

BOROUGH OF EAST PROSPECT  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO.: 2004-12

AN ORDINANCE PROVIDING FOR THE CLEARANCE OF  
TREES AND BRUSH OVER AND ALONG STREETS AND  
SIDEWALKS

BE IT ENACTED AND ORDAINED by the Borough Council of East Prospect Borough, York County, Pennsylvania, as follows:

Section 1. Trees and Brush Along Streets and Sidewalks to be Trimmed. It shall be the duty of the owner of every parcel of real estate which lies within or abuts the right-of-way of any public street or road within the Borough and upon which real estate trees and brush are growing trim such trees and brush so that:

- A. There shall be a minimum clearance between any branches which overhang the right-of-way of fifteen (15) feet and any branches which overhang the sidewalk of nine (9) feet and a clear sight triangle as defined in the Subdivision and Land Development Ordinance.
- B. The branches and their leaves shall not prevent the light of street lights from illuminating the ground within the right-of-way or the sidewalk.

Section 2. Trees and Brush Causing Damage to Sidewalk. It further shall be the duty of the owner of every parcel of real estate which is situate in the Borough to remove any tree, brush or parts thereof growing upon that property or upon the sidewalk area adjacent to that property, upon notice from Council, when the roots of the tree have caused any part of the sidewalk to heave up, be cracked or otherwise disturbed, and to repair or reconstruct the sidewalk, as required by Council, so as to restore the sidewalk to its proper condition.

Section 3. Notice to Property Owner; Penalty for Violation.

1. When the Owner of any parcel of real estate has failed to fulfill the duty imposed by Section 1, the owner shall be served with a written order to do so.
2. A written order shall be sent to the owner of the property at the address shown on the real estate tax assessment records. The written notice will stipulate the trees and brush shall be trimmed within fourteen (14) days.
3. If the violation has not been corrected within fourteen (14) days, another written order shall be served by registered mail, delivered to addressee only, return receipt requested, addressed to the owner at his address shown on real estate tax assessment records.

4. A person who fails to fulfill this duty within fourteen (14) days after receipt of the written order sent by registered mail shall, upon conviction in a summary proceeding, be subject to a fine of not less than one hundred dollars (\$100.00) and not more than six hundred (\$600.00) dollars.

Section 4. Trimming by Borough Upon Owner's Noncompliance. Upon the failure of a person to fulfill the duty within thirty (30) days of conviction, the Borough may have the trees and brush trimmed so as to comply. The Borough will be reimbursed by the property owner for all expenses incurred so as to comply.

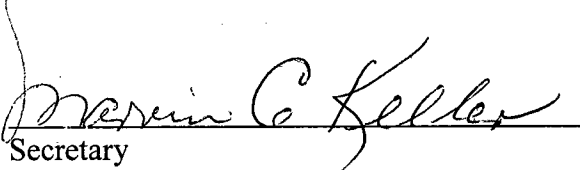
Section 5. Charges Incurred so as to Comply; Lien on Property. Charges imposed by this Part which are not paid when due, at the discretion of the Borough shall be filed as a lien against the property, which lien shall be filed in the Office of the Prothonotary of York County, Pennsylvania, and any delinquent charges shall be collected in the same manner provided by law for the filing and collection of municipal claims. The amount of the charges for which a lien is filed shall bear interest at the rate of twelve (12) percent annum, or the highest rate allowable by law, if such rate be lower, from and after the date of the filing of the lien.

Section 6. This Ordinance shall become effectively upon enactment.

ENACTED AND ORDAINED this 7<sup>th</sup> day of September, 2004.

ATTEST:

BOROUGH COUNCIL OF EAST  
PROSPECT

  
Secretary

  
President

(SEAL)

Approved this 7<sup>th</sup> day of September, 2004.

  
Mayor