

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE BOROUGH OF JONESTOWN, LEBANON COUNTY, PENNSYLVANIA, ADDING PART 5, TREES, SHRUBS, BUSHES AND PLANT GROWTH OVERHANGING OR PROTRUDING ON STREETS AND SIDEWALKS TO CHAPTER 21, STREETS AND SIDEWALKS TO PROVIDE FOR REGULATIONS, VIOLATIONS AND COSTS.

WHEREAS, the Borough Code, authorizes Borough Council of Jonestown Borough, Lebanon County, Pennsylvania (hereinafter "Borough Council") to adopt Ordinances to promote the health, safety, and welfare of the Borough residents; and

WHEREAS, Jonestown Borough Council desires to add Part 5 regarding overhanging trees of streets and sidewalks as Part 5 under Chapter 21 regarding Streets and Sidewalks;

AND NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Borough Council of Jonestown, Lebanon County, Pennsylvania, is hereby enacted and ordained as follows:

1. The following shall be added as Part 5, Trees Overhanging Streets and Sidewalks, under Chapter 21, Streets and Sidewalks.

PART 5

TREES, SHRUBS, BUSHES, AND PLANT GROWTH OVERHANGING OR PROTRUDING ON STREETS AND SIDEWALKS

Section 21-501. Purpose

The purpose of this Ordinance is to protect the safety of pedestrians and motorists with regards to vegetation impeding traffic signs, sight lines, and safe passage on roadways and sidewalks.

Section 21-502. Application

This Ordinance applies to trees, bushes, and plant growth overhanging or protruding within Borough streets, sidewalks, easements and rights-of-ways.

Section 21-503. Duty of Property Owner

It shall be the responsibility of a Property Owner to maintain trees and other vegetation within the Borough right of way in the following manner:

- (1) No tree or vegetation shall be permitted to obstruct the view from the roadway of any traffic control device or sign, or pedestrian safety sign, or Borough placed permanent directional or street designation sign.
- (2) No tree or vegetation shall be permitted to obstruct or impede safe passage of pedestrians traversing sidewalks or endanger the safety of pedestrians by overhanging sidewalks at a height of less than eight (8) feet or infringing upon the standard width of the sidewalk, shoulder, or street, or by creating a tripping hazard.
- (3) No tree or vegetation should impede sightlines of drivers of vehicles on the roadways deemed necessary for traffic safety in accordance with applicable and current guidelines utilized by Pennsylvania Department of Transportation.

Section 21-504. Designation of Enforcement Officer; Right to Inspect

- (1) The Borough hereby designates the Mayor, the Code Enforcement Officer, Borough Engineer, or any other designated individual duly appointed by Resolution, to enforce any provision of this Part.
- (2) The Mayor, the Code Enforcement Officer, Borough Engineer, or any other designated individual duly appointed by Resolution is hereby authorized to make inspections of any property or premises enforce any provision of this Part.

Section 21-505. Violations

- (1) In the event the Mayor, the Code Enforcement Officer, Borough Engineer, or any other designated individual duly appointed by Resolution determines that tree or vegetation creates a safety hazard as a result of failure to maintain in accordance

with the above Section 3, the Borough shall cause written notice to be served upon the Property Owner in one of the following manners:

(A) By making personal delivery of the notice to the Property Owner or occupant;

(B) By handing a copy of the notice at the property to the Property Owner, occupant or to an adult member of the family with which the Property Owner or occupant resides, but if no adult member of the family is found, then to an adult person in charge of such residence;

(C) By affixing a copy of the Notice to the door at the entrance of the Property in violation; or

(D) By mailing a copy of the notice to the last known address of the Property Owner by certified mail.

(2) Such notice shall require the Property Owner to commence action in accordance with the terms of the notice within 10 days and thereafter fully comply with the time provided not to exceed 30 days.

(2) Where notice has been provided to the Property Owner, the Borough may, at its option, trim, prune, or eliminate trees or vegetation to the extent and as it deems reasonably necessary to bring the vegetation into compliance with the requirements listed in the above Section 21-503.

(3) Notwithstanding other provisions of this Section, where Mayor, the Code Enforcement Officer, Borough Engineer, or any other designated individual duly appointed by determines that trees or vegetation pose a substantial risk of immediate or imminent harm to pedestrian or traffic safety, the Borough may immediately take such measures as it deems reasonably necessary to alleviate the threat of risk or immediate harm.

Section 21-506. Costs

The Property Owner shall be responsible for costs to the Borough of trimming, pruning, or removing vegetation or trees pursuant to Sections 21-503 and 21-505 above, including costs of recovery of the costs incurred, including, but not limited to, actual administrative costs, attorneys' fees to the Borough, and court costs.

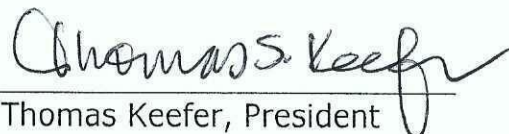
2. If any sentence, clause, section, or any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of Jonestown Borough Council that this Ordinance would have adopted such unconstitutional, illegal or invalid sentence, clause, section or part thereof would not have been included thereof.

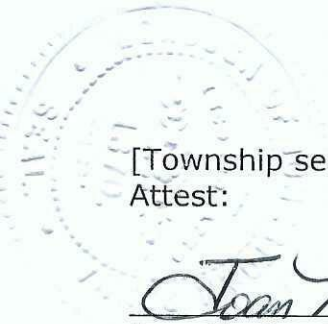
3. All prior Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

4. This Ordinance is to become effective immediately upon its adoption.

ORDAINED AND ENACTED into law this 6th day of June,
2023.

CLEONA BOROUGH


Thomas Keefer, President



[Township seal]

Attest:

Joan Keefer

Joan Keefer, Borough Secretary

Approved this 6th day of June, 2023 by

Joseph Quairati

Joseph Quairati, Mayor