



Township of Salisbury

— LEHIGH COUNTY, PENNSYLVANIA —

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SALISBURY TOWNSHIP ENVIRONMENTAL ADVISORY COUNSEL

MEETING AGENDA Wednesday, July 15, 2020 Start Time: 7:00 PM

1. Call to Order
2. Roll Call
3. Review Meeting Minutes
4. New Business
 - a. Review of the Environmental Advisory Council role.
 - b. Vote Advisory Council positions.
 - Motion to nominate the Chairman.
 - Motion to vote the Chairman.
 - Motion to nominate the Vice Chairman.
 - Motion to vote the Vice Chairman.
 - Motion to nominate the Secretary.
 - Motion to vote the Secretary.
 - c. Photo of board members.
 - d. Review active Planning Commission submissions.
 - e. Discussion of purposed tree ordinance revisions.
 - f. Discussion of recycling.
 - g. Discuss goals for 2020.
 - Ways to generate public interest in environmental matters through educational workshops.
5. Old Business
 - a. Walking Purchase Park Dumping Ordinance
6. Courtesy of the Floor
7. Adjournment

Any interested citizens may attend the meeting and be heard.

TREE HARVESTING ORDINANCE

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§ 27-516 Tree Harvesting, Woodland Preservation, and Cutting of Trees (includes but is not limited to "forestry" as defined by the MPC).

1.

Purpose. The presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, to manage stormwater runoff and minimize flooding, to protect water quality, improve air quality, and to control erosion. Trees also help to regenerate groundwater supplies. Tree harvesting is allowed but should be regulated to ensure that environmental, forest management and aesthetic goals are realized.

~~2.~~

~~Except as otherwise herein provided, it shall be unlawful for any person to cut down any tree in any commercial or non-residential zone in Salisbury Township which is six inches or more in diameter. For the purposes of this § 27-516, diameter shall be measured at a point 4 1/2 feet above the surrounding ground level prior to any earth disturbance.~~

~~3.~~

~~It shall be lawful as a by-right use in any calendar year for a person to cut down, on each lot, a maximum of three trees of six inches or more in diameter. If a lot includes more than one acre of forested land, then in any calendar year, up to three trees of six inches' or more diameter may be cut per forested acre. In addition, trees may be cut as provided in § 27-516, Subsection 4, or within an approved tree harvesting operation, or as provided below within a construction site.~~

~~4.~~

~~Cutting of Trees. It shall be lawful to cut down such trees six inches or more in diameter only if:~~

~~A.~~

~~The tree is significantly diseased, infested with carpenter ants or a similar destructive pest, damaged beyond recovery, or is dead. See Subsection 5 below.~~

~~B.~~

~~The tree is in such position or condition that it constitutes a danger to neighboring property, the property on which it is located, to public utility lines or to the public generally.~~

~~C.~~

~~The tree is located within an area that needs to be regraded and/or paved for a proposed street or curbing or sidewalk or utility, or is within five feet of the existing or proposed cartway of an uncurbed street.~~

~~D.~~

~~The tree meets the standards of § 27-516, Subsection 6, "Cutting Trees Prior to Construction."~~

~~E.~~

~~In case of emergency, the tree is removed within the following procedures:~~

~~(1)~~

~~No more than one such tree shall be cut down unless and until a permit to do so has been obtained from the Zoning Officer.~~

~~(2)~~

~~In an emergency where time does not allow the prior obtaining of such permit, a permit shall be applied for within 72 hours after the cutting down of any tree.~~

~~F.~~

~~This § 27-516 shall not regulate removal of invasive, poisonous or noxious species of vegetation. The Zoning Officer may approve the replacement of existing nonnative trees or other trees that the applicant shows to have low environmental value with newly planted trees with a higher environmental value.~~

~~5.~~

~~Damaged and Diseased Trees. In nonemergency cases, unless otherwise stipulated by the Zoning Officer, site evaluations to determine or identify significantly diseased, infected, damaged or dead trees shall be made during a particular tree's growth period of the year; evaluations shall not be made while trees are in their dormant state. Trees so evaluated and marked during growth periods may subsequently be cut during dormant periods with the approval of the Zoning Officer.~~

~~6.~~

~~Cutting Trees Prior to Construction.~~

~~A.~~

~~When a zoning permit is issued for a building, structure or use, it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure or use, any space within 15 feet of any such building or structure, any space to be occupied by, and all space within 10 feet of, all sides of any driveway, parking areas, water system or sewage disposal system, utilities, basins, berms or other areas of earthwork, including areas for erosion and sedimentation control or post-construction stormwater management.~~

~~B.~~

~~In such case, the construction area of all buildings or structures, driveways, parking areas, water systems and sewage disposal systems shall be properly surveyed and staked, and no such trees shall be cut down until the Zoning Officer has issued a permit for the marked trees to be cut down in such a manner that it can be determined after the cutting that only those trees for which the permit was issued have been cut down.~~

~~C.~~

~~If trees are cut down as stated in Subsection 6B above, either the permitted construction or the replanting of the same density of trees must be completed within four years of the issuance date of the permit.~~

~~7.~~

~~Killing or Damaging of Trees.~~

~~A.~~

~~During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.~~

~~B.~~

~~It shall be unlawful to purposefully kill a tree by artificial means, including, but not limited to, girdling, smothering or the application of poisonous chemicals.~~

~~C.~~

~~Temporary fencing shall be required by the Township to be placed by the applicant in an area five feet beyond the dripline of any trees intended to be preserved, during activities that may result in damage to the trees or compaction of the root system. Vehicles shall not drive under the dripline and materials shall not be stored under the dripline during construction or tree harvesting operations.~~

8.

Tree Harvesting. Tree harvesting shall be permitted in all zones indicated in accordance with the provisions of § 27-306, and all other provisions of this chapter.

A.

Plan Required. Tree harvesting shall be done only in accordance with a forest management plan prepared by a forester with a degree from a program accredited by the Society of American Foresters and after a permit has been issued by the Zoning Officer. A copy of such plan shall be filed with the Zoning Officer along with a permit application at least 30 days prior to the proposed start date of such tree harvesting. Before such a permit is issued, the Zoning Officer shall have had the plan reviewed by a forester with a degree from a program accredited by the Society of American Foresters. If the Zoning Officer deems it necessary, the plan shall be submitted to the Pennsylvania Department of Conservation and Natural Resources to request their review.

B.

All forest management plans, and the tree harvesting operation itself, shall comply with the following requirements:

(1)

All tree harvesting methods shall be by an accepted silvicultural method. Clear-cutting is prohibited. "Clear-cutting" shall mean any procedure by which 70% or more of the merchantable timber is cut on any acre. A minimum of 30% of trees of six inches' or greater trunk diameter shall remain and shall be distributed across each acre, and such remaining trees shall include some trees of higher-value species.

(2)

A listing shall be provided of current stocking levels, species composition and tree quality and condition, as well as a descriptive narrative of the subject property. In addition, estimates must be provided as to the type and quantity of timber to be harvested and what the residual stocking levels should be. Where it appears that timber harvesting operations will result in lower or understocked stand density levels, justifications for such a harvesting must be included.

(3)

Reforestation. The plan shall identify the reforestation process(es) to be employed and specifically identify, with respect to each principal variety of tree to be reforested, the method or methods of reforestation to be employed, and the recommended reforestation period shall be deemed to be an essential part of any forest management plan and, as such, will be deemed to be a continuing use until said period is completed. No other use may occur on the site until the reforestation period is complete, with the sole exception of the maintenance or construction of a single-family residential dwelling.

(4)

Harvesting Operations.

(a)

Multiple-lot tree harvesting is not allowed on lots which have been subdivided within five years of the submission date of a tree harvesting permit or application.

(b)

Before a permit is issued to conduct a tree harvesting operation as part of a forest management plan, the applicant/owner(s) shall submit to the Zoning Officer and the Township Solicitor, fully executed and acknowledged in duly recordable form, a restrictive covenant (along with a deposit for the cost of recording said restrictive covenant and required attachments in the county office for the recording of such instruments) wherein the landowner(s) acknowledge(s), covenant(s) and agree(s), on behalf of himself, herself or themselves and his/her/their respective heirs, assigns, grantees, vendees and successors, that:

1)

All tree harvesting operations will be conducted only in accordance with this Part and the approved forest management plan. Such plan that was accepted by the Township shall be binding upon the applicant unless a revised plan that complies with this chapter is accepted by the Township.

2)

As soon as practical and consistent with sound forest management practices, after the conclusion of the tree harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the reforestation portion of the approved forest management plan.

3)

Until the completion of the reforestation portion of the forest management plan, including the reforestation period set forth therein, the tract(s) or parcel(s) of land which was/were the subject of the tree harvesting operation shall be put to no other use except the maintenance or construction of a single-family dwelling, including, but not limited to, any use which would otherwise be a permitted use for said land in the zoning district in question.

4)

In the event an unexpected or evasive or harmful situation arises which threatens the reforestation, then limited management activities may be allowed with the approval of the Zoning Officer.

(c)

An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the tree harvesting operation shall be submitted at the same time the forest management plan is filed. The Zoning Officer may require that the plan also be submitted to the County Conservation District and that the applicant pay the district for the costs of any review they wish to provide.

(d)

If the tree harvesting involves 10 or more acres of land, a property boundary survey shall be required to be submitted to the Township, and the boundaries of the property shall be marked in the field during tree harvesting operations.

(e)

The landowner and operator shall be jointly responsible to ensure compliance with this section. The Zoning Officer may issue a stop-work order if there is not compliance with this section.

(5)

Tree Harvesting Operations.

(a)

All cutting, removing, skidding, and transportation of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.

(b)

Roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways.

(c)

Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.

(d)

A crossing of any waterway shall be avoided, unless no alternative exists. Where a waterway crossing is necessary, the number of crossings shall be minimized. Any crossing shall be made at a right angle across suitable

culverts or bridges or other approved surfaces for crossing, and all state and federal permits shall be obtained where required.

(e)
Skidding across live or intermittent streams is prohibited, except over bridges or culverts.

(f)
All limbs and stubs shall be removed from felled trees prior to skidding.

(g)
All trees bent or held down by felled trees shall be released promptly.

(h)
No trees shall be left lodged in the processes of falling.

(i)
Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or PennDOT in the case of state highways.

(j)
No tops or slash shall be left within:

1)
Fifty feet of any public street or adjoining property;

2)
Seventy-five feet of any waterway or historic or scenic trail; or

3)
Ten feet of any drainage ditch.

(k)
The stumps of all felled trees shall remain in the soil for stabilization purposes, unless the site is actively planned for development or replanting. The stumps shall not be higher than two feet above ground level.

(l)
Wild grapevines may be cut or removed, but only to the extent that such cutting or removal does not qualitatively affect wildlife food supply.

(m)
Slash piles shall not be higher than four feet.

(n)
Any damage to a public street that occurs as a result of the timbering operation shall be repaired and/or funded by the entity completing the timbering.

(o)
Timbering shall not occur between the hours of 8:00 p.m. and 7:00 a.m.

(6)
Buffer Zones. See definition in Part 2. Tree harvesting shall not occur within 75 feet from street rights-of-way and abutting lot lines that are not in common ownership. Tree harvesting shall not occur within 100 feet from the top of the primary bank of any perennial rivers, creeks or other watercourses.

The applicant for a tree harvesting permit shall mail, deliver or provide written notice to the last-known owner of record of all abutting lots that the application has been submitted, within five calendar days after such submittal. Such owners shall also be given at least 48 hours' advance written notice of when the initial tree harvesting will begin.

E.

Insurance. The holder of a permit to conduct a tree harvesting operation shall secure appropriate and acceptable levels of liability and workers' compensation insurance for all employees working in the tree harvesting operation.

F.

Township Inspections.

(1)

The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed tree harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.

(2)

After a permit for a tree harvesting operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the tree harvesting operation to ensure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this chapter.

9.

Tree Cutting Enforcement. If trees are cut, harvested or killed in violation of any of the provisions of this section, or are wantonly or negligently injured, a fine shall be levied not in excess of \$500 per tree so affected, plus all court costs, including reasonable attorneys' fees incurred by the Township, in addition to a requirement to replant a new tree of three inches' minimum caliper for each tree that was removed without approval.

10.

Woodland Protection.

A.

Applicability. The additional regulations in this section shall apply to tree cutting (other than approved "timber harvesting") when a lot or tract includes 20,000 square feet or more of woodland which is proposed to be disturbed, based upon the land area of an existing lot before any subdivision.

B.

Disturbance Limits. Clear-cutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this section. All woodland disturbance shall be subject to both maximum disturbance limitations and disturbance thresholds, beyond which woodland replacement shall be required, as set forth herein.

C.

Measurement of Woodland Disturbance. Disturbance limitations shall be measured based on the extent of the woodland at the time of the effective date of this chapter and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the dripline of any tree where any part of the area within the dripline of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations and thresholds set forth in this section, regardless of intervening disturbance which may have occurred.

(7)

All practical actions shall be accomplished to prevent damage or injury to young growth and trees not designated for cutting.

(8)

Fire Hazards. During periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Salisbury Township, the Township shall have the right to order a suspension of tree harvesting operations until the danger subsides.

(9)

Littering is prohibited; and during and upon completion of a tree harvesting operation, all cans, bottles, paper, garbage, and other litter of any type shall be removed from the property.

(10)

Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. With the exception of easements, access to all such roads from any public street by motor vehicles of any kind shall be effectively blocked, by such means as the building of a mound or the installation of a gate; no cables shall be used for this purpose. As deemed necessary by the Zoning Officer, haul roads and landing areas must be stabilized and seeded.

(11)

Tree harvesting shall not occur within wetlands.

C.

Marking of Trees. Before the tree harvesting operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk 4 1/2 feet above the ground and marked numerically with either paint or tags on the stump so that the same may be easily identified both before and after a tree has been felled. In addition, a tally of all marked trees and, if necessary as determined by the Zoning Officer, a sketch of the affected area will be required. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Zoning Hearing Board.

D.

Notification of Beginning, Suspension or Completion of Tree Harvesting.

(1)

The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees is to begin in connection with the construction of roads or trails.

(2)

The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees for removal from the site is to begin.

(3)

The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours in advance of the expected suspension of the tree harvesting operation for more than five successive working days for reasons other than weather conditions.

(4)

The holder of a permit to conduct a tree harvesting operation shall notify the Township at least one week in advance of the completion date of the tree harvesting operation and shall notify the Township immediately upon said operation's completion.

(5)

D.

Maximum Disturbance Limits. Permitted woodland disturbance for any purpose (other than timber harvesting) on any lot or tract shall not exceed 30% of the total woodland areas on a lot. If a lot is proposed to be subdivided, the regulation shall apply to all of the total woodland areas prior to subdivision. Tree removal within the Hospital Overlay Zone referenced in Part 10 shall be in accordance with the approved and coordinated open land plan.

E.

Protection During Construction. In areas of woodland disturbance and immediately adjacent areas, remaining trees shall be protected from damage using the following procedures during construction:

(1)

Where existing trees are to remain, no change in existing grade shall be permitted within the dripline of the trees. Appropriate fencing four feet in height shall be placed at the dripline of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the dripline of any trees to remain.

(2)

Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

(3)

No boards or other material shall be nailed or otherwise attached to trees during construction.

(4)

Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the driplines of trees to remain.

(5)

Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

(6)

Trees which die during or within 24 months after completion of construction because of failure to adhere to this section shall be replaced by a new tree of a similar species within nine months afterwards.

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STREET TREES SALDO



§ 22-1016 Street Trees and Landscaping.

[Ord. 6-97-429, 6/12/1997, § 10.16]

1.

Parking Lot Landscaping. All off-street parking areas including more than 25 parking spaces are required to provide landscaped areas within the paved area which meet the requirements of § **27-603**, Subsection **8**, of the Salisbury Township Zoning Ordinance [Chapter **27**].

2.

Buffer Yards. Required Buffer yards are to be installed as designated in § **27-803**, Subsection 4, of the Salisbury Township Zoning Ordinance [Chapter **27**].

3.

Shade and Street Trees. Street trees of approved deciduous hardwood varieties shall be planted within the street right-of-way by the developer or subdivider for all subdivisions and land developments. Tree species and spacing for planting shall follow the guidelines of this section.

A.

The shade and street trees shall be planted at minimum intervals of between 30 feet and 40 feet, depending upon the type of tree.

B.

Trees shall be of a nursery stock quality, grown under the same climatic conditions as at the location of the development.

C.

All planting shall be performed in conformance with good and accepted nursery and landscape practices.

D.

All trees shall be balled and burlapped unless this requirement is waived by the Board of Commissioners or Planning Commission, as the case may be, for any specified variety.

E.

The requirement for shade and street trees may, upon just cause shown, be waived by the Board of Commissioners, or the Planning Commission, as applicable. If there are existing trees along the street right-of-way which meet Township standards they may be considered in lieu of the required street trees.

F.

Street trees shall be planted prior to the final inspection of public improvements for the subdivision or land development.

G.

Trees permitted shall be of symmetrical growth, free of insect, pests and disease.

H.

The size of the shade and street trees shall be three to 3 1/2 inches (caliper) measured six inches above the ground level. Trees shall have a minimum of a seven-foot single straight stem to the first lateral branches above ground level.

I.

In all subdivisions and land developments street trees shall be planted midway between the curb and sidewalk, with a width in accordance with the following standards:

(1)

In a fifty-foot street right-of-way, with a ten-foot sidewalk area, the planting area is 3 1/2 feet.

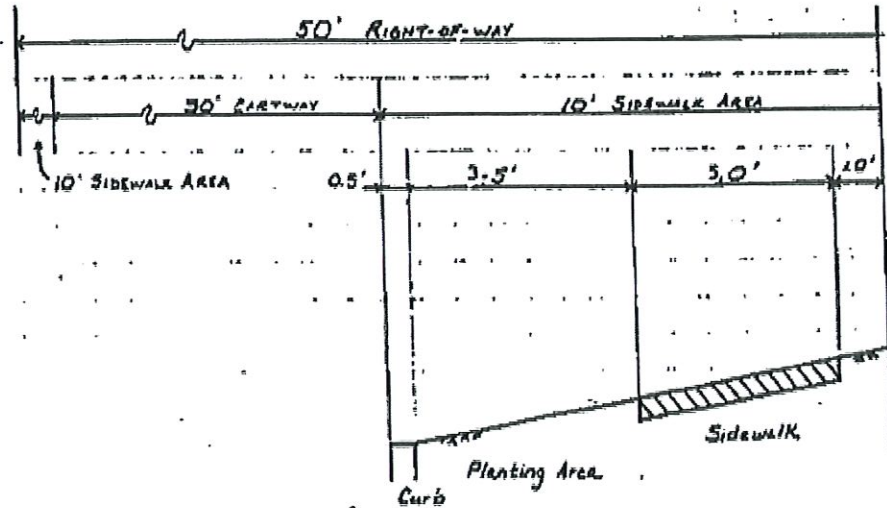


FIGURE D^[1]

[1]

Not to scale

(2)

In a sixty-foot street right-of-way, with a twelve-foot sidewalk area, the planting area is 5 1/2 feet.

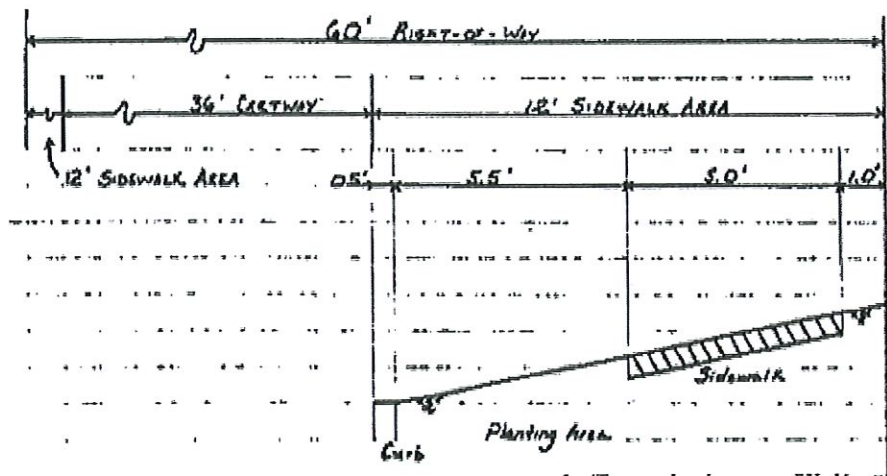


FIGURE E^[2]

[2]

Not to scale

(3)

In a situation where curbing and/or sidewalks are deferred or waived, the street trees shall still be planted in the same intervals as Subsections 3I(1) and (2) above, providing for the future installation of curb or sidewalk.

J.

The following is a list of trees recommended for planting as shade or street trees between the curb and sidewalk.

(1)

Trees recommended for planting strips at minimum spacing of 30 feet between trees. All trees should be of single stemmed treeform:

Hedge maple — *Acer campestre*.

Upright European hornbeam — *Carpinus betulus fastigiata*.

Pyramidal singleseed hawthorn — *Crataegus monogyna stricta*.

Crimson Cloud hawthorn — *Crataegus osyacantha* Crimson Cloud.

Washington hawthorn — *Crataegus phaenopyrum*.

Tschonoskii crabapple — *Malus tschonoskii*.

Rancho Columnar Sargent Cherry — *Prunus sargentii* Rancho.

Kwanzan cherry — *Prunus serrulata* Kwanzan.

(2)

Trees recommended for planting strips at a minimum spacing of 40 feet between trees:

European hornbeam — *Carpinus betulus*.

Katsura tree — *Cercidiphyllum japonicum*.

Hop hornbeam — *Ostrya virginiana*.

Bradford Callery pear — *Pyrus calleryana* Bradford.

Korean mountain-ash — *Sorbus alnifolia*.

Sugar maple — *Acer saccharum*.

Green Mt. sugar maple — *Acer saccharum* Green Mt.

Ginkgo — *Ginkgo biloba* (male only).

Shademaster Thornless honeylocust — *Gleditsia triacanthos inermis* Shademaster.

Skyline locust — *Gleditsia triacanthos inermis* Skyline.

Sawtooth oak — *Quercus acutissima*.

Shingle oak — *Quercus imbricaria*.

Littleleaf linden — *Tilia cordata*.

Greenspire linden — *Tilia cordata* Greenspire.

Norway maples — *Acer platanoides*.

White ash — *Fraxinus Americana*.

Pin Oak — *Quercus palustris*.

American sycamore — *platanus occidentalis*.

Red Maple — *Acer Rubrum*.

Chinese Elm.

Green Ash (Marshall's seedless type).

Fraxinus Pennsylvania lanceolata.

Scarlet oak — *Quercus Coccinea*.

Sour gum (Black tupelo, Black gum) — *Nussa Sylvatica*.

Red oak — *Quercus rubra*.

Zelkova — Zelkova serrata.

(3)

Additional varieties not listed above may be utilized as street trees if the applicant provides adequate reference material or a letter from a registered landscape architect to prove to the satisfaction of the Board of Commissioners or Planning Commission, as the case may be, that a substitute would be appropriate, but in no case shall the following species be utilized as street trees:

Common Name	Botanic Name
Boxelder	Acer negundo
Norway Maple	Acer platanoides
Silver Maple	Acer saccharinum
Horsechestnut	Aesculus species
Tree of Heaven	Tilanthus
Silk Tree or Mimosa	Albizia julibrissin
Catalpa	Speciosa
Ginko (female)	Ginko biloba
Thorned Honeylocust	Gleditsia triacanthos
Black Walnut	Juglans nigra
Hopa, Eley and Almey and Crabapple	Malus Hopa, Eley, Almey
Mulberry	Morus species
Plane Tree or Sycamore	Plantanus species
Black Locust	Robinia pseudoacaia
Willows	Salix species
Regent Scholartree	Sophora japonica
European Mountain Ask	Sorbus aucuparia
American Elm	Ulnus americana
Birch	Betula species
Lussian Olive	Elaeagnus species
Osage Orange	Macluna pomifera
Apple	Malus pumila
Poplar, Aspen	Poplus species
Coniferous Order	Coniferates ord.
Fruit Trees	
Dogwood	
Thorned Trees	

K.

After expiration of the 18 month maintenance period, the land owner, tenant, or his agent, if any, shall be jointly and severally responsible for maintaining all street tree or other required landscaping in good condition, free from refuse, debris, weeds, and undergrowth. All trees, shrubs, ground covers, and other plant materials must be replaced within 120 days if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.

SHADE TREE ORDINANCE

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§ 25-102 Shade Tree Code Official.

[Ord. 06-2010-560, 6/24/2010, § II]

1.

Appointment. The Board of Commissioners shall, by resolution, appoint an individual to serve as the Shade Tree Code Official who is knowledgeable of shade trees and their maintenance to administer the rules and regulations of this Part 1.

2.

Functions. The Official shall act as an advisor to the Board of Commissioners on matters concerning shade trees within the public right-of-way. The Board of Commissioners shall consider the advice of the Official on matters concerning the application of this Part 1. The Official shall carry out any duties and responsibilities conferred upon same by the Board of Commissioners including those herein conferred.

A.

The Official shall keep full records of its business and shall submit a report of its activities to the Board of Commissioners at least once a year.

B.

The Township, having exclusive custody and control of all shade trees in the public right of way, may plant, remove, maintain and protect such shade trees. The Official shall give recommendations and advice as to species selection, planting, maintenance or removal of trees on all public rights of way.

C.

The Official shall also work with all other concerned agencies in the planning of trimming, planting, transplanting and removal of shade trees in public right of way.

□

§ 25-103 Permits.

[Ord. 06-2010-560, 6/24/2010, § III]

1.

No person, without first obtaining a permit from the Township, shall:

A.

~~Prune, spray, plant, remove or cut any shade tree on the public right of way.~~

B.

Cut, break bark or otherwise injure or disturb any shade tree, tree guard or support thereof.

C.

Attach a guy rope, cable, electric wire or other fixture to any shade tree, tree guard or support thereof.

D.

Fasten or maintain any sign on any shade tree or tree guard support thereof.

~~E.~~

~~Lay any pavement within an area of 12 square feet around the base of the trunk of any tree on public right of way or deposit any stone, gravel, cement, lumber or other material in such a way as to obstruct the free access of air and water to the roots of any tree in such public right of way.~~

F.

~~Allow a shade tree on the public right of way to be injured or removed during the erection, repair, alteration or removal of any building or structure. No person in charge of such erection, repair, alteration or removal shall leave any tree on the public right of way in the vicinity of such building or structure without such good and sufficient guards or means of protection as shall prevent injury to the tree, arising out of or by reason of such erection, repair, alteration or removal.~~

G.

Cause or allow any boiler, heater, machine or device generating fumes, fires, gas, smoke or vapor to remain under or adjacent to any tree in or on any public highway, street or avenue, or cause or allow it to be done.

2.

~~All work required to be done under any permit issued hereunder shall be completed within the time period specified but not to exceed 60 days from the date issued, unless the time period has been extended by the Official. A permit shall be secured not less than five days in advance of the time the work is to be done. The Official shall also be notified within five days of completion of the work to allow for inspection.~~

3.

~~Every person desiring to plant, set out, trim or remove, any shade tree, on or from any public street or highway in the Township, shall make application in writing to the Township for permission to do so, which application shall state specifically the location and kind of tree proposed to be planted, set out, trimmed or removed, and the reason for the removal, including condition of tree.~~

4.

~~A person who is denied a permit may file an appeal with the Salisbury Township Board of Commissioners Environmental Advisory Committee (EAC) in writing within 30 days following the date the denial is issued.~~

□

§ 25-104 Prohibited Activities.

[Ord. 06-2010-560, 6/24/2010, § IV]

1.

No person under any circumstances shall:

A.

Fasten a bicycle, carriage, animal or motor vehicle of any kind to any shade tree, tree guard or support thereof.

B.

Authorize or procure any gas, hot water, steam brine water, oil, dye or other substance deleterious to tree life to lie, pour, flow, leak or drip on or into the soil about the base of a tree in any public highway, street or avenue.

C.

Build or kindle a fire near to any shade tree on any public right of way, as to endanger the trunk, limbs or foliage of such shade tree.

D.

Interfere or cause or authorize or procure an interference with the agents or employees of the Township while they are engaged in or about the planting, cultivating, mulching, pruning, spraying or removing of trees, or removing stone or cement sidewalk or other material of substance as may be necessary for the protection and care of any tree in accordance with the requirements set forth in the section dealing with the area of open ground to be maintained about the base of the trunk of each shade tree in the public right of way.

E.

Attach any advertisements to any shade tree or shrub in any street, highway, avenue or any public right of way.

§ 25-105 Trees in Public Right of Way.

[Ord. 06-2010-560, 6/24/2010, § V]

1.

Notice to Remove Tree. The owner of a property abutting a public right of way and having a shade tree growing in such public right of way, which is deemed by the Township Official to be a danger to the life, health, safety or property of the public, or which is afflicted with any contagious disease or insect infestation, will be requested by mail by the Township to remove such tree within a time period specified. If the property owner neglects or refuses to remove such tree as required by this section within the time period specified in such notice, the Township may cause such removal to be done at the expense of the property owner; and the entire cost thereof shall be paid by the property owner within 60 days. If not paid by the property owner within 60 days, a lien upon such premises and a claim therefore shall be filed and collected by the Township Solicitor in the same manner as municipal claims are filed and collected.

2.

Care Provisions.

A.

The owners of property abutting a public right of way and having shade trees growing in such public right of way shall trim or cause such trees to be trimmed of all branches interfering with free access on the public right of way to a minimum height of, at least, 10 feet above the sidewalk and 14 feet above the street, highway or avenue, or higher if deemed necessary for an unobstructed view of the public.

B.

The land owner, tenant, or his agent, if any, shall be jointly and severally responsible for maintaining all shade trees in good condition, free from refuse, debris, weeds, and undergrowth; except as provided in the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22]. ~~Any shade tree must be replaced within 120 days if such tree dies or becomes unhealthy because of accidents, drainage problems, disease, or other causes.~~

C.

If any property owner neglects or refuses to trim any shade tree as required by this Part 1 upon notice by mail from the Township within the time limit specified on the notice, the Township may cause such trimming to be done at the expense of the owner and the entire cost thereof shall be paid by the property owner within 60 days. If not paid by the property owner within 60 days, a lien upon such premises and a claim therefore shall be filed and collected by the Township Solicitor in the same manner as municipal claims are filed and collected.

3.

Liability for Damage. Any person who inflicts damage to a shade tree in a public right of way, either willfully or negligently, shall be liable to the Township for costs of professional care in the treatment of the tree wounds. If the tree dies within one growing season as a direct result of such damage, or if the damaged tree shall be rendered unsuitable and condemned by the Township, then the person responsible shall pay all costs of removal of such tree and its stump and costs of replacing it with a young tree of approved specifications. Such work shall be performed by the Township or contracted by the Township, and the costs assessed to the responsible person. If the damage described above shall be willful, then the responsible person shall also be subject to the penalties hereinafter provided for violations of this Part 1.

4.

Property Owner's Privilege. Minor tree work may be done by an individual property owner to trees or shrubs planted in the public right of way adjacent to his property, provided he has obtained prior written approval from the Official. The Official shall advise the property owner whether or not the proposed work is minor.

5.

Kind and Location of Trees to Be Planted along Streets.

A.

In order to secure uniformity and the best results, the species and location of shade trees to be planted in and upon the public streets and highways in the Township shall be subject to the approval of the Township.

B.

Street trees of approved deciduous hardwood varieties shall be planted within the street right-of-way by the property owner. Tree species and spacing for planting shall follow the guidelines of this section.

(1)

~~The shade and street trees shall be planted at minimum intervals of between 30 and 40 feet, depending upon the type of tree.~~

(2)

Trees shall be of a nursery stock quality, grown under the same climatic conditions as at the location of the development.

(3)

All planting shall be performed in conformance with good and accepted nursery and landscape practices.

(4)

All trees shall be balled and burlapped unless this requirement is waived by the Official, as the case may be, for any specified variety.

(5)

Trees permitted shall be of symmetrical growth, free of insect, pests and disease.

(6)

~~The size of the shade and street trees shall be three to 3 1/2 inches (caliper) measured six inches above the ground level. Trees shall have a minimum of a seven-foot single straight stem to the first lateral branches above ground level.~~

(7)

In all subdivisions and land developments street trees shall be planted midway between the curb and sidewalk, with a width in accordance with the following standards:

(a)

In a fifty-foot street right-of-way, with a ten-foot sidewalk area, the planting area is 3 1/2 feet.

(b)

In a sixty-foot street right-of-way, with a twelve-foot sidewalk area, the planting area is 5 1/2 feet.

(c)

In a situation where curbing and/or sidewalks are deferred or waived, the street trees shall still be planted in the same intervals as Subsections (1) and (2) above, providing for the future installation of curb or sidewalk.

(8)

The following is a list of trees recommended for planting as shade or street trees between the curb and sidewalk.

(a)

Trees recommended for planting strips at minimum spacing of 30 feet between trees. All trees should be of single-stemmed treeform:

- Hedge maple — *Acer campestre*.
- Kwanzan cherry — *Prunus serrulata* Kwanzan.
- Pyramidal singleseed hawthorn — *Crataegus monogyna stricta*.
- Rancho Columnar Sargent Cherry — *Prunus sargentii* Rancho.
- Tschonoskii crabapple — *Malus tschonoskii*.
- Upright European hornbeam — *Carpinus betulus fastigiata*.
- Washington hawthorn — *Crataegus phaenopyrum*.

(b)

Trees recommended for planting strips at a minimum spacing of 40 feet between trees:

- American Sycamore — *Platanus Occidental's*.
- European Hornbeam — *Carpinus Betulus*.
- Fraxinus Pennsylvania lanceolata.
- Ginkgo — *Ginkgo biloba fastigiata*.
- Green Ash (Marshall's seedless type).
- Green Mt. Sugar Maple — *Acer Saccharum* Green Mt.
- Greenspire Linden — *Tilia cordata* Greenspire.
- Hop Hornbeam — *Ostrya Virginiana*.
- Katsura Tree — *Cercidiphyllum Japonicum*.
- Korean Mountain-Ash — *Sorbus Alnifolia*.
- Littleleaf Linden — *Tilia Cordata*.
- Pin Oak — *Quercus palustris*.
- Red Maple — *Acer Rubrum*.
- Red Oak — *Quercus Rubra*.
- Scarlet Oak — *Quercus Coccinea*.
- Shademaster Thornless Honeylocust — *Gleditsia Triacanthos Inermis* Shademaster.
- Shingle Oak — *Quercus Imbricaria*.
- Skyline Locust — *Gleditsia Triacanthos Inermis* Skyline.
- Sour Gum (Black Tupelo, Black Gum) — *Nussa Sylvatica*.
- Sugar Maple — *Acer Saccharum*.
- White Ash — *Fraxinus Americana*.
- Zelkova — *Zelkova Serrata*.

(c)

Additional varieties not listed above may be utilized as street trees if the applicant provides adequate reference material or a letter from a registered landscape architect to prove to the satisfaction of the Shade Tree Official, as the case may be, that a substitute would be appropriate, but in no case shall the following species be utilized as street trees:

Common Name

Common Name

Boxelder
 Norway Maple
 Silver Maple
 Horsechestnut
 Tree of Heaven
 Silk Tree or Mimosa
 Catalpa
 Ginko (female)
 Thorned Honeylocust
 Black Walnut
 Hopa, Eley and Almey and Crabapple
 Mulberry
 Plane Tree or Sycamore
 Black Locust
 Willows
 Regent Scholartree
 European Mountain Ash
 American Elm
 Birch
 Lussian Olive
 Osage Orange
 Apple
 Poplar, Aspen
 Coniferous Order
 Fruit Trees
 Dogwood
 Thorned Trees
 Crimson Cloud hawthorn
 Bradford Callery Pear
 Chinese Elm
 Sawtooth Oak

Botanic Name

Botanic Name

Acer Negundo
 Acer Platanoides
 Acer Saccharinum
 Aesculus species
 Tilanthus
 Albizia Julibrissin
 speciosa
 Ginko Biloba
 Gleditsia triacanthos
 Juglans Nigra
 Malus Hopa, Eley, Almey
 Morus species
 Plantanus species
 Robinia Pseudoacaia
 Salix species
 Sophora Japonica
 Sorbus Aucuparia
 Ulmus Americana
 Betula species
 Elaeagnus species
 Macluna Pomifera
 Malus Pumila
 Poplus species
 Coniferates ord.

 Crataegus osyacantha Crimson Cloud.
 Pyrus Calleryana Bradford

 Quercus Acutissima



§ 25-106 Trees on Private Property.
 [Ord. 06-2010-560, 6/24/2010, § VI]

1. Any tree or parts thereof growing upon private property, but overhanging or interfering with the use of any street, highway, avenue or any public right of way in the Township, and which, in the opinion of the Township, endangers the life, health, safety or property of the public, is hereby declared a public nuisance.
- 2.

If the owner of any shade tree declared to be a public nuisance neglects or refuses to correct or remove the shade tree upon notice by mail from the Township within the time limit specified on the notice, the Township may cause such correction or removal to be done at the expense of the owner, and the entire cost thereof shall be paid by the property owner within 60 days. If not paid by the property owner within 60 days, a lien upon such premises and a claim therefore shall be filed and collected by the Township Solicitor in the same manner as municipal claims are filed and collected.

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~~§ 25-107 Compliance With Zoning Ordinance and Subdivision and Land Development Ordinance.
[Ord. 06-2010-560, 6/24/2010, § VII]~~

~~All planting of shade trees in the public right of way shall be in compliance with the Salisbury Township Zoning Ordinance [Chapter 27] and the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22] or any amendments thereto.~~

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§ 25-108 Penalty.

[Ord. 06-2010-560, 6/24/2010, § VIII]

Any person violating any provisions of this Part 1 shall be fined not more than \$500 or imprisoned not more than 90 days, or both.

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§ 25-109 Right to Appeal.

[Ord. 06-2010-560, 6/24/2010, § IX; as amended by Ord. No. 10-2019-624, 10/10/2019]

Any person aggrieved by a notice, determination, refusal, act or failure to act issued, taken or omitted under this Part 1 shall have the right to a hearing at a regular meeting to be held by the Environmental Advisory Council, which hearing shall be held pursuant to the First Class Township Code. In the event of a notification for the proposed planting, replanting or removal, in whole or in part, of any shade tree, notice shall be provided as required by the First Class Township Code. In all other cases, notice of the time and place of the meeting at which said hearing shall occur shall be given according to law. In all cases, the aggrieved party shall be given personal notice by regular mail of the date, time and place of the meeting, which notice shall generally specify the rights granted to the party under law. Any person aggrieved by a decision of the Environmental Advisory Council shall have the right to further appeal said decision to the Salisbury Township Board of Commissioners within 30 days of the date of said decision. Any person aggrieved by a decision of the Board of Commissioners shall have the right to further appeal said decision to the Court of Common Pleas of Lehigh County within 30 days of the date of said decision. Should no appeal be filed, the cost of the work and any penalty imposed by the Official shall be certified by the Official to the Board of Commissioners to be thereafter filed as a municipal lien as set forth in this Part 1 and as provided by law.

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§ 25-110 Miscellaneous Provisions.

[Ord. 06-2010-560, 6/24/2010, § X]

1.

Rules of Interpretation. The use of the singular shall include the plural. The use of headings is for convenience only.

2.

Severability. The sections of this Part 1 are severable, and if any section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts.

3.

Repeal of Conflicting Ordinances. The within ordinance supersedes and repeals all former and/or prior ordinances or parts thereof which conflict, or are in any way inconsistent, with the provisions of this Part 1 and, to the extent that any prior or existing ordinances of Salisbury Township are inconsistent with the terms of the within ordinance, said inconsistent ordinances, or portions thereof, are hereby expressly repealed.

4.

Effective Date. This Part 1 shall be immediately upon adoption.

Privacy Policy Terms of Use

Purchase a code POWERED BY GENERAL CODE

PART 14

ENVIRONMENTAL ADVISORY COUNCIL

§ 1-1401. Creation. [Ord. 02-2009-546, 2/12/2009]

An advisory council, to be known as the "Salisbury Township Environmental Advisory Council" ("Council"), is hereby created and shall continue to function until this Part 14 is repealed.

§ 1-1402. Membership. [Ord. 02-2009-546, 2/12/2009]

The Council shall be composed of five residents of the Township.

§ 1-1403. Appointments; Terms. [Ord. 02-2009-546, 2/12/2009]

1. Council members shall be appointed in accordance with the following procedures:
 - A. All Council members shall be appointed by the Board.
 - B. Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.
 - C. Duly appointed Council members shall serve a term of three years, except that initial appointments shall be so staggered that the terms of approximately 1/3 of the Council members shall expire each year.
 - D. Whenever possible, one Council member shall also be a member of the Township Planning Commission.
 - E. All members are to comply with the Pennsylvania Ethics Law, Act 170 of 1978, as amended, and the conflicts of interest policies of the Township.

§ 1-1404. Compensation. [Ord. 02-2009-546, 2/12/2009]

Council members shall receive no compensation for their services but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties, with the approval of the Board.

§ 1-1405. Council to Be Advisory. [Ord. 02-2009-546, 2/12/2009]

The Council shall be advisory to, and shall coordinate its activities with, the Board, the Township Planning Commission, the Township Park and Recreation Board, and other local governmental boards and agencies.

§ 1-1406. Officers. [Ord. 02-2009-546, 2/12/2009]

The members of the Council shall designate the Chairman, Vice Chairman and Secretary of the Council.

§ 1-1407. Powers. [Ord. 02-2009-546, 2/12/2009]

1. The Council shall have the following powers:
 - A. Identify environmental issues affecting the Township, the areas surrounding the Township, and the Township's residents.
 - B. Recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the Township and the areas surrounding the Township.
 - C. Make recommendations as to the possible use of open land areas within the Township.
 - D. Promote a community environmental program.
 - E. Keep an index of all open areas, publicly or privately owned, including but not limited to flood-prone areas, swamps, and unique natural areas.
 - F. Advise the appropriate local governmental agencies on the acquisition of real property within the Township.
 - G. Undertake such environmental tasks as requested by the Board and/or propose environmental issues that the Council considers to be significant to be undertaken within the community.
 - H. The Council shall operate in accordance with the bylaws of the Council as approved and amended from time to time by the Board.

§ 1-1408. Records and Reports. [Ord. 02-2009-546, 2/12/2009]

The Council shall keep records of its meetings and activities and shall make an annual report to the Board which shall be made publicly available. Minutes of each meeting of the Council shall be forwarded to the Board.

§ 1-1409. Funding. [Ord. 02-2009-546, 2/12/2009]

The Board may, from time to time, appropriate funds for expenses to be incurred by the Council.