

COUNCIL OF THE BOROUGH OF YOE

INTRODUCED BY:

Ronald Dill

SESSION: 1996

ORDINANCE NO.: 96-001

DATED: 6-4-96

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ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF YOE BOROUGH ADOPTED AUGUST 3, 1993, EXPANDING THE RESPONSIBILITIES OF THE PROPERTY OWNERS AND OCCUPANTS UNDER THE WEED ORDINANCE

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**WHEREAS**, low limbs extending over streets and sidewalks cause a safety problem for pedestrians and vehicles; and

**WHEREAS**, limbs extending over narrow streets cause a safety problem for emergency vehicles.

**BE IT ENACTED AND ORDAINED** by the Borough Council of Yoe, York County, Pennsylvania, and it is hereby enacted and ordained as follows:

This Ordinance shall be codified in the Yoe Borough Code of Ordinances as Chapter 21, Part 4.

§401. Owner, Occupant, or Tenant of Property to Trim Tree Limbs and Vegetation Extending Over Streets, Curbs, and Sidewalks. The owner, occupant, or tenant of every property fronting upon or along any street or streets in the Borough of Yoe is hereby required to trim all tree limbs, shrubs, and vegetation so that no limb, branch, or part thereof shall be within two (2) feet of any sidewalk, curb, or street for a height above ground level of twelve (12) feet. Provided further that where the property is occupied by the owner and tenant or multiple tenants, the owner alone shall be responsible.

§402. Council may on the application of a property owner waive in its entirety or in part the application of §401 to any tree, shrub, planting, or other vegetation. Council may consider whether the tree, shrub, planting, or vegetation is of historical significance and will consider whether a full or partial waiver will impact on pedestrian safety and vehicular safety including emergency vehicular safety. Any waiver must be approved by motion adopted by a majority of Council members and if granted will be supplied to the property owner in writing within twenty (20) days after issuance.

§403. Notice. Any notice required under the provisions of this Part may be served by certified mail, return receipt requested; by personal service; or by posting a copy of the notice upon the property in question.

§404. Authority of the Borough to Trim Tree Limbs, Shrubs, and Vegetation at the Expense of the Defaulting Owner, Occupant, or Tenant or at its Own Expense. In any case where the owner, occupant, or tenant as aforesaid shall fail, neglect, or refuse to comply with the provisions of Section 401 after ten (10) days notice, the Borough by its authority may proceed immediately to trim all limbs, shrubbery, and vegetation to bring the property into compliance and to collect the one hundred and ten (110%) percent of the cost thereof from such owner, occupant, or tenant which may be in addition to any fines or penalties imposed under this part. Additionally, the Borough at its option may without notice trim all tree limbs, shrubbery, and vegetation to comply with Section 401 of this Ordinance, in which case the property owner shall not be responsible for the Borough's expenses.

§405. Penalty for Violation. Failure to comply with Section 401 of this Part within ten (10) days after notice as defined in Section 402, shall constitute a summary criminal violation, and upon conviction thereof, the offender shall be sentenced to pay a fine not to exceed six hundred (\$600.00) dollars plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

This Ordinance shall take effect immediately upon passage.

**PASSED FINALLY:** BY THE FOLLOWING VOTE: Approved this

4<sup>th</sup> day of June, 1996.

YEAS:

Juan Carlos Brugada Ronald Culp  
S. O. C. Sp. Frank Sheffer  
Walter R. Smith

NAYS:

[Signature]  
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ATTEST:

Sandra H. Stornes  
Secretary

[Signature]  
President of Council

Approved this 4th day of June, 1996.

[Signature]  
Mayor