

BOROUGH OF JEFFERSON HILLS
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 907

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 511 OF 1984 (CODIFIED AT CHAPTER 25 OF THE BOROUGH'S CODE OF ORDINANCES) TO ESTABLISH UPDATED REGULATIONS, POLICIES AND STANDARDS IN RELATION TO TREES WITHIN THE BOROUGH

WHEREAS, the Council of the Borough of Jefferson Hills adopted Ordinance No. 511 on September 10, 1984 to establish regulations, policies and standard related to trees within the Borough;

WHEREAS, the Borough Council believes that the regulations, policies and standard should be updated to become more effective within the Borough;

WHEREAS, the Council of the Borough of Jefferson Hills deems it is in the best interests of the residents to protect the health, safety and welfare of the Borough to replace the current regulations, policies and standards related to trees with updated and more functional rules and regulations; and

WHEREAS, the Borough Council desires to repeal Ordinance No. 511 of 1984 and replace it as set forth below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Jefferson Hills as follows:

SECTION 1. Definitions.

- A. Adjacent Property Owner** - Any person owning property adjacent to public rights-of-way.
- B. Borough** - The Borough of Jefferson Hills, Pennsylvania.
- C. Emergency** - Damage to utility systems, or to a public or private property or an immediate threat to the welfare of persons, due to a storm or other acts of God or other accident, which requires immediate attention to alleviate the condition or complete repairs.
- D. Hazard** - Any tree, public or private, with visibly defined structural defects likely to cause failure of all or part of the tree and be a danger to public safety.
- E. Owner** - The person in whom is vested the ownership, dominion, or title of real property.
- F. Paper Street** - A road or street that appears on maps but does not exist and was never conveyed to the Borough, i.e. there was never any formal acceptance or use by the Borough. The abutting property owners own the paper street to the center line. The Borough bears no responsibility for the upkeep or the maintenance of the paper street. Thus, trees and other conditions on the paper street are the responsibility of the abutting property owners.
- G. Person** - Includes any natural person, association, partnership, corporation, company or other legal entity recognized under the laws of Pennsylvania.
- H. Pest** - Any insect, disease or other organism harmful to trees.
- I. Planting Strip** - That portion of the public right-of-way not covered by a sidewalk or other paving lying between the property line and that portion of the street or highway usually used for vehicular traffic or parking.

- J. Private Property** - Any property owned by a person, firm, or corporation not meeting the definition of public property and not under the ownership of the state or federal government.
- K. Private Tree or Shrub** - A tree or shrub that is not a public tree or shrub.
- L. Pruning** - The practice of cutting tree limbs.
- M. Public Nuisances** - The following are hereby declared public nuisances:
- a. Any tree or part thereof (public or private) which, by reason of location or condition, constitutes a hazard to public safety as determined by the Borough of Jefferson Hills Code Enforcement Officer or assignee;
 - b. Any tree or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic, or which obstructs public street lighting;
 - c. Any tree or part thereof (on public or private property) which encroaches onto the adjacent property and has a clearance of less than 10 feet above the surface of the adjacent property or a horizontal clearance of less than 4 feet from the structure located on the adjacent property.
- N. Public Property** - Any property owned by, dedicated to, or deeded to the public or for the public's use. Borough parks, public rights-of-way and other publicly owned, controlled, leased or managed properties are included in this definition. This definition excludes any federal- or state-owned properties except where otherwise provided by contract or law.
- O. Public Right-of-Way** - Improved or unimproved public property owned by, dedicated to, or deeded to the public or for the public's use, for the purpose of providing vehicular, pedestrian and other public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to, streets, sidewalks, landscaping, provisions for public utilities, cut and fill slopes, and open public space. For the purposes of this chapter, alleys and paper streets are excluded from this definition.
- P. Public Safety** - The condition of being safe from bodily harm and/or property damage resulting from tree conditions and/or failures while using public property.
- Q. Public Trees/Shrubs** - Any tree/shrub (inclusive of roots within the critical root zone) whose trunk is located, partly or in whole, on public property.
- R. Public Utility Easement** - The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables and towers.
- S. Shrub** - A multiple-stemmed, woody plant whose height at maturity is between three feet and 15 feet.
- T. Street** - Includes any thoroughfare or area included within the definition or connotation of the term "street" as used and defined under the laws of Pennsylvania, whether intended for public use or private use, and includes but is not limited to the cartway, sidewalk, gutter, right-of-way areas and underground utility easement areas and any part thereof.
- U. Topping** - Refers to "rounding," "heading back" or any other term that can be described as severe cutting back of limbs.
- V. Tree** - Includes any and all types of trees, bushes, shrubs and any and all other vegetation, whether cultivated or domestically grown or otherwise.
- W. Tree Lawn** - That portion of the public right-of-way lying between the street and private property boundary lines which is generally unimproved and planted with grass or other vegetation.
- X. Tree Service** - Services provided for trees by a private individual or company, including, but not limited to: planting, removal, topping, pruning or engaging in technical arboriculture.
- Y. Vandalism** - The act of damaging, mutilating or destroying any part of the woody structure of trees, that is above or below ground, that affects the short- or longer-term health of the trees.

- Z. **Vision Clearance Triangle** - A method of providing adequate visual clearance for vehicular and pedestrian traffic approaching a street intersection.

SECTION 2. Certain Trees Prohibited.

- A. From and after the enactment of this Part it shall be unlawful for any person, firm, corporation, municipal organization or quasi-municipal organization to place, raise, plant or grow any poplar tree or willow tree, whether on private or public lands, within 125 feet of any public sewer located within the Borough.
- B. Any poplar tree or willow tree existing within the Borough before the enactment of this Part or which is planted after the effective date of this Part at a distance greater than 125 feet from any public sewer located within the Borough or any other tree, shrub or bush whether on private lands or public lands, which shall constitute a danger to any public sewer located within the Borough is hereby declared to be a nuisance.
- C. The Borough Council, or any officer of the Borough designated for the purpose, after due investigation by the Borough Engineer, may determine to be a nuisance any poplar tree, willow tree or other shrub or bush existing within the Borough whether on public lands or private lands, where in the opinion of the Borough Engineer such tree, shrub or bush presents a danger to any public sewer located within the Borough.
- D. Any poplar tree, willow tree or other tree, shrub or bush within the Borough and which is determined to be a nuisance as provided in paragraph C hereof shall be removed by the owner thereof within 20 days after receipt of written notice from the Borough Secretary as hereinafter provided.
- E. Any poplar tree, willow tree or other tree, shrub or bush existing on private lands within the Borough which is determined to be a nuisance as hereinbefore provided and which is not removed by the owner of said land within 20 days after receipt of notice from the Borough Council or its designated officer or within 20 days after an appeal is dismissed by the Borough Council as herein provided may be removed by the Borough, and the costs and expenses of such removal shall be paid by and collected from the owner of such land as like debts are collected by law.
- F. Borough Council or any officer of the Borough designated for the purpose, upon determining that any poplar tree, willow tree or other tree, shrub or bush existing on private lands is a nuisance, shall forthwith, in writing and served personally or by registered or certified mail, notify the owner of said land of such determination, said notice to contain a designation of the trees or other vegetation determined to be a nuisance and that said owner has 20 days from the receipt of said notice to remove said nuisance.
- G. Any person aggrieved by any determination of Borough Council or its designated officer under this Part may, in writing served upon the Borough Secretary personally or by registered or certified mail within 10 days of the receipt of notice from Borough Council, or its designated officer where applicable, appeal said determination to the Borough Council.
- H. When any affected person appeals from any determination of the Borough Council or its designated officer under this Part as hereinbefore provided, the Borough Council shall, within 10 days of the receipt of the notice of the appeal by the Borough Secretary, meet and hear arguments and testimony and after full hearing, sustain or reverse the determination. The decision of the Borough Council will be final in all cases.
- I. The Borough Secretary shall give any person appealing to the Borough Council under the provisions of paragraph G, hereof, at least five days' written notice of the date and time of the meeting of the Borough Council at which the appeal shall be heard.

- J. Any person, firm or corporation violating the provisions of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days; provided that each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense. In the event that such claims for fines and penalties exceed the monetary jurisdiction of a Magisterial District Judge as set forth in the Pennsylvania Judicial Code (relating to jurisdiction and venue), exclusive of interest, costs or other fees, the Borough may bring such action in the Court of Common Pleas or may, pursuant to the Pennsylvania Judicial Code, waive that portion of fines or penalties that exceeds the monetary jurisdictional limits so as to bring the matter within the monetary jurisdiction of the Magisterial District Judge.

SECTION 3. Clearance Above Street and Sidewalk

Every owner of property in the Borough of Jefferson Hills shall be required to keep limbs and branches of all trees growing upon such property or along the street, sidewalk, curb or alley abutting upon such property trimmed so that no part of such limbs or branches or of the foliage growing thereon shall have a clearance of less than eight feet above the surface of the sidewalk or of less than 14 feet above the surface of the roadway or cartway of any street or alley. All dead limbs must be removed.

SECTION 4. Traffic Hazards.

It shall be the responsibility of the property owners in the Borough of Jefferson Hills to remove from their property any tree or other similar obstruction, or part thereof, which, by obstructing the view of any vehicle driver, constitutes a traffic hazard.

SECTION 5: Removal and Trimming of Trees

It shall be the responsibility of property owners in the Borough of Jefferson Hills to conform to the requirements of this chapter applicable to trees upon property owned by them or along streets, alleys and sidewalks abutting upon such property and, upon receipt of notice from the Borough, to remove any tree growing or existing in violation of the provisions of this chapter and to trim or cut the branches or limbs of trees as required herein. Any person failing to comply with any such notice within the time limit stated therein will be deemed to be in violation of this chapter and will be liable to prosecution before a District Justice for such violations. In addition, the Borough may cause the work required by such notice to be done by a Borough representative or contractor and may collect, from the person owning or responsible for said tree, the cost of such work, plus an additional amount of 10% of the total cost of said work, plus attorney's fees and court costs.

SECTION 6. Selective Trimming and Removal by Borough

The Borough of Jefferson Hills hereby reserves the right to trim, cut and/or remove any trees or other vegetation within the legal right-of-way of any Borough street and to trim and cut any trees, grasses, shrubs or vegetation growing on adjacent property, to the extent that they overhang or encroach upon the right-of-way of, or airspace above, any Borough street or alley.

SECTION 7. Adjoining Property.

- A. Every owner of property in the Borough of Jefferson Hills shall be required to prune limbs and branches of all trees growing upon such property or along the street, sidewalk, curb or alley abutting upon such property. All dead limbs must be removed. All debris (wood, branches, and leaves) shall be removed from public/private property by sunset of the day on which any tree work is performed.

- B. Any tree or part thereof (public or private) declared to be a public nuisance as set forth in this chapter shall be pruned, removed or otherwise treated in accordance with the requirements of this chapter. Except for removal of trees from public rights-of-way, all costs for nuisance abatement are the responsibility of the property owner from which the nuisance occurs.
- C. It shall be the responsibility of the property owners in the Borough of Jefferson Hills to repair any damage caused by trees or portions of trees on their property which fall onto adjoining property or tree roots which grow onto adjoining property and to remove all associated debris, excluding leaves, fruit and seeds from or caused by the tree. In addition, it shall be the right of all property owners in the Borough of Jefferson Hills to trim or remove any portion of a tree or vegetation which encroaches upon their property from adjoining property.
- D. In the case of an emergency as defined in this chapter, any tree that falls onto a portion of the public right-of-way will be removed by the Borough of Jefferson Hills Department of Public Works as soon as possible with or without first giving notice to the property owner from which the hazard originated. The Borough assumes such cases to be a matter of public safety and shall not charge the person owning or responsible for said tree the cost of such work to remove the hazard.

SECTION 8. Violations and Penalties.

Any person, firm or corporation violating the provisions of this Chapter, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days; provided that each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense. In the event that such claims for fines and penalties exceed the monetary jurisdiction of a Magisterial District Judge as set forth in the Pennsylvania Judicial Code (relating to jurisdiction and venue), exclusive of interest, costs or other fees, the Borough may bring such action in the Court of Common Pleas or may, pursuant to the Pennsylvania Judicial Code, waive that portion of fines or penalties that exceeds the monetary jurisdictional limits so as to bring the matter within the monetary jurisdiction of the Magisterial District Judge.

SECTION 9. SEVERABILITY CLAUSE.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 10. REPEALER.

Any and all other Ordinances or parts of Ordinance in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption.

NOW, be it ORDAINED AND ADOPTED, by the Borough Council this 10th day of June, 2024.


ATTEST:

BOROUGH OF JEFFERSON HILLS

A handwritten signature in blue ink, appearing to read "Michael Gister", written over a horizontal line.

Michael Gister

Acting Borough Manager

By: A handwritten signature in blue ink, appearing to read "Melissa Steffey", written over a horizontal line.

Melissa Steffey, Borough President
Jefferson Hills Borough Council