Harrison Township Code of Ordinances

Chapter 25: TREES

Part 1: TIMBER HARVESTING

Part 2: DISEASED TREES

§ 201 Applicability.

[Ord. 1911, 7/27/2004]
This Part 2 shall apply to any trees planted within the right-of-way of any public street, lane, alley or highway within the Township.

§ 202 Definitions.

[Ord. 1911, 7/27/2004]
As used in this part, the following terms shall have the meanings indicated:

OWNERS or OWNERS OF THE PROPERTY

> The owners of real estate directly abutting that portion of the right-of-way for a public street, lane, alley or highway within the Township, within which diseased trees are located.

§ 203 Inspection and Manner of Determining a Tree's Health.

[Ord. 1911, 7/27/2004]
Owners of property shall permit Township officials to enter their property for the purpose of inspecting and making tests of trees for the purposes of this Part 2. In the event the property owner has any question concerning the identity of the individual who desires to make such an inspection, the property owner may request a written statement of authority from the Township. The Township may consult with and retain experts as needed with respect to any tree.

§ 204 Notification for Removal.

[Ord. 1911, 7/27/2004]
The Township is entitled to require the removal of a diseased tree in accordance with the provisions of this Part 2 whenever necessary to protect persons, property or other trees. The Township shall give the owner of the property a written notice to cut and remove the tree or trees so concerned if the Township determines that removal is required.

§ 205 Objections to Removal.

[Ord. 1911, 7/27/2004]
If the owner of the property objects to the tree being removed, the property owner shall file his or her objections in writing with the Township Secretary, within 20 days from the date of the written tree removal notice issued by the Township. Failure to so object shall be a waiver of any objection. The written objections shall specify whether the objector (1) contests the Township's determination that the

tree is diseased; (2) contests the need to remove the tree; or (3) contests being responsible for the cost of removal.

§ 206 Hearing Objections.

[Ord. 1911, 7/27/2004]
If written objections are timely filed to a removal notice, the Township shall hold a Local Agency Law hearing, at which the objector, Township and any parties affected may participate. The hearing may be held by the Board of Commissioners or by a hearing officer assigned by the Board of Commissioners. A hearing officer shall report the hearing record and a recommendation to the Board of Commissioners. The final adjudication shall be made by the Board of Commissioners.

§ 207 Removal to be Done by Property Owner.

[Ord. 1911, 7/27/2004]
The owner of the property shall be responsible for the work of removal of any trees pursuant to an order issued under § 104 of this Part and for replacing any pavement or sidewalk disturbed in the execution of such work.

§ 208 Failure to do Work.

[Ord. 1911, 7/27/2004]
Upon failure of the property owner to carry out the work of tree removal as directed by the Township, or the repair of any pavement or sidewalk disturbed in the course of tree removal, the Township may cause the work to be done, by Township forces or by outside contractors, and may levy and collect the cost thereof from the owner of the property.

§ 209 Assessment to Constitute Lien.

[Ord. 1911, 7/27/2004]
The cost of such work done pursuant to § 208 shall be a lien upon the property from the time of commencement of the work, which date shall be fixed by the Township Engineer and shall be filed with the Township Secretary. Any such lien may be filed and collected by the Township in the manner provided by law for the collection of municipal claims, or may be collected by action in assumpsit.

§ 210 Lien Interest, Penalty and Attorney's Fees.

[Ord. 1911, 7/27/2004]
Any lien against such property for the expense incurred by the Township to perform the work shall include 6% interest per annum plus penalty of 5% of the amount due, which lien shall remain in effect until payment in full or sale of the property occurs, which lien shall also include all Township legal fees and costs incurred in connection with such lien to the fullest extent allowed by law.