

**FILE OF THE CITY CLERK**

**ADMINISTRATIVE ORDINANCE NO. 02 - 2024**

**ADMINISTRATION BILL NO. 02 - 2024**

**INTRODUCED – FEBRUARY 13, 2024**

**ADOPTED BY COUNCIL – FEBRUARY 27, 2024**

**AN ORDINANCE OF THE LANCASTER CITY COUNCIL AMENDING CHAPTER 273 OF THE CODE OF THE CITY OF LANCASTER - TREES TO ADD A DEFINITION FOR ENCROACHING TREE AND PROVIDE FOR PERMITS UNDER CHAPTER 273 TO BE ISSUED BY THE DEPARTMENT OF PUBLIC WORKS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.**

WHEREAS, the present ordinance respecting trees contains obsolete terminology regarding which City offices administer the ordinance; and

WHEREAS, the present ordinance does not address the procedures by which property owners can trim trees that encroach on their property; and

WHEREAS, it is desirable that the trimming of encroaching trees be done pursuant to duly issued permits to protect public safety; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster that the City of Lancaster Code Chapter 273 – Trees shall be amended as follows:

**Section 1.** The Code of the City of Lancaster Chapter 273-Trees, §273-2 Word Usage; definitions (B) Definitions, be and hereby is amended by adding the following definition:

**“ENCROACHING TREE**

A Protected Tree on Private Property whose branches, roots or canopy extend over the property line so as to encroach on adjacent properties in or under separate ownership.”

**Section 2.** The Code of the City of Lancaster Chapter 273-Trees, §273-3 Administration and Enforcement (A) Permit required, be and hereby is amended as follows:

“Permit required. No shade tree shall be planted, transplanted, cut, pruned, treated or removed in or upon any public street, highway or avenue, park, or open space without a written permit from the Department of Public Works. All persons shall first obtain a written permit from the Department in accordance with § 273-11 of this chapter before doing or having done any work for the care, pruning of any tree in or upon the public streets, highways or avenues. All work required to be done under any permit issued hereunder shall be completed within the time period specified, but not to exceed three months from the date issued, unless the time period has been extended by the Department. All tree work shall be done following the City's Tree Manual.”

**Section 3.** The Code of the City of Lancaster Chapter 273-Trees, §273-3 Administration and Enforcement (B) Enforcement, be and hereby is amended as follows:

“B. Enforcement. The provisions of this chapter shall be administered and enforced by the City Arborist or other employees of the City as designated by the Director of the Department. It shall be the duty of the Arborist or designated officers or employees to cause any premises to be inspected or examined, to order, in writing, the remedying of any conditions found to exist in violation of any provisions of this chapter, and to issue permits in accordance with this chapter and to review permit applications as required by the Director of the Department and in accordance with the City’s Tree Manual.”

**Section 4.** The Code of the City of Lancaster Chapter 273-Trees, §273-5 Notice to Prune or to remove tree, be and hereby is amended by replacing all references to the “Bureau” therein with the word “Department”.

**Section 5.** The Code of the City of Lancaster Chapter 273-Trees, §273-11 Application for permit (B) Application, be and hereby is amended to read as follows:

“B. Application. The application for any permit shall be made in writing to the Department on the form provided. Such permit application shall describe the work to be done, specify species or variety, size, nursery grade and location and briefly specify the method of planting, method of support and pruning of all trees or shrubs concerned, contain a definite expiration date, and include a sketch plan showing the location of the tree, the portions of the tree to impacted by the work and the property lines of the site.

- (1) All applications for a tree work permit shall be reviewed by the City Arborist and issued by the Department.
- (2) The application for a shade tree permit may be waived by the Director when the work is done at the direction of, and carried out by, a City agency.”

**Section 6.** The Code of the City of Lancaster Chapter 273-Trees, §273-11 Application for permit (C) Conditions attached to permits be and hereby is amended by replacing all references to the “Bureau” therein with the word “Department”.

**Section 7.** The Code of the City of Lancaster Chapter 273-Trees, §273-17 Protected Trees on private property, be and hereby is amended by replacing all references to the “Bureau” therein with the word “Department”.

**Section 8.** The Code of the City of Lancaster Chapter 273-Trees, §273-17 Protected Trees on private property, be and hereby is amended by adding the following section “H”:

“H. Nothing herein shall prevent the owners of properties encroached upon by an Encroaching Tree from removing, pruning, trimming parts of such encroaching trees to the extent necessary to eliminate the encroaching woody materials from their property providing, however, such individuals desiring to remove portions of the same received a permit from the Department in accordance with the provisions herein. Any permits issues for the pruning, trimming and removal of the Encroaching Tree woody materials shall only authorize such pruning, trimming and removal on the property encroached upon and shall not be deemed to authorize any activity in or upon the adjacent property.

**Section 9.** All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

**Section 10.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

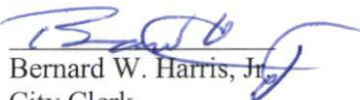
**Section 11.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 27th day of February, 2024, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

CITY OF LANCASTER

By:   
Danene Sorace, Mayor

ATTEST:

  
Bernard W. Harris, Jr.  
City Clerk