

AN ORDINANCE

NO. 4276

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 101, Natural Features Conservation, Article I, Definitions, To Add A Definition For Tree Protection Zone; And To Amend Article II, Minimum Conservation Standards, To Provide Specific Standards For The Protection Of Vegetation From Mechanical Injury, Grading Change And Excavation.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 101, entitled Natural Features Conservation, Article I, General Provisions, §101-3, Definitions, shall be amended by the addition of a definition for Tree Protection Zone, to provide as follows:

Article I, General Provisions

§101-3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

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TREE PROTECTION ZONE

The distance from the trunk to the tree dripline, in which no construction activity shall occur. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

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Section 2. The Code of the Township of Lower Merion, Chapter 101, entitled Natural Features Conservation, Article II, Minimum Conservation Standards, §101-6, Site disturbance regulations, Subsection A, Protection of vegetation from mechanical injury and grading, paragraphs (1) and (3) thereof, and Subsection B, Protection of vegetation from excavation, paragraph (2) thereof, shall be amended to provide as follows:

Article II, Minimum Conservation Standards

§ 101-6. Site disturbance regulations.

A. Protection of vegetation from mechanical injury and grading change.

(1) All trees and vegetation to be retained within 25 feet of a building site, parking area or other proposed improvement shall be protected from equipment damage by chain link or wire mesh fence. Tree protection fencing shall be 4 to 6 feet in height and anchored 2 feet in the ground. Fencing shall have clear signage stating that area is in Tree Protection Zone and no disturbance can occur without authorization from the Township. Fencing around trees shall be placed at the dripline. The required fencing may be placed within the dripline if the applicant can demonstrate, to the satisfaction of the Township, that the required work cannot be performed without utilizing the area within the dripline and that appropriate measures are being taken to protect the tree(s). In all cases, the Township Arborist shall have the authority to specify appropriate measures necessary for tree preservation.

- (a) The holes for the posts shall be hand-excavated taking care not to disturb roots larger than 1.5 inches in diameter. If necessary, post spacing may be adjusted to not damage or injure roots.
- (b) A minimum of one three (3) foot wide lockable gate shall be provided for each fenced area. The location of the gates shall be approved by the Township.
- (c) The Tree Protective Zone signage shall have rigid or metal sheet signage legibly printed with nonfading lettering. The signage shall be weatherproof and at least 10" by 12" in area. The signage shall read; "TREE PROTECTION ZONE (TPZ) - KEEP OUT, No grade change, material storage, or equipment is permitted within this TPZ. The tree protection barrier must not be removed without the authorization of the Township. Call the Township to report violations".
- (d) One Tree Protection Zone signage shall be installed per fence side spaced every fifty (50') feet.

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(3) Tree trunks and exposed roots damaged during construction shall be protected from further damage by fencing or other structural barrier. Treatment of damaged areas shall be dictated by the nature of the injury, e.g., damaged bark shall be cut back to a point where the bark is intact and tight to the tree; exposed roots shall be cleaned up and covered with topsoil. In such cases, the Township Arborist shall have the authority to determine the treatment technique(s) most suitable to the damaged area. In addition, where stipulated by the Township Arborist, liquid or dry fertilizer shall be applied to trees with disturbed root zones to compensate for loss of roots.

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B. Protection of vegetation from excavation

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(2) If trenches must be excavated in the root zone, all disturbed roots shall be pruned. Acceptable methods of root pruning are soil excavation using air excavation, pressurized water, or hand tools, then cutting the roots as cleanly as possible or using mechanical root pruning tools (ex. *Dosko* or *Vermeer Root Pruner*). The trench shall be backfilled as quickly as possible, avoiding soil compaction and the drying out of roots. Any trenches left open over 24 hours shall be covered with moisture retaining materials (ex. wet burlap, moist fill soil) and covered with tarpaulin to prevent drying.

Section 3. Nothing in this Ordinance or in Chapter 101 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 101 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this 19th day of July, 2023.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Todd M. Sinai, President

ATTEST:

Jody L. Kelley, Secretary