

Chapter 25

Trees

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Part 1**Tree Trimming****§25-101. Definitions.**

Owner - the title holder, by deed or other conveyance, to property situate in North York Borough.

Posting property - a property shall be deemed posted when a person designated by the Borough places a written notice in an envelope and affixes the same to the front door of the main building situate upon the premises affected by the notice.

Trees - all trees, shrubs, bushes and other woody stemmed vegetation on land lying between property lines on either side of all the streets, avenues or ways within the Borough of North York.

(Ord. 92-10, 12/17/1992, Art. 1)

§25-102. Responsibility for Trimming Trees, Clearance Over Public Ways, Utility Company Right-of-Way.

It shall be the duty and responsibility of the owner or owners of every property located in the Borough of North York, York County, Pennsylvania, to trim or cut and keep trimmed or cut trees standing along the street abutting the front, side or rear of said such property so that branches thereof shall have a clearance of at least 14 feet above the cartway or paved area of the street along said such property and shall have a clearance of at least 7 feet above the sidewalk area and 14 feet above the cartway, and shall so trim trees that they shall not obstruct the street lighting or interfere with the wiring or of the proper maintenance of public utilities. The cost of such trimming shall be borne by the property owner except where the work is specifically required to protect and maintain utility wires in which the cost shall be borne by such utility.

(Ord. 92-10, 12/17/1992, Art. 2)

§25-103. Alley Encroachment Prohibited.

It shall also be the duty of the owner or owners of every property located within the Borough to trim or remove all trees, shrubbery or hedges extending beyond the property line in any public alley of the Borough, in order that the entire width of the alley shall be available for traffic use.

(Ord. 92-10, 12/17/1992, Art. 3)

§25-104. Access to Private Property When Required.

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

(Ord. 92-10, 12/17/1992, Art. 4)

§25-105. Borough May Remove Obstruction or Encroachments.

The Borough may also cause to be removed any trees, hedges or shrubbery on the

streets or alleys which obstruct traffic, street lighting or are inconvenient or dangerous to the passing public, or which encroach onto adjoining properties from said property. (Ord. 92-10, 12/17/1992, Art. 5)

§25-106. Vision Obstruction Along Street Prohibited.

The owners of properties located in the Borough shall trim all trees, shrubs, hedges or other vegetation on their respective properties so as not to obstruct the vision of motorists traveling on the street of said property.

(Ord. 92-10, 12/17/1992, Art. 6)

§25-107. Removal of Dead or Diseased Trees.

The Borough shall have the right to cause the removal of any dead or diseased trees on private property within the Borough when such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees within the Borough.

(Ord. 92-10, 12/17/1992, Art. 7)

§25-108. Removal of Stumps.

All stumps of trees located within the Borough shall be removed below the surface of the ground so that no part of the stump shall project above the surface of the ground. In removing the stumps or trees, all other ordinances of the Borough of North York shall be complied with.

(Ord. 92-10, 12/17/1992, Art. 8)

§25-109. Notice to Landowner.

1. All violations of this Part shall be reported in writing to the owner of the premises by the Borough Enforcement Officer or any other designated official designated by the Borough Council.

2. Notice shall be in writing, clearly explaining the violation, curative steps that must be taken, and the completion date. It shall also provide the landowner with the opportunity to appeal the determination. An appeal hearing must be requested by owner within 3 days of the receipt of notice. Such appeal hearing shall be heard by the Borough Council within 15 days. In emergency circumstances, a hearing shall be held within 5 days of the request.

3. Notice shall be served personally upon the landowner if practicable. If owner cannot be found, the property shall be posted with the notice and, in addition, notice shall be served by the Borough Enforcement Officer or such other official designated by Borough Council by ordinary mail and by certified mail, return receipt requested. Receipt of notice shall be irrefutably established to be 3 days after the date of mailing of the notice.

(Ord. 92-10, 12/17/1992, Art. 9)

§25-110. Tree Topping.

It shall be unlawful as normal practice for any person, firm or Borough Department to top any tree within the Borough of North York. Topping is defined as the severe

cutting back of limbs to stubs larger than 3 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 exempt from this Section at the determination of the Enforcement Officer.

(*Ord. 92-10, 12/17/1992, Art. 10*)

§25-111. Refusal to Comply with Request to Trim Trees or Otherwise Comply with this Part.

Should the property owner fail or refuse to properly trim trees, hedges or shrubbery in accordance with the provisions of this Part, the Borough shall cause the same to be done. The cost thereof shall be billed to the property owner. If the bill is not paid within 30 days, the matter shall be turned over to the Solicitor who shall lien the property and take whatever other steps deemed necessary to collect the bill.

(*Ord. 92-10, 12/17/1992, Art. 11*)

§25-112. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In addition to the foregoing, an appropriate civil action may be filed by the Borough Solicitor in the office of the magisterial district judge or such other court having jurisdiction to collect the penalty provided hereon.

(*Ord. 92-10, 12/17/1992, Art. 12; as amended by Ord. 2006-3, 7/10/2006*)

