

**MANCHESTER TOWNSHIP
YORK, COUNTY, PENNSYLVANIA
ORDINANCE NO. 2014-01**

AN ORDINANCE OF MANCHESTER TOWNSHIP, YORK COUNTY, PENNSYLVANIA, MAKING IT UNLAWFUL TO PERMIT TREES AND SIMILAR VEGETATION TO GROW OR REMAIN BELOW CERTAIN HEIGHTS IN STREET RIGHTS-OF-WAY IN THE TOWNSHIP AND DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT THEREOF; AND FOR ASSESSMENT AND COLLECTION OF THE COSTS OF ABATEMENT; AND SETTING FORTH PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Manchester Township, York County, Pennsylvania, and it is hereby enacted and ordained by authority of the same pursuant to the authority granted by the Act of Legislature approved May 1, 1933, P.L. 103, as amended, as follows:

: SECTION 1: Chapter 21 of the Code of Ordinances of Manchester Township is hereby amended to add the following Part 3:

Part 3

Overhanging Trees and Shrubs

§21-301. Short Title

This Part shall be known as and may be cited as the "Manchester Township Tree Trimming Ordinance."

§21-302. Findings and Purposes

The Board of Supervisors of Manchester Township finds that the failure to trim trees and shrubs overhanging the cartway of any street or road and any traffic control device or sign or street identification sign creates a nuisance; is harmful to the safety, health and well being of the residents of Manchester Township; and is contrary to the general welfare of the residents of the Township.

:

§21-303. Restrictions

No person, firm, partnership or corporation owning or having a present interest in (including rental) or occupying any real estate within the Township of Manchester shall

permit any trees or shrubs to overhang the cartway of any street or road and any traffic control device or sign or street identification sign within the Township below a height of fourteen (14') feet, or to obstruct vision within the clear sight triangle at any intersection. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, and welfare of the inhabitants of the Township.

§21-304. Responsibility

The owner of any such premises, whether occupied by the owner or not, and the occupant thereof in case of premises occupied by other than the owner thereof, shall have the duty to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of this Part. Both the owner and the occupant in the case of premise occupied by other than the owner shall be responsible for the compliance with this Part.

§21-305. Non Compliance a Nuisance Violation

The overhanging of trees below the height of fourteen (14') feet above the cartway or obstructing a traffic control device or sign or street identification sign or shrubs obstructing the clear sight triangle within the right-of-way of any street or road in Manchester Township is hereby declared to be a nuisance. Failure of the landowner or occupant to trim or cut said trees or shrubs after notice given in accordance with Section 21-306 of this Part shall constitute a violation of this Part.

§21-306. Notice to Owner to Occupant to Trim or Cut

Wherever it shall be reported to, or observed by the Township that any owner or occupant of real property has failed to comply with any of the terms of this Part, Manchester Township shall cause a written notice to be served upon the owner or occupant or both directing the owner or occupant or both to trim or cut such trees or shrubs within thirty (30) days. Such notice may be mailed by United States mail, first class, postage prepaid; or by certified or registered mail; or, if the property is occupied, by posting the notice at a conspicuous place upon the affected property, or said notice maybe personally handed to the owner or occupant.

§21-307. Failure of Owner or Occupant to Comply

Any person, firm, partnership or corporation who or which shall fail to trim or to cut said trees or shrubs within thirty (30) days after the date of mailing or posting or handing of the notice in accordance with the procedure specified in the previous section shall, upon conviction thereof, be guilty of a summary offense, and shall be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars. Each and every day of continued violation shall constitute a separate offense.

§21-308. Township Removal of Nuisance

In the event of the failure of the owner and/or occupant to trim or to cut said trees or shrubs within thirty (30) days after the date of the notice specified in Section 21-306 of this Part, Manchester Township may have the trees or shrubs trimmed or cut and bill the owner for the cost thereof plus a penalty of ten (10%) percent. These costs and penalties shall be in addition to any fines for violations. Penalties may be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action in assumpsit without the filing of a claim or by any other procedure authorized by law.

§21-309. Legal Proceedings to Enforce Compliance

In addition to the fines for violations, costs and penalties provided for by this Part, Manchester Township is hereby authorized to institute proceedings, in Courts of Equity to require owners and/or occupants of real estate to comply with the provisions of this Part.

§21-310 Penalties to be Lien

The cost of removal, fine, and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provisions of law for the enforcement and collection of municipal claims.

§21-311. Enforcement Officer

SECTION 1: The provisions of this Part shall be enforced by

1. The Police Department serving Manchester Township and/or by
2. The Manchester Township Public Works Superintendent, and/or by
3. Building Permit Officer and/or by
4. Zoning Officer and/or by
5. Any other appropriate officer or officers of Manchester Township.

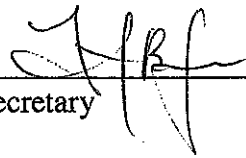
SECTION 2: Repeals. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4: Effective Date. This Ordinance shall become effective five (5) days after adoption as provided by law.

ENACTED AND ORDAINED this 6th day of January, 2014.

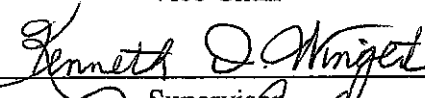
ATTEST:

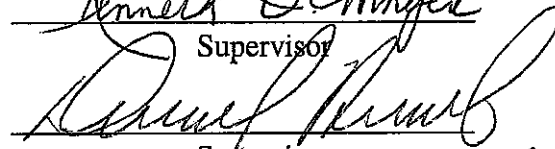

Secretary


MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS


Chair


Vice Chair


Supervisor


Supervisor


Supervisor