

**NORTH FRANKLIN TOWNSHIP**  
**Washington County**

ORDINANCE NO. 3 - 2020

**AN ORDINANCE OF THE TOWNSHIP OF NORTH FRANKLIN,  
WASHINGTON COUNTY, PENNSYLVANIA, DECLARING  
CERTAIN TREES, SHRUBBERY OR BRUSH AS NUISANCES  
AND PROVIDING PENALTIES FOR FAILURE TO ABATE.**

WHEREAS, the Board of Supervisors believe it to be in the best interest and welfare of the Township to establish regulations related to trees, shrubs and brush in the Township.

NOW THEREFORE, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1. PURPOSE.**

The Board of Supervisors of North Franklin Township hereby agrees that trees, shrubs and brush in the Township can present a public nuisance. The Board believes it to be in the best interest of the Township, its residents and the public at large to set additional regulations for the removal of certain trees, shrubs and brush that have been declared nuisances and to establish penalties should violators fail to abate said nuisances.

**SECTION 2. CERTAIN TREES, SHRUBBERY OR BRUSH DECLARED PUBLIC NUISANCES.**

**A. Public Nuisances:**

- i) Any trees, shrubbery or brush existing on public lands or on public streets or rights-of-way within the municipality and which is determined to be a nuisance, including but not limited to those which may impare and/or negatively impacte site lines, ingress/egress of traffic flow, public works, emergency services, etc.
- ii) Any trees, shrubbery or brush existing on private property that have been determined to interfere with a public right-of-way, site lines, etc. shall be deemed a public nuisance.
- iii) Any trees, shrubbery or brush on private property that have been determined to be a fire or safety hazard shall be deemed a public nuisance.

**SECTION 3. REMOVAL/REMEDIES.**

Any person, property owner, entity, etc. that has a public nuisance on its property must remove said nuisance as follows:

- i) Any trees, shrubbery or brush existing on private property and which is determined to be a public nuisance as herein provided, may be cited under and enforced as set forth in the Quality of Life Ordinance. Any citation issued under the Quality of Life Ordinance must set forth the time frame for compliance.
- ii) In the event, the Township and/or its designee shall choose not to proceed under the Quality of Life Ordinance, a notice shall be provided notifying the public nuisance must be removed by the property owner, at the expense of the property owner, within 30 days of receiving notice from the Township that said trees, shrubbery or brush has been deemed a nuisance.
- iii) In the event of an emergency or should violator fail to remedy the public nuisance, the Township may remove the nuisance and invoice the property owner. Should the property owner fail to reimburse the Township for its costs, a Municipal Lien may be placed in accordance with the law.

#### **SECTION 5. TOWNSHIP AUTHORITY AND DISCRETION.**

The Township and/or its designee shall have the sole authority to determine whether or not a nuisance exists. The intent of this Ordinance is not to settled and/or resolve private nuisance complaints.

#### **SECTION 6. VIOLATIONS AND PENALTIES.**

In addition to those procedures and remedies set forth in Section 4 herein, any person, entity, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

#### **SECTION 7. ADDITIONAL REMEDIES.**

As an additional remedy, the Township may abate a nuisance which shall be deemed to occur upon conviction of any regulations set forth herein. Said abatement procedures shall include, but not be limited to, an action in the Court of Common Pleas of Washington County for injunctive relief, specific action by the Township to remove any nuisances with the cost thereof to be charged against the property owner and/or person violating this Part, said cost including the actual cost for the abatement of the nuisance plus reasonable attorney, administrative and related fees.

**SECTION 8. REPEALER.**

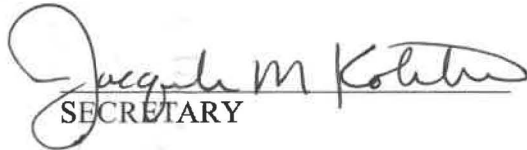
Any Township code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 9. SEVERABILITY.**

In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Township Council that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**ENACTED AND ORDAINED** this 14 day of April, 2020.

**ATTEST:**

  
SECRETARY

**BOARD OF SUPERVISORS  
NORTH FRANKLIN TOWNSHIP**

  
CHAIRMAN

  
SUPERVISOR

  
SUPERVISOR