

TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA

ORDINANCE NO. 2024 – 922

**AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA,
AMENDING AND SUPPLEMENTING CHAPTER 355. TREES, SHRUBS AND OTHER PLANTS,
ARTICLE I. WEEDS AND BRUSH, PROVIDING FOR REGULATIONS AND HEIGHT RESTRICTIONS
OF WEEDS, GRASSES, OVERGROWN VEGETATION OR OTHER NOXIOUS PLANTS UPON ANY
PROPERTY WITHIN THE TOWNSHIP OF TINICUM**

BE IT ORDAINED AND ENACTED by the Township of Tinicum, Delaware County, Commonwealth of Pennsylvania, as follows:

ARTICLE I

WEEDS AND BRUSH

§355-1. Purpose and Intent.

It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, trimming, pruning and removal of trees, shrubs and the cutting destroying and removing of weeds, grasses, overgrown vegetation and other noxious plants within the Township of Tinicum. It is the intent of Board of Commissioners of Tinicum Township that the terms of this article shall be construed to promote the protection of community residents, the public at large and property from damage caused or threatened by the improper planting, maintenance, trimming, pruning, cutting or removal of trees, shrubs, weeds, grasses, overgrown vegetation or other noxious plants within the Township.

§355-2. Obstruction and interference.

No owner, occupier or agent of such owner or occupier of real property within Tinicum Township shall be permitted to allow a tree, shrub or other plant, or any limbs or branches thereof on his or her property, to obstruct or interfere with the lath, safety or welfare of the public or otherwise obstruct the view of any street intersection or obstruct or hinder passage on any public street, roadway or sidewalk. The owner, occupier or agent of such owner or occupier of real property within Tinicum Township must cut, trim or prune their trees shrubs and other plants and branches and limbs thereof so as to provide a minimum space of eight (8') feet above the surface of any sidewalk and fourteen (14') feet above the surface of any public street, roadway or alley.

§355-3. Removal of dead and diseased trees from private property.

No owner, occupier or agent of such owner or occupier of real property within Tinicum Township shall allow a tree, shrub or other plant or any limbs or branches thereof to remain on his or her property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to the person or property of others.

§355-4. Certain growths prohibited.

No owner, occupier or agent of such owner or occupier of any lot, place, area or property within the Township of Tinicum, shall permit on any such lot, place, area or property or upon any sidewalk abutting the same, any weeds, grasses, overgrown vegetation or other noxious plants to grow or be located on said property which shall exceed the height of twelve (12") inches.

§355-5. Removal and failure to comply.

The Township Manager or Township designated Code Enforcement Officer shall provide the property owner, occupier or agent of such owner or occupier with written notification that a tree, shrub, or their respective branches or limbs must be cut, trimmed, pruned and removed, and/or any weeds, grasses, overgrown vegetation or noxious plants be cut or removed for violation of this Article. The owner, occupier or agent of such owner or occupier shall have thirty (30) days after service of the notice by certified mail, return receipt requested, or service by posting the property to trim, prune, or remove such trees, branches or shrubs, and/or to cut and remove all weeds, grasses, overgrown vegetation or other noxious plants. If the property owner, occupier or agent of the owner or occupier, fails or refuses to comply with such notice, representatives of Tinicum Township are authorized to enter upon the property to trim, prune, cut and remove such trees, limbs, branches, weeds, grasses, overgrown vegetation or noxious plants found to be hazardous to the public safety, charging the cost thereof to the property owner, occupier or agent of such owner or occupier, together with a penalty of ten (10%) percent for the use of Township labor and equipment, with such charge to be a lien against the real estate of the owner upon default of payment within thirty (30) days of invoice and collected in the same manner as other municipal liens or by personal action commenced in the Court of Common Pleas of Delaware County.

§355-5.A. Interference with work.

No one shall hinder, prevent, delay or interfere with Tinicum Township, its agents, servants and employees, while engaged in carrying out the enforcement of this article.

§355-6. Violations and penalties.

A. Any owner, person or persons convicted of violating this Article shall be subject to a fine of not more than six Hundred (\$600.00) Dollars plus costs of prosecution; and, in default of payment of such fine and costs, imprisonment in the county jail for a period not exceeding thirty (30) days.

B. Continuation of violation.

Each day on which any violation of this Article occurs or continues shall constitute a separate violation subject to separate fines and penalties.

C. Severability.

The provisions of this Ordinance are severable. If any Section, clause, sentence, part of provision hereof shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or affect any remaining provisions of the Ordinance, it being the intention of the Board of Commissioners that it would have adopted this Ordinance even if the offending language had not been included.


D. Effective Date.

This Ordinance shall become effective immediately upon its adopted.

ENACTED and **ORDAINED** into an Ordinance and passed by the Board of Commissioners of the Township of Tincum, Delaware County, Pennsylvania this 18th day of March, 2024.

TOWNSHIP OF TINICUM

By:


Patrick K. McCarthy, President
Board of Commissioners

Attest:


David D. Schreiber, Township Secretary

(Municipality Seal)