

**NEWTON TOWNSHIP  
LACKAWANNA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020-2**

**A TOWNSHIP ORDINANCE REGARDING STREET TREES AND TOWNSHIP  
STREETS AND ROADS**

WHEREAS, the Board of Supervisors of Newton Township (“Board”), has determined that it is in the interest of public safety to provide regulations for trees and street trees along Township Roads;

NOW THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania, pursuant to the authority granted by Pennsylvania Second Class Township Code as follows:

Section 1.     Applicability

This ordinance shall apply to any road in Newton Township subject to the Township Subdivision and Land Development Ordinance, applicable law and/or under the control of Newton Township.

Section 2.     Definitions

Terms used in this Ordinance shall have the following meanings, whether or not the terms are capitalized. Unless otherwise, expressly stated, terms not defined in this Ordinance shall be construed consistent with their common and ordinary meaning.

Right-of-way: The area of any public street, road, highway or other publically held thoroughfare within the corporate limits of the Township that has been designated by law as a public right-of-way.

Sight Triangle: A triangular-shaped portion of land established at street intersection in which nothing is erected, plants, or allowed to grow in such a manner to obstruct the sight distance of motorists entering or leaving an intersection. The extents of sight triangles shall be determined by using the most stringent requirements contained in the Pennsylvania Vehicle Code, Newton Township Subdivision and Land Development Ordinance, or Newton Township Zoning Ordinance, as applicable.

Street Tree: Any tree, shrub, or other woody plant, which is planted in any right of way, or has at least three-fourths of the trunk, branches and roots extending into any right of way.

Section 3. Maintenance of Trees

A. The maintenance, care or removal of any tree, and required compliance with any provision of this Ordinance shall be the responsibility of the property owner on whose property the tree is located.

B. No person, without first obtaining permission from the Township, shall plant a street tree within any public right of way.

C. All mature street trees shall be kept trimmed to a minimum branching height of fourteen (14) feet where they overhang any public walk or public street. However the Township may require greater height clearance to eliminate traffic and other hazards. All trees standing on private property and having branches projecting over a public walk or street shall be kept trimmed by the owner of such private property so that the lowest branches shall have a minimum height of fourteen (14) feet where they overhang any public walk or public street.

D. Whenever, in the opinion of the Code Enforcement Officer, a health or safety hazard is caused by a tree on private property that overhangs a public walk or street, the Code Enforcement Officer may issue a written order to the responsible property owner to take action to correct the condition within ten (10) days of the date of the order. If after written notification, the responsible property owner fails to take corrective action, the Code Enforcement Officer may have the required work accomplished to correct the health and safety condition and may bill the responsible property owner. Failure of the responsible property owner to pay the bill may result in a lien upon the property which may be filed and collected in the same manner as municipal claims are filed and collected.

E. Whenever, in the opinion of the Code Enforcement Officer, any vegetation or object located on private property obstructs the sight distance of motorists in the sight triangle, the Code Enforcement Officer may issue a written order to the responsible property owner to take action to correct the condition within ten (10) days of the date of the order. If after written notification, the responsible property owner fails to take corrective action, the Code Enforcement Officer may have the required work accomplished to correct the health and safety condition and shall bill the responsible property owner. Failure of the responsible property owner to pay the bill may result in a lien upon the property which may be filed and collected in the same manner as municipal claims are filed and collected.

Section 4. Removal of Trees

A. The Code Enforcement Officer may, upon concluding that a tree is located on private property is diseased and dying, or damaged beyond recovery of health or poses a threat to property or safety, order the responsible property owner to remove the tree. The responsible property owner shall have ten (10) days from the date of the order to take action. If after written notification, the responsible property owner fails to take corrective action, the Code Enforcement Officer may have the required work accomplished to correct the health and safety condition and may bill the responsible property owner. Failure of the responsible property owner to pay the bill may result in a lien upon the property which may be filed and collected in the same manner as municipal claims are filed and collected.

B. In an emergency where a tree poses an immediate threat to health, property or safety, the Code Enforcement Officer may order the immediate removal of a tree. Prior to the removal of the tree, the Code Enforcement Officer, shall document how the tree poses an immediate threat to health and safety. Prior to removal, the Code Enforcement Officer shall make a good faith effort to notify the responsible property owner. After removal, Code Enforcement Officer may bill the responsible property owner for the costs of removal. Failure of the responsible property owner to pay bill may result in a lien upon the property which may be filed and collected in the same manner as municipal claims are filed and collected.

Section 5. Violations and Penalties

Any person, firm or corporation who shall violate any provision of this ordinance shall upon conviction thereof, be guilty of a summary offense, and may be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs; and/or undergo imprisonment not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section 6. Repealer

This Ordinance hereby repeals any provision inconsistent with any other Ordinance, to the extent of such inconsistency.

Section 7. Severability

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

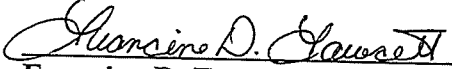
Section 8. Effective Date

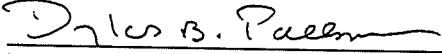
This Ordinance shall become effective twenty (20) days after its adoption.

ENACTED AND ORDAINED on this 9<sup>th</sup> day of November, 2020.

**BOARD OF SUPERVISORS OF NEWTON TOWNSHIP, LACKAWANNA COUNTY**

ATTEST:

  
Francine D. Fawcett  
Secretary/Treasurer

  
Douglas B. Pallman, Chairman

  
Kevin Carr, Vice-Chairman

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Robert Naegele, Supervisor