into any of the public rights-of-way of Lehigh Township.

- a. In the event that the Township is notified of a condition as described in Section 2 and Township Officials determine that an emergency condition exists, the Township may proceed to immediately remove the tree(s) creating the condition to the extent determined necessary by the Township, in its sole discretion.

- b. In the event of Township action as described in Section 2a above, the cost incurred by the Township shall be collected by the Township Manager by the assessment of such costs against the responsible property owner as provided by Section 2907 of the Second Class Township Code, including the filing of a municipal lien if necessary.
- c. In the absence of an emergency, the Township shall provide reasonable notice of the dangerous condition to the property owner and give the property owner the option of clearing the obstructed right-of-way.

SECTION 3. Trees and Shrubs within Township Right-of-Way. The Township shall not remove any tree or shrub growing within the right-of-way of any Township road or street except those trees and/or shrubs the Board of Supervisors (or its designee) finds to constitute a hazardous or dangerous condition to the use of the street or road or those which impair the use and maintenance of the public road or street. However, no tree having a trunk diameter in excess of six (6") inches shall be removed without notice of the proposed removal having first been given to the abutting property owner. The Township Supervisors shall provide notice to the abutting property owner by First Class Mail.

SECTION 4. Clearing Brush. The Township may clear out brush and other refuse along the sides of the road to the legal width thereof. All clearing and removal of brush and refuse shall be confined to growth that is within the right-of-way and to the removal of branches that in any way interfere with public travel.

SECTION 5. Removal of Diseased or Dangerous Trees. The Board of Supervisors may 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 (or may interfere with) the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

- a. If within thirty (30) days after the date of notice by Certified Mail, Return Receipt Requested, to remove the trees, the property owner has not complied with that notice, the Board of Supervisors may enter the premises and remove the trees. The cost of cutting and removal of tree 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.

SECTION 6. Penalty. Any person who violates a provision of this Ordinance commits a summary offense. All fines shall be paid into the General Township Fund.

SECTION 7. Severability. Should any section, paragraph, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

SECTION 8. Repealer Clause. All Ordinances or parts of Ordinances or Resolutions


conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. Effective Date. This Ordinance shall become effective five (5) days after enactment.

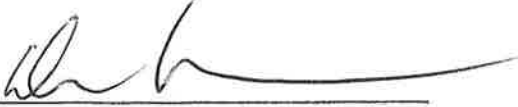
ENACTED and ORDAINED into law this 27th day of Aug, 2019, by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania.

ATTEST:

TOWNSHIP OF LEHIGH
BOARD OF SUPERVISORS



Alice Rehrig, Manager



Darryl Snover, Chairman