

**BROWNSVILLE TOWNSHIP
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-15

**AN ORDINANCE OF BROWNSVILLE TOWNSHIP, FAYETTE
COUNTY, PENNSYLVANIA, ESTABLISHING LANDOWNERS'
RESPONSIBILITY FOR THE REMOVAL OF CERTAIN TREES FROM
TOWNSHIP RIGHTS-OF-WAY AND PROVIDING FOR THE
ASSESSMENT OF COST THEREFOR.**

Under the authority of the Pennsylvania Second Class Township Code, 53 PS. Section 65101, et seq., including Sections 66506, 67325, and 67326 thereof, the Board of Supervisors of Brownsville Township, Fayette County, Pennsylvania, does hereby enact and ordain:

Section 1. It is hereby declared that obstruction of the public rights-of-way of the Township by trees falling into said rights-of-way from private property located outside said rights-of-way poses a substantial and imminent threat to the health, safety and welfare of the Township, its inhabitants, and persons using the public rights-of-way of the township.

Section 2. In furtherance of the protection of the Township, its inhabitants, and persons using the public rights-of-way of the Township, any owner of property located outside said rights-of-way shall be responsible for the immediate clearing and removal of any tree which falls, or is in danger of falling, for any reason whatsoever from such property into any of the public rights-of-way of Brownsville Township.

Section 3. It shall be the duty of any person, firm or corporation owning any property within Brownsville Township fronting upon or alongside any open street, alley or sidewalk to remove any tree growing upon that property or upon the sidewalk area adjacent to that property when the roots of the tree have caused any part of the sidewalk to heave up, be cracked or otherwise disturbed and then to repair or reconstruct the sidewalk as required by the Board of Supervisors, so as to place the walk in proper condition.

Section 4. In the event that the Township is notified of a condition as described in Section 2 or Section 3 above, the Township may proceed to immediately remove the tree(s) creating the condition to the extent determined necessary by the Township, in its sole discretion.

Section 5. In the event of Township action as described in Section 4 above, the cost incurred by the Township pursuant to Section 4 shall be collected by the Township by the assessment of such costs against the responsible property owner as provided by 53 P.S. Section 68302, including the filing of a municipal lien if necessary.

Section 6. 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 less than \$25 or more than \$300, and in default thereof, be subject to imprisonment for not more than 30 days. Each

day that a violation of this Ordinance continues after notice shall continue a separate offense. This penalty is in addition to the costs of removal as set forth in Section 5 above.

Section 7. The Board of Township Supervisors shall make appropriate attempt to provide notice of the adoption of this Ordinance, provided that individual notice to property owners shall not be required.

Section 8. Any previous Ordinance on this subject, or parts of ordinances which are inconsistent herewith, are hereby repealed.

Section 9. This Ordinance shall take effect five (5) days after its date of adoption.

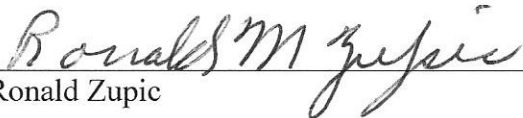
ORDAINED and ENACTED by the Supervisors of Brownsville Township, Fayette County, Pennsylvania, on this 6th day of October, 2015.

BROWNSVILLE TOWNSHIP SUPERVISORS



Homer Yeardie

Timothy Scott



Ronald Zupic

ATTEST:




Secretary