

ORDINANCE NO. 2006-01

**AN ORDINANCE OF CLARKS SUMMIT BOROUGH REGULATING PLANTING, REMOVING AND MAINTAINING OF TREES ALONG PUBLIC WAYS; PROHIBITING PLANTING AND GROWING CERTAIN TREES; REQUIRING CLEARANCE ABOVE STREETS AND SIDEWALKS; ESTABLISHING RESPONSIBILITY FOR REMOVAL AND TRIMMING OF TREES; AND PRESCRIBING PENALTIES FOR VIOLATION.**

Clarks Summit Borough hereby ordains:

Section 1. **Definitions.** The word "person" as used in this ordinance, shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

Section 2. **Restrictions on Planting and Growing of Certain Trees.** It shall be unlawful for any person to plant, maintain or allow to grow any trees and shrubs within the lines of any street, alley or sidewalk in the Borough of Clarks Summit or within three (3) feet of any public sewer or water line.

Section 3. **Clearance Above Street and Sidewalk.** Every owner of property in the Borough of Clarks Summit shall be required to keep limbs and branches of all trees growing upon such property or along the street, sidewalk, curb or alley abutting upon such property trimmed so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than eight (8) feet above the surface of the sidewalk or of less than fourteen (14) feet above the surface of the roadway of any street or alley.

Section 4. **Removal and Trimming of Trees.** It shall be the responsibility of property owners in the Borough of Clarks Summit to conform to the requirements of this Ordinance as to trees upon property owned by them, or along streets, alleys and sidewalks abutting upon such property and upon notice from the Borough of Clarks Summit to remove any tree or trees growing in violation of Section 2 of this Ordinance, and to trim or cut the branches or limbs of trees as required by Section 3 hereof. Any person failing to comply with any such notice, within the time limit stated therein, shall be guilty of a violation of this Ordinance and following the expiration of such time limit, the Borough of Clarks Summit shall have the authority to cause the work required by such notice to be done by the municipality or under contract therewith and to collect the cost of such work with an additional amount of ten percent (10%) from such property owner in default.

Section 5. **Grant Money.** Clarks Summit Borough will endeavor to obtain grant monies from public and private sources related to granting the moving and maintaining of public street trees. To the extent that Clarks Summit Borough is able to obtain grant funding, said funds will be utilized to accomplish the objectives of this Ordinance. However, the Borough's application and receipt of grant monies will not alleviate the necessity for private properties to monitor, maintain and remove the street trees as set forth in this Ordinance and the provisions of the Pennsylvania Borough Code.

Section 6. **Penalties.** Any person, firm or corporation who shall violate any provision of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

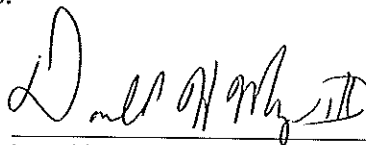
Section 7. **Repealer.** Any Resolution, Ordinance or part of the Ordinance or Resolution inconsistent herewith and any amendments thereof are hereby expressly repealed insofar as they affect this Ordinance.

Section 8. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

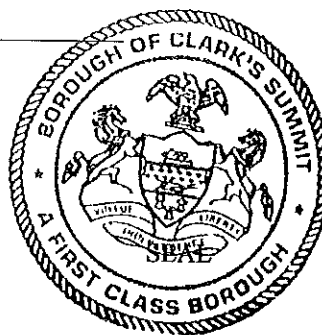
Section 9. **Effective Date.** This Ordinance shall become effective immediately upon passage.

Section 10. Authority. This Ordinance is enacted by the Council of the Borough of Clarks Summit under the authority of the Act of Legislature, February 1, 1966 P.L. (1965) No. 581 Section 1005, as amended 1979, November 2, P.L. 458 No. 94, 53 P.S. Section 46005, et seq., known as the Borough Code and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

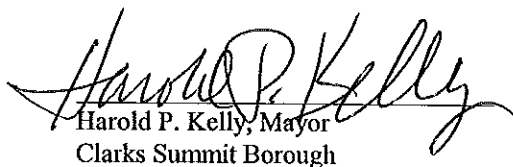
Approved the 7<sup>th</sup> day of June, 2006.



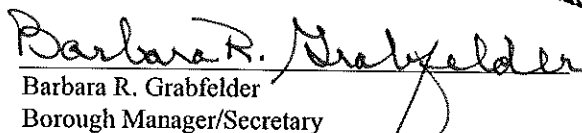
Donald H. Moyer, III  
Clarks Summit Borough President



ATTEST:



Harold P. Kelly, Mayor  
Clarks Summit Borough



Barbara R. Grabfelder  
Borough Manager/Secretary

Passed by the Clarks Summit Borough Council the 7<sup>th</sup> day of June, 2006, receiving the affirmative votes of SIX and the negative votes of one.