

Chapter 202

TREES

- | | |
|--|------------------------------------|
| § 202-1. Overhanging or fallen trees and shrubs. | § 202-5. Wires and ropes. |
| § 202-2. Poles and wires. | § 202-6. Notice of violation. |
| § 202-3. Injury prohibited. | § 202-7. Abatement of violation. |
| § 202-4. Attachment of signs. | § 202-8. Charges to be lien. |
| | § 202-9. Violations and penalties. |

[HISTORY: Adopted by the Borough Council of the Borough of Dallastown 3-10-1975 by Ord. No. 295. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 178.

§ 202-1. Overhanging or fallen trees and shrubs.

- A. Any tree or shrub which overhangs any sidewalk, street or other public place within the Borough of Dallastown in such a way so as to impede or interfere with traffic or travel in such public place or which obstructs any street lamp or interferes with any fire alarm equipment or wires shall be trimmed by the owner of the premises or abutting premises on which such tree or shrub grows so that the obstruction shall cease.
- B. Any limb of a tree which has fallen or has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

§ 202-2. Poles and wires.

Any person or company given the right to maintain poles or wires in the streets, alleys or other public places within the Borough of Dallastown shall, in absence of provisions in the franchise covering the subject, keep such wires and poles free from and away from any trees or shrubs in such place so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Borough Council so that no injuries shall be done to the poles or wires or trees or shrubs by contact.

§ 202-3. Injury prohibited.

It shall be unlawful to injure any tree or shrub planted in any public place within the Borough of Dallastown.

§ 202-4. Attachment of signs. [Amended 4-14-1975 by Ord. No. 299]

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or any other public place within the Borough of Dallastown, except with the permission of the Borough Council.

§ 202-5. Wires and ropes.

It shall be unlawful to attach any wire or rope to any tree without permission from Borough Council.

§ 202-6. Notice of violation.

The Borough Council shall cause written notice to be mailed to the owner or reputed owner of any premises on which a violation of any provision of this chapter has occurred and to demand that the violation be abated within 10 days from the date of said notice. Deposit of such notice with the postal service shall be a conclusive presumption that such notice was received by owner.

§ 202-7. Abatement of violation.

If the owner does not abate the violation within 10 days, the Borough Council may proceed to abate such violation, keeping an account of the expenses of the abatement, and such expenses shall be charged and paid by such owner.

§ 202-8. Charges to be lien.

Charges for such tree or shrub trimming shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the property subject to such lien may be sold for nonpayment of the same and the proceeds of such bill shall be applied to pay the charges after deducting costs. The Borough Solicitor is hereby authorized to institute such proceedings, upon motion of the Borough Council in the name of the Borough of Dallastown, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid for 60 days after it has been rendered.

§ 202-9. Violations and penalties.¹

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).