

ORDINANCE NO. 245

An ordinance of the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania regulating the planting and maintaining of trees along public ways.

BE IT ORDAINED BY BOROUGH COUNCIL OF THE BOROUGH OF CLYMER, INDIANA COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

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.

2. Restrictions on the Planting and Growing of Trees and Shrubs
It shall be unlawful for any person to plant any trees or shrubbery within the right of way or the lines of any street, alley or sidewalk in the Borough of Clymer. It shall be unlawful for any person to maintain any trees or shrubbery within the rights of way or the lines of any street, alley or sidewalk in the Borough of Clymer that are not in conformity of this ordinance.

3. Clearance above the Streets and Sidewalks
Every person owning property in the Borough of Clymer shall be required to keep limbs and branches of all trees and shrubbery growing upon such property or along the rights of way, streets, sidewalks, curbs, or alleys abutting upon such property so that no part of such limbs or branches or of the foliage growing therefrom 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.

4. Removal and Trimming of Trees and Shrubbery
It shall be the responsibility of each person owning property in the Borough of Clymer to conform to the requirements of this ordinance as to trees or shrubbery located on property owned by them or along the rights of way, streets, alleys and sidewalks abutting upon such property. It shall be their duty to remove all dead trees and shrubbery or parts thereof. Any person receiving a notice from the Borough of Clymer to remove or to trim any shrubbery or trees which are in violation of any provision of this ordinance shall do so within ten (10) days after receiving notice thereof. Any person failing to comply with any such notice within the time limits stated therein shall be guilty of a violation of this ordinance and following the expiration of such time limit as is contained in the notice, the Borough of Clymer 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 per cent (10%) from such property owner in default. The entire cost thereof shall be liened upon the owner's property and a claim therefor shall be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

5. Issuance of Permits
Any person desiring to plant any new trees or shrubbery within the Clymer Borough's rights of way or any lines of any street, alley or sidewalk in the Borough of Clymer shall apply to the Mayor of the Borough of Clymer for a permit. No trees or shrubbery may be planted in the rights of way or lines of any street, alley or sidewalk in the Borough of Clymer without a permit from the Mayor.

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 Three Hundred Dollars (\$300) or upon failure to pay the fine to imprisonment for a term not to exceed ten (10) days.

7. Repealer All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

This ordinance shall take effect immediately.

BOROUGH OF CLYMER


President

ATTEST:


Secretary

Approved this 10 day of July, 1989.

Mayor