

**BOROUGH OF SEWICKLEY
ORDINANCE NO. 1342**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 25, PART 1
OF THE SEWICKLEY BOROUGH CODE OF ORDINANCES RELATING TO TREES**

WHEREAS, the Borough of Sewickley established a Tree Commission and adopted rules, regulations and procedures pertaining to trees through Ordinance No. 1152 enacted by Borough Council on October 16, 1995, and thereafter amended; and

WHEREAS, the establishment of the Tree Commission and the adoption of rules, regulations and procedures pertaining to trees enacted by Ordinance No. 1152, as amended, were codified in Chapter 25, Part 1, Sections 101 through 113 of the Sewickley Borough Code of Ordinances; and

WHEREAS, the Borough of Sewickley wishes to ensure the health, safety and welfare of the inhabitants of the Borough and the public at large by repealing Ordinance No. 1152, and the amendments thereto, and replacing them with an ordinance establishing a Shade Tree Commission and adopting new, more comprehensive rules, regulations and procedures pertaining to trees.

NOW, THEREFORE, BE IT ORDAINED, AND ENACTED by the Council of the Borough of Sewickley, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1 Chapter 25, Part 1, Sections 101 and 113 of the current Sewickley Borough Code of Ordinances are hereby repealed in their entirety and replaced by a new Chapter 25, Part 1, Sections 101 through 120 which shall read as set forth in the attached Exhibit "A".

Section 2 This Ordinance shall take effect immediately upon its adoption and shall specifically repeal any other ordinance inconsistent with this Ordinance to the extent of such inconsistency.

ORDAINED AND ENACTED into law this 15th day of February, 2016.

ATTEST:

BOROUGH OF SEWICKLEY



Kevin M. Flannery
Borough Manager/Secretary



Susan H. Aleshire
President of Council

EXAMINED AND APPROVED by me this 15th day of February, 2016.



Brian F. Jeffe
Mayor

CHAPTER 25

TREES

PART 1

TREES

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PART 1

TREES

§101. Short Title.

This Part shall be known and may be cited as the "Shade Tree Commission Ordinance of the Borough of Sewickley, Pennsylvania."

§102. Definitions.

As used within this Part, the following terms shall have the meanings set forth in this Section:

DIAMETER AT BREAST HEIGHT, (D.B.H.) — a tree's diameter in inches measured by a diameter tape at 4 1/2 feet from the surface of the ground. On trees having multiple stems, the largest diameter stem will be measured.

DRIPLINE — the approximately circular vertical extension to the ground of the outermost branches and/or leaves of the tree as an indication of the spread of the root system.

HAZARD ZONE — of a tree is the area inside a circle whose radius is equal to the height of the tree, the center being the trunk.

LARGE TREES — are designated as those attaining a height of 45 feet or more.

MEDIUM TREES — are designated as those attaining a height of 30 to 45 feet.

PARKS — any Borough public spaces designated for recreation and/or conservation.

PROPERTY OWNER — that person owning such property as shown by the Block and Lot Records of Allegheny County, State of Pennsylvania.

PUBLIC SITE — any ground owned by the Borough.

PUBLIC TREES — includes all trees now or hereafter growing on any street, park, right-of-way, or any other public site.

REMOVE or REMOVAL — the removal of all above and below ground parts, including the stump and roots.

RIGHT-OF-WAY — the land within the ordained or dedicated limits of any public street, road, highway, thoroughfare, walkway or footpath in the Borough, or any land within the limits of any easement or right-of-way for storm or sanitary sewers or other utilities, including all easements in relation thereto in the Borough.

SHADE TREE COMMISSION — the five members appointed by Council to serve as the Shade Tree Commission.

SMALL TREES – designated as those under 30 feet.

STREETS, ALLEYS, HIGHWAYS or WAYS – the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

TREE –

- A. Any living plant with needles or scale type leaves or fronds that has a well-defined stem or stems with a diameter of at least six inches at 4 1/2 feet from the surface from the ground.
- B. Any living, self-supporting woody broad leaf plant that has a well-defined stem or stems with a diameter of at least two inches at 4 1/2 feet from the surface of the ground.
- C. Any living self-supporting woody plant that has a well-defined stem or stems which has been intentionally cultivated and established.

TREE LAWN — that part of a street not covered by a sidewalk or other paving, lying between the property line and that portion of the street usually used for vehicular traffic.

§103. Establishment of a Shade Tree Commission.

1. A Shade Tree Commission is hereby established, and the same shall consist of five members and shall serve without compensation. The membership positions shall be filled in conjunction with the procedure of appointments by the Council of the Borough of Sewickley.
2. After initial staggered terms of one member for one year, one member for two years, one member for three years, one member for four years and one member for five years, each Commission member shall serve a five-year term of office. Any appointed member of the Commission may be removed from office for just cause by Council. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
3. Officers. Prior to January 31 of each year, the Shade Tree Commission shall meet and elect a member to serve as chairperson. The Chairperson shall have the authority to call and conduct meetings of the Commission, and to receive all permit applications, correspondence and other materials on behalf of the Commission. The secretary of the Commission shall be elected by the Commission and shall keep the minutes of the meetings. The Borough keeps a permanent record of all resolutions, motions, transactions and determinations.

4. Meetings.
 - A. The Shade Tree Commission shall meet once a month. The Chairperson may cancel a monthly meeting, if there is no business before the Shade Tree Commission.
 - B. All members of the Commission shall be entitled to vote and the decision of the Commission shall be determined by a majority vote of the Commission.
 - C. The Chairperson may call a special meeting, or in his/her absence, any two Commissioners may call a special meeting.
5. Professional Services. The Shade Tree Commission, with approval of Borough Council and within the established budgetary limits, may retain the services of such qualified professionals as may be necessary to facilitate the function of the Shade Tree Commission and the dictates of this ordinance.
6. Annual Budget and Reports. The Shade Tree Commission will be required to submit budgets and annual reports to the Borough Manager in the manner and date as determined by the Borough Manager's office.

§104. Duties and Responsibilities.

1. The Shade Tree Commission is established by Sewickley Borough Council in order to promote and maintain a vigorous street tree program. It is the purpose of the Shade Tree Commission to increase the number and variety of public trees, to preserve and protect their health, and advance public understanding of the important roles trees play in our community.
2. The Shade Tree Commission, when requested by Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Shade Tree Commission shall study the problems and determine the needs of the Borough in connection with its tree planting program.
3. The Shade Tree Commission shall recommend to the Borough Manager and Borough Council the type and kind of trees to be planted upon such Borough streets or parts of Borough streets or in parks as designated.
4. The Shade Tree Commission shall assist the Borough Manager, as well as the Council and Citizens of the Borough, in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same be on private or public property and to make such recommendations from time to time to Council as to desirable legislation for tree activities for the Borough. The Shade Tree Commission shall work in conjunction with civic and public interest groups devoted to tree care and preservation.

5. The Shade Tree Commission shall convene regular and special meetings at which the subject of trees, insofar as it relates to the Borough, may be discussed by members of the Shade Tree Commission, officers and personnel of the Borough and its several divisions and all others interested in the tree program.
6. The Shade Tree Commission shall be responsible for reviewing plans for residential, commercial and industrial developments in order to ascertain the number and size of trees proposed to be removed from building sites and to make recommendations concerning the retention of existing trees on said sites and the planting of new trees.
7. The Shade Tree Commission shall have the authority to investigate and recommend "reasonable conditions" to the granting of a permit in accordance with the terms of this Part.
8. The Shade Tree Commission shall have the authority to formulate a Master Tree Plan. The Master Tree Plan shall include the inventory of existing public trees and shall specify the requirements for the care, preservation, pruning, planting, replanting and removal or disposition of trees in parks, along streets and on other public sites and shall specify the species of tree to be planted in these areas. The Master Tree Plan shall be updated and presented to Council annually, and upon their acceptance and approval shall constitute the official comprehensive Master Tree Plan for the Borough. From and after the effective date of the Master Tree Plan, or any amendment thereof, all planting shall conform thereto.
9. The Shade Tree Commission shall consider all existing and proposed buildings, utilities and environmental factors when recommending the planting of a specific species or other work for all streets and public sites within the Borough.
10. The Shade Tree Commission shall develop and maintain a list of desirable large, medium and small trees for planting in parks, along streets and on other public sites based on mature height. Lists of trees not suitable for planting in these areas shall also be created by the Tree Commission.

§105. Regulation and protection of plants, shrubs and trees; enforcement.

It shall be the duty of the Borough Manager, under the direction of Borough Council, to regulate, protect and preserve the plants, shrubs and trees within the Borough by taking the necessary measures for the control of disease, including damage by insects or pests, which may injuriously affect the plants, shrubs or trees on public or private property in the Borough. The Borough Manager shall have the power to enforce the provisions of this chapter at the direction of the Council or upon the recommendation of the Shade Tree Commission as approved by the Council, as the case may be, and the Borough Manager may, with approval of Council, appoint or hire any qualified person or firm to assist him/her in any such enforcement.

§106. Power to enter property and trim, remove or treat; costs.

1. Power. The Borough Manager or his delegate shall have the power to enter upon any public site or public right-of-way within the Borough, and, if necessary, in his opinion, to spray, remove, cut, trim or otherwise treat any plant, shrub or tree afflicted with disease which threatens to injure or destroy plants, shrubs or trees in the Borough. Similarly, in consultation with the Borough Arborist, the Borough Manager or his delegate may remove, cut or trim any plant, shrub or tree on public property or on such private property to the extent that he/she determines that such plant, shrub or tree constitutes a clear and present danger to public safety. In this regard, the following conditions shall be deemed to be per se clear and present dangers to public safety, although such conditions are not intended to be all-inclusive:
 - A. Street. Any plant, shrub or tree overhanging a street or highway and not allowing a vertical clearance of 14 feet above ground constitutes such a condition.
 - B. Sidewalk. Any plant, shrub or tree overhanging a public sidewalk and not allowing a vertical clearance of eight feet above ground constitutes such a condition.
 - C. Public intersection. Any plant, shrub or tree preventing a clear sight triangle, as defined in the Subdivision and Land Development Ordinance, constitutes such a condition.
 - D. Fire hydrant. Any plant, shrub or tree causing a hindrance or delay in access to or use of a fire hydrant.
2. Cost responsibilities. Whenever the Borough Manager determines that the spraying, removal, cutting, trimming or other treatment of any afflicted plant, shrub or tree is necessary and the same is located on public property, he/she or his delegate shall spray, remove, cut, trim or otherwise treat the same at the expense of the Borough. Whenever the Borough Manager determines that the spraying, removal, cutting, trimming or other treatment of any afflicted plant, shrub or tree is necessary and the same is located on private property within the Borough, but outside a public right-of-way, he/she shall direct, by appropriate property maintenance notice, the owner or occupant, or agent of either, of such private property upon which such plant, shrub or tree is located to spray, remove, cut, trim or otherwise treat the same in an appropriately corrective manner at the expense of such owner or occupant.

§107. Public Tree Care.

1. Public Tree Care. The Borough shall have the right to plant, prune, maintain and remove all public trees, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public sites. The Shade Tree Commission may recommend removal of any public tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious disease, insect or fungus.

2. Distance Requirements.
 - A. No tree shall be planted closer than 30 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines.
 - B. No tree shall be planted closer than 10 feet from any fire hydrant.
 - C. All trees are to be planted equidistant from curb or street line and sidewalk line in concurrence of Shade Tree Commission approval.
 - D. No trees may be planted closer than 30 feet from any other tree, except in special plantings designed or approved by the Shade Tree Commission.
3. Permit. No tree shall be planted, transplanted or removed in or from any public right-of-way without a written permit from the Shade Tree Commission, such permit to designate the type of tree and place where such tree is to be planted or the place from which it is to be removed. No such permit shall be granted unless written application is made to the Shade Tree Commission on a form acceptable to the Shade Tree Commission. In determining whether to grant a permit for the planting of a tree, the Shade Tree Commission shall follow generally acceptable land development and arboricultural principles and shall apply such principles in a fair and uniform manner throughout the Borough.
4. Abuse and/or Mutilation of Public Trees. Unless specifically authorized by the Borough Council, no person or firm shall intentionally damage, cut, carve, transplant, whether above or below ground, or transplant or remove any public tree; attach any rope, wire, nails, advertising posters or other contrivance to any public tree, allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or heat therefrom will injure any portion of any public tree. No person shall pour salt water or a chemical or chemicals upon any street or right-of-way in such a way as to injure any tree planted or growing thereon. The Borough shall not use excessive amounts of anti-icing materials in the maintenance of roads.
5. Placing Materials on Public Property. No person shall deposit, place, store or maintain upon any public place or the Borough, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any public tree growing therein, except by written approval of the Borough Council.
6. Protection of Public Trees.
 - A. All public trees located near any excavation or construction of any building, structure, or street work shall be guarded with a good substantial fence, frame or box not less than four feet high placed at the dripline. All laborers, building material, dirt or other debris shall be kept outside this barrier. The Borough Council may permit a variance in cases where the barrier would impede the flow of traffic on a street, private street or driveway and where the dripline overhangs a building or permanent structure.

- B. No person shall excavate any ditches or trenches within the dripline of a public tree or lay any drive within 15 feet of a public tree without first obtaining the written approval of the Borough Council.

§108. Removal, Replanting and Replacement of Public Trees.

1. Replanting. Whenever it is necessary to remove a public tree in connection with the paving of a sidewalk or the widening of the portion of a street or highway, the Borough shall replant the tree or replace it with a species listed in §104(10) of this Part. This requirement will be satisfied if an equivalent number of trees are planted at the nearest appropriate location as determined by the Shade Tree Commission.
2. Other than public employees on Borough business, no person shall remove or cause removal of a public tree for the purpose of construction or any other reason without the written permission of the Shade Tree Commission. The Shade Tree Commission may require replacement of a removed tree as a condition to said Commission's approval. Such replacement shall be in accordance with the species listed in §104(10) of this Part.
3. Topping of Public Trees. It shall be unlawful for any person, utility, firm or Borough Department to top any public tree. "Topping" is defined as the severe cutting back of limbs so as to remove the normal canopy and disfigure the tree. Public trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Part at the determination of the Shade Tree Commission.
4. Cost responsibilities for planting, transplanting or removal. When an application to remove, transplant, or plant trees in the public right-of-way is approved by the Shade Tree Commission, all associated costs shall be borne by the applicant. This includes the cost of planting, transplanting, and removal of trees in the public right-of-way as well as the cost of installing guards, curbs, sidewalks, and pavement disturbed or damaged in the course of said work. The amount any applicant is to pay hereunder shall be ascertained and certified by the Borough Manager.
5. Payment/Assessments/Liens. The amount assessed to an applicant for planting, transplanting, removal and all associated costs shall be determined by the Borough Manager. Thereafter, the Borough Manager shall cause thirty (30) days written notice to be given to the applicant against whose property and assessment has been made. The notice shall state the nature and amount of the assessment and the time and place for payment thereof.

The amount assessed against any property shall be a municipal claim, and if not paid within the time specified in the notice, may be filed and collected by the Borough Solicitor in the same manner as municipal claims are recoverable by law.

6. When planting, transplanting, removal, or partial removal of trees in the public right-of-way is initiated by the Borough of Sewickley, all associated costs, including installing guards, curbs, sidewalks, and pavement disturbed or damaged in the course of said work, shall be borne by the Borough.

§109. Notices.

1. Whenever the Shade Tree Commission proposes to plant, transplant or remove shade trees on any public right-of-way in the Borough, notice of the time and place of the meeting of the Borough Council, at which such work is to be considered, shall be given in a newspaper of general circulation in the Borough once a week for two weeks immediately preceding the time of the meeting. Such notice shall specify in detail the streets or portions thereof upon which trees are proposed to be so planted, replanted or removed. Actual written notice of such proposal shall also be sent to each affected abutting property owner by regular or certified mail.
2. Any other notice required under this chapter shall be sent to any affected property owner by regular or certified mail at least 14 days in advance of the meeting of the Shade Tree Commission or the Council at which such work shall be finally approved and this notice shall reasonably and generally apprise such owners of the impact of the intended action.

§110. Insurance.

1. Any person, firm or corporation or employee thereof granted a permit shall post a bond or furnish evidence of equivalent coverage to the Borough Manager in an amount or form approved by him/her or shall have in force and shall maintain public liability and property damage insurance as follows:
 - A. Public liability insurance: public liability insurance in the amount of \$500,000 for injuries, including accidental death, to any one person and subject to the same limit for each person in the amount of not less than \$1,000,000 on account of one accident.
 - B. Property damage insurance: property damage insurance in the amount of not less than \$100,000 to any one property and subject to the same limit for each property in an amount of not less than \$100,000 aggregate for one accident.
 - C. Auto Liability Insurance in the amount of \$2,000,000.
 - D. Workers' Compensation Insurance in the amount of \$1,000,000.
2. The provisions of this section may be waived by the Borough Manager if and when the Borough Manager shall decide that the work to be performed is not likely to be of any foreseeable injury of a bodily nature to the public or to public or private property, but any person operating under such a waiver must furnish evidence to the Borough Manager that he/she carries full public and comprehensive liability insurance of a reasonable nature, as well as workmen's compensation insurance, and he/she shall waive all rights for compensation or damages from the Borough.

§111. Trees on Private Property.

1. It shall be the duty of any person owning real property bordering on any street upon which private property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs or obstruct the view of any street intersection. Said persons shall remove all dead, diseased or dangerous trees, or broken decayed limbs which constitute a menace to the safety of the public in accordance to the rules and regulations set forth by the Shade Tree Commission and approved by Borough Council. The minimum clearance of any overhanging portion thereof shall be eight feet over sidewalks, and 15 feet over all streets.
 - A. Notice to Prune. Should any person or persons owning real property bordering on any street fail to preserve, maintain or remove as herein above provided the Borough Council shall order such person or persons, within 30 days after receipt of written notice, to preserve, maintain or remove.
 - B. Order Required. The order herein shall be served by regular mail and certified mail or by personal service or posting to the last known address of the property owner.
 - C. Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the Borough to prune such trees and to recover from the property owner the cost of services rendered, and to lien the property for such costs and all costs associated with such lien.
 - D. Any property owner removing public or private trees whose hazard zone falls upon public land shall first obtain a permit issued by the Shade Tree Commission.
 - E. All costs of removal, partial removal or treatment ordered by the Borough Manager for trees on private property shall be paid by the owner of the property on which such trees are located.
2. The Borough shall have the right to cause the removal of any trees on property within the Borough, when such trees constitute a hazard to life and property of others or is infected with any injurious disease, insect or fungus.
 - A. Notice to Remove. Should any person or persons fail to remove trees as herein provided, Sewickley Borough Council shall order such person or persons, within 10 days after receipt of written notice, to remove such trees.
 - B. Order Required. The order herein shall be served by regular mail and certified mail or by personal service or posting to the last known address of the property owner.

- C. Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the Borough to remove such trees and to recover from the property owner the cost of services rendered, and to lien the property for such costs and all costs associated with such lien.
3. Permits. A permit issued by the Shade Tree Commission shall be required of any one owner re- moving, or causing the removal of any public or private tree whose hazard zone falls upon public land. The requirements for said permit shall be as follows:
- A. The permit fee shall be established by Resolution of Council.
 - B. The Shade Tree Commission will render a decision within 30 days after the date of application. Decisions shall state the reasons for approval or non-approval, and also state remedies as well as deadlines to appeal to Council.
 - C. In the event of an emergency, the Borough Manager may, upon review with the Borough Arborist or tree expert, issue a permit for the appropriate work to be performed.

§112. Interference With the Tree Commission.

No person shall hinder, prevent, delay or interfere with the Shade Tree Commission, or any of its agents, while engaged in carrying out the execution or enforcement of this Part on public or private property; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Borough.

§113. Registration of Tree Experts.

To protect the public, the Borough shall require any person or firm engaged in the business of maintenance and/or removal of public and private trees whose hazard zone falls upon public land to be licensed by the Borough on an annual basis.

- 1. A class "A" license is required to prune, maintain or remove trees in public property. Requirements for a class "A" license shall be as follows:
 - A. The license fee shall be in an amount as established from time to time by resolution of Borough Council.
 - B. Before any license shall be issued, each applicant shall first file evidence verifying:
 - (1) Coverage by workman's compensation, in force.

- (2) Liability insurance coverage in the minimum amount, as stated in Section 110, 1.A.
- (3) Work must be performed under the supervision of a certified arborist, certified by the International Society of Arboriculture, and certification on file with Borough.
- (4) All licensed persons and/or companies shall operate under the current ANSI guidelines.
- (5) All licensed persons and or companies shall perform work according to the National Arborist Association standards and accepted arboricultural practices.

§114. Establishment of Shade Tree Reserve Fund.

A capital reserve account within the various funds of the Borough, known as the "Shade Tree Commission Capital Reserve Account" is hereby established which is to be utilized for the receipt of license and permit fees, bond monies generally, grant monies, damages, penalties and donations. Disbursement shall be solely for the purpose of encouraging the planting, maintenance and relocation of public trees within the Borough under the jurisdiction of the Shade Tree Commission. Requests for disbursements shall be in conjunction with the Borough's annual budget and administered through the Borough Manager's office.

§115. Memorial and Special Recognition Tree and Plaque Program.

1. The Borough establishes a Memorial and Special Recognition Tree and Plaque Program which provides for the planting of tree in public areas in honor, remembrance and recognition of individuals or groups. Applications are to be made to the Borough Manager's office and reviewed by the Shade Tree Commission
2. Costs for the Memorial and Special Recognition Tree Program shall be determined by Resolution of Borough Council. Fees for Memorial and Special Recognition Tree and Plaque Program will be established by Resolution of Sewickley Borough Council.
3. Public notice requirement, outlined in Section 109. Notices, notwithstanding, are not required for memorial or special recognition trees or plaques.

§116. Appeal Procedure.

Any party aggrieved by a decision of the Shade Tree Commission or the Borough Manager with respect to the standards or requirements of this Part may take an appeal to Borough Council within thirty (30) days of the date of the decision. Council, upon receipt of the appeal on an approved Borough form, shall have the authority and duty to consider and act upon the appeal. The appeal shall clearly and in detail state what changes are being sought, reasons such changes are warranted, and shall be accompanied by such supplemental data as deemed necessary to substantiate the changes. Council may approve, modify, or deny the appeal based upon the protection of public interest, preservation of the intent of this Part, and possible unreasonable hardships involved in the appeal. Council shall act on the appeal as expeditiously as possible, and shall notify the appealing party in writing within 10 days of the action taken.

§117. Penalties.

Any person or firm violating any provision of this Part or who fails to comply with any notice issued pursuant to the provisions of this Part, upon conviction thereof, shall be subject to a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day during which any violation of the provisions of the Part shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this Part, the injury, mutilation or death of a tree is caused, the cost of replacement value of such tree shall be borne by the party in violation. The replacement value of trees shall be determined by the Borough Manager and the Borough Arborist in accordance with the latest revision of Valuation of Landscape Trees, Shrubs and Other Plants as published by the International Society of Arboriculture.

§118. Repealer.

Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

§119. Severability.

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance

§120. Compatibility With Other Requirements

Actions taken under this Ordinance do not affect any responsibility, permit or approval for any activity regulated by any other code, law, regulation, or ordinance.