

ORDINANCE 07-04

BOROUGH OF TARENTUM

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, REQUIRING PROPERTY OWNERS TO PRUNE OR REMOVE TREES OR OTHER VEGETATION WHICH IS DISEASED, PRESENTS A THREAT TO PERSONS OR PROPERTY, OR WHICH INTERFERES WITH UTILITIES OR ELECTRONIC COMMUNICATION LINES, OR IS DAMAGING SIDEWALKS, AND PROVIDING FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, Council of the Borough of Tarentum is concerned that certain trees and vegetation presents a threat to persons or real property and/or interferes or disrupts electric service or electronic communication; and

WHEREAS, Council of the Borough of Tarentum is empowered by 53 P.S. 47721, et seq., 53 P.S. 46801, and the Borough of Tarentum Code, Article III, section 216-217, to require owners of real property to cut and remove violating vegetation; and

WHEREAS, Council of the Borough of Tarentum is empowered to fine real property owners for non-compliance and/or to abate violations if the owner does not comply, lien the real property and/or collect costs and expense of abatement from the property owner;

NOW WHEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Tarentum, and it is hereby ordained and enacted by authority of the same.

I. PROHIBITIONS

Every poplar tree and/or every willow tree now or hereafter growing or planted along any street, alley or cartway abutting an owner's real property must be removed within six (6) months of the passage of this Ordinance.

II. VIOLATIONS

- A. Any vegetation abutting any street, alley, cartway or right-of-way or on an owner's real property which poses an imminent and clear and present danger to persons, real property, or personalty or the likelihood of same violates this Ordinance.
- B. Any vegetation abutting any street, alley, cartway or right-of-way or on an owner's real property that interferes with or is likely to interfere with electricity lines or communication lines violates this Ordinance.
- C. Any vegetation abutting any street, alley, cartway or right-of-way or on an owner's real property that interferes with pedestrian or motor vehicle travel or which is causing damage to sidewalks, streets, alleys and/or Borough cartway or right of way violates this Ordinance.

III. CLASSES OF VIOLATIONS

A. EMERGENCY

Whenever any vegetation abutting any street, alley, cartway or right-of-way or on an owner's real property which has caused an emergency, the property owner must take immediate, safe and clean abatement measures or the Borough may cause the abatement to be done.

B. IMMINENT DANGER

Whenever any vegetation abutting any Borough street, alley, cartway or right-of-way or on an owner's real property presents an imminent clear and present danger of causing damage to persons, real property or personalty, the real property owner will have forty-eight (48) hours to remove or abate the hazard in a manner acceptable to the Borough of Tarentum.

C. OBVIOUS DANGER

Whenever any vegetation abutting any Borough street, alley, cartway or right-of-way or on an owner's real property presents an obvious or potential danger of causing damage to persons, real property or personalty, the real property owner shall have forty-five (45) days to remove or abate the potential hazard in a manner acceptable to the Borough of Tarentum.

IV. NOTICE AND PROCEDURE

- A.1. The Tarentum Borough Police, Fire Department, Code Enforcement Officer or Electric Department will attempt to notify the land owner by telephone and/or in person of any violation of III A. above.
- A.2. Upon his own observation or having received an opinion from an Arborist or upon information received from the Tarentum Borough Electric Department, the Borough of Tarentum Code Enforcement Officer shall notify the offending property owner by phone and overnight certified mail of any violation of III B. above.
- A.3. Upon his own observation, or having received an opinion from an Arborist or upon information received from the Tarentum Borough Electric Department, the Tarentum Borough Code Enforcement Officer shall notify the offending property owner by certified mail of any violation of III C. above.
- B.1. When the property owner does not immediately or timely respond or is not available under a violation of III A., and B. above, the Borough of Tarentum may take appropriate abatement

measures, including pruning, removal and cleaning using Tarentum Borough Employees or contracted services.

B.2.(a) If the property owner does not respond under III C. in a manner acceptable to the Borough of Tarentum within forty-five (45) days, the Tarentum Borough Code Enforcement Officer shall issue a non-traffic citation to the real property owner.

B.2.(b) Upon final judicial determination, if guilty, the owner shall have ten (10) days to abate the violation.

C.1. A non-traffic citation may be issued under section III. B. and C.

V. FINE, LIENS, COLLECTION


A. Any person convicted of any section of this Ordinance shall pay a fine not exceeding six hundred dollars (\$600.00).

B. Fines and costs of abatement, including wages, costs and contracts to third parties, shall be a lien on the owner's real property as well as collectable jointly and severally against owners by civil suit in addition to actions for collections by the judicial system.

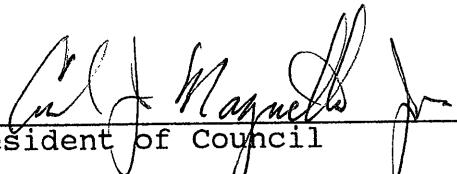
ORDAINED AND ENACTED into law this 19 day of March, 2007.

ATTEST:

BOROUGH OF TARENTUM




William Rossey,
Tarentum Borough Manager




President of Council

EXAMINED AND APPROVED this 19 day of March, 2007.



James E. Wolfe,
Mayor



David P. Strellec, Esquire
Solicitor