

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 06-2021-638

AN ORDINANCE

**OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER
25 (TREE MAINTENANCE, REMOVAL, AND REPLACEMENT
ORDINANCE) OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the Township's Department of Community Development has proposed changes to the Tree Maintenance, Removal, and Replacement Ordinance; and

WHEREAS, a public hearing was held on June 24, 2021 for input from the public on the proposed Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed changes to the Township's Grading and Development Ordinance.

Now, THEREFORE, be it ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that Chapter 25 of the Salisbury Township Code of Ordinances shall be amended in its entirety as follows:

ARTICLE I.

Chapter 25 shall be amended, to read as follows:

Chapter 25

TREE MAINTENANCE, REMOVAL, AND REPLACEMENT

§25-101 – Title

This chapter shall be known as the "Township of Salisbury Tree Maintenance, Removal, and Replacement Ordinance".

§25-102 – Authority

1. All tree removal activities within the Township are regulated by this Chapter.
2. The following activities are exempt from all regulations in this Chapter:
 - A. Trees to be removed by a utility company, or its authorized agents, in order to maintain the existing utilities.
 - B. Trees to be removed as part of an approved Christmas tree farm or other crop farming use.
 - C. Trees to be removed as part of an approved land development, subdivision, or construction project.
 - D. Trees to be removed and/or replaced within the required eighteen (18) month maintenance period of an approved land development, subdivision, or construction project, as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22).

§25-103 – Definitions

When used in this Chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

CALENDAR YEAR: January 1st through December 31st.

CANOPY: The total area of the tree or trees where the leaves and outermost branches extend. When the tree canopy size cannot be calculated, it shall be assumed that a single tree has a canopy of seven hundred (700) square feet. May also be referred to "drip line".

CHRISTMAS TREE FARM: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises. Shall not be included in the classification of "tree harvesting".

CROP FARMING: The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of "crop farming" shall also include orchards, vineyards and accessory wine processing, and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. A principal

crop farming use may also include customary accessory keeping of animals but shall not include a "kennel," unless the requirements for such use are also met.

CYCLE YEAR: The time period in which a tree that was removed must be replaced. Each cycle year runs from October 1st through September 30th and is calculated based on the issuance of a tree permit, unless otherwise stated within this Chapter.

FELLING: The act of cutting a standing tree so that it falls to the ground.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

INTERIOR LOT TREE: A tree located within the lot area of a property and not within a right-of-way.

LANDING: A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LITTER: Discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

LOP: to cut tops and slash into smaller pieces to allow material to settle close to the ground.

LOT AREA: An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in determining lot area. Property lines shall be bound by a singular tax parcel, as determined by the Lehigh County Tax Assessment Office and Lehigh County Geographic Information Systems Office. When a tax parcel spans more than one municipality, the taxing municipality shall have sole control over the development and use of the lot and its entire lot area shall be included when calculating lot area, setbacks, building coverage, and impervious coverage.

OPERATOR: An individual, partnership, company, firm, association, or corporation engaged in timber harvesting including the agents, subcontractors, and employees thereof.

PRE-COMMERCIAL TIMBER AND STAND IMPROVEMENT: A forest practice,

such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

RIGHT-OF-WAY: Areas beyond each property's lot area which is not privately owned. Areas of right-of-way include, but are not limited to, streets and alleys.

SHADE TREE: All trees whose trunks, or part thereof, are situated within the right-of-way, typically between the edge of the roadway and the lot area. May also be referred to as "street tree".

SILVICULTURE: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands as outlined by Pennsylvania Department of Conservation and Natural Resources and Penn State College of Agricultural Sciences.

SKIDDING: Dragging trees on the ground from the stump to the landing by any means.

SLASH: Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND: Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STRUCTURE: Any man-made object having an ascertainable location on, below, or in land or water, whether or not affixed to the land. The term "structure" shall not include a child's playset or playhouse, as long as its design is clearly that for a child and it will not be utilized as a storage shed or similar type of use.

TOP: The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

TREE HARVESTING: The portion of "forestry" which involves the cutting down of trees and removing logs for any type of business or other commercial purpose. Does not include trees permitted to be removed as part of an approved development or construction project nor does it include trees removed as part of an approved Christmas tree farm or other crop farming use. May also be referred to as "timber harvesting" or "logging". "Tree harvesting" does not include other activities associated with the removed trees such as, but not limited to, on-site retail sales, manufacturing, and processing.

§25-104 – Maintenance

1. All tree maintenance and tree removal shall be conducted in accordance with accepted silvicultural principles. Proper maintenance includes:
 - A. Removing dead, diseased, damaged, or decayed limbs.
 - B. Removing dead, diseased, damaged, or decayed trees.
 - C. Pruning.
 - D. Removal of fallen limbs and other debris.
2. The maintenance and removal of all shade trees is the responsibility of each adjacent, property owner. Maintenance includes, but is not limited to, keeping the shade tree in good condition, with its area free from refuse, debris, weeds, and undergrowth, and removing a shade tree when it is damaged, diseased, or hazardous.
3. To determine who is the adjacent, property owner, the right-of-way is to be divided down the middle and each adjacent, property owner is responsible for the trees located on his or her half of the right-of-way. When there is uncertainty as to who is responsible, the decision shall be made by the Salisbury Township Director of Community Development based on information from the Lehigh County Geographic Information Systems Office.
4. Property owners shall trim the branches of all shade trees, and those branches of interior lot trees which protrude into the right-of-way, to a minimum height of eight (8) feet above the sidewalk and fourteen (14) feet above the street, when applicable. These minimums may be increased if deemed necessary by the Township.
5. Property owners shall trim branches of all shade trees, and those branches of interior lot trees which protrude into the right-of-way, to a minimum height of eight (8) feet in areas designated as a sight distance triangle as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and the Salisbury Township Zoning Ordinance (Chapter 27). All shrubs and woody vegetation in this area or that part of any shrub or woody vegetation which extends over, upon, under, or within this area must be trimmed to a maximum height of two (2) feet.
6. No person shall:

- A. Attach a guy wire, guy rope, cable, electric wire, or other fixture to any shade tree, tree guard, or support thereof, except those supports required for a newly planted tree.
 - B. Fasten or maintain any sign or advertisement on any shade tree, tree guard, or support thereof.
 - C. Lay any pavement, stone, gravel, or other impervious surface within an area of three (3) feet around the base of the trunk of a shade tree. This restriction excludes approved curbs, sidewalks, and driveways.
 - D. Cause or allow any boiler, heater, machine, or device generating fumes, fires, gas, smoke, or vapor to remain under or adjacent to any shade tree.
 - E. 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 dip on or into the soil about the base of a shade tree.
 - F. Fasten a bicycle, carriage, animal, or motor vehicle of any kind to any shade tree.
 - G. Build or kindle a fire near any shade tree as to endanger the trunk, limbs, or foliage of such shade tree.
7. During construction or installation of any structure, driveway, parking area, water system, or sewage disposal system, or in the process of landscaping or grading the lot, the fill generated by such activity shall not be temporarily placed or stored in a manner which will potentially kill or damage shade trees. When there is uncertainty concerning the potential harm, the decision shall be made by the Salisbury Township Director of Community Development or other staff or professional designated by the Township.
8. It shall be unlawful to either willfully or negligently kill or damage a shade tree by artificial means, including, but not limited to, girdling, smothering or the application of poisonous chemicals. Any person who inflicts such damage to a shade tree, either willfully or negligently, shall be liable to the Township for costs of professional care in the treatment of the tree wounds. If such damage contributes to the tree's death, or if the damaged tree shall be rendered unsuitable and condemned by the Township, then the person responsible for the damage shall pay all costs of removal of such tree and its stump and all 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.

The responsible person may also be subject to the penalties as stated in §25-114 of this Chapter.

9. Branches and leaves of interior lot trees which extend or fall into the public right-of-way must be maintained by the adjacent property owner as regulated in §25-104.4 and §25-104.5.
10. Branches growing over private property lines and trees, branches, and leaves falling onto abutting lot areas are both regarded as civil matters between the property owners and not enforced by this Chapter.

§25-105 – General Tree Removal Requirements

1. Regardless of location, or if a tree permit is or is not required, when the canopy of trees to be removed is equal to or greater than 10,000 square feet, a grading permit shall be required, and the removal of those trees shall also be subject to all requirements of the Salisbury Township Grading and Development Ordinance (Chapter 9). Trees to be removed shall be calculated as an aggregate over the proceeding five years, regardless of the permits and approvals issued for each proceeding activity. Exemptions from this requirement are:
 - A. Trees to be removed by a utility company, or its authorized agents, in order to maintain the existing utilities.
 - B. Trees to be removed as part of an approved tree harvesting operation when the value of the trees, logs, or other timber products removed exceeds \$2,000 per calendar year.
 - C. Trees to be removed as part of an approved Christmas tree farm or other crop farming use.
 - D. Trees to be removed as part of an approved land development, subdivision, or construction project.
 - E. Trees to be removed and/or replaced within the required eighteen (18) month maintenance period of an approved land development, subdivision, or construction project, as regulated by the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22).
2. All trees shall be removed on the condition that the applicant complies with federal and state

wetlands regulations. Noncompliance with such regulations shall be subject to the appropriate federal and state penalties as well as those stated in §25-114 of this Chapter.

3. The property owner is responsible to ensure the work area has proper erosion and sediment protection. No sediment, chips, sawdust or any other material shall enter a waterway or municipal storm drain. Failure to comply with this requirement shall be subject to the penalties as stated in §25-114 of this Chapter.
4. All proposed work shall be completed as stated on the approved tree permit.
5. All required replacement trees must be planted within the current cycle year. This time limit may be extended by the Salisbury Township Director of Community Development or his/her designee if due diligence has been shown within the stated timeframe.
6. The property owner is responsible for maintaining all replacement trees, as approved on the tree permit. If a replacement tree were to die or be destroyed within eighteen (18) months of replanting by the Township, the owner must contact the Salisbury Township Director of Community Development or his/her designee to discuss other replacement options. Failure to do so will result in a violation as outlined in §25-114 and subject to all fines or costs as stated in such.

§25-106 – Shade Tree Removal

1. A tree permit is required for the removal of all shade trees.
2. Shade trees shall not be removed as part of a tree harvesting/logging plan.
3. Shade trees located within unopened streets or alleys shall be regulated as interior lot trees, with the right-of-way being divided down the middle and each adjacent property owner responsible for the trees located on his or her adjacent half. When there is uncertainty as to who is responsible, the decision shall be made by the Salisbury Township Director of Community Development based on information from the Lehigh County Geographic Information Systems Office.
4. All shade trees required as part of an approved land development, subdivision, or construction project must be removed and/or replaced by the developer during the required eighteen (18) month maintenance period for the project.

5. Shade trees required as part of a land development, subdivision, or construction project must be replaced, as approved and recorded, in perpetuity, or until a new land development or subdivision project has been approved for the site. A waiver to this requirement is not permitted within the first five (5) years of the Certificate of Occupancy and/or Certificate of Completion being issued. Any change in the approved and/or recorded plan within the first five (5) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.
6. All shade trees, including those removed after the required eighteen (18) month maintenance period for an approved land development, subdivision, or construction project, shall be replaced by the Township during its next planting event. The applicant may request a particular species to be planted; however, the actual species and location will be determined by the Township.

§25-107 – Interior Lot Tree Removal

1. All tree harvesting activities, where the value of the trees, logs, or other timber products removed exceeds \$2,000 per calendar year, shall be regulated by §25-108 of this Chapter and not this Part, §25-107. All pre-commercial timber and stand improvements shall be regulated by this Part, §25-107.
2. Unless the interior lot tree was planted as part of a previously approved land development or subdivision project, a tree permit is not required for the removal of any interior lot tree and these interior lot trees are not required to be replaced although replacement is recommended to follow proper forestry methods and preserve the Township's woodlands.
3. A tree permit is required for the removal of all interior lot trees which were required to be planted as part of an approved land development, subdivision, or construction project.
4. Interior lot trees required as part of a land development, subdivision, or construction project must be replaced, as approved and recorded, in perpetuity, or until a new land development or subdivision project has been approved for the site. A waiver to this requirement is not permitted within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued. Any change in the approved and/or recorded plan within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township

Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.

5. All interior lot trees which require replacement shall be replaced by the property owner within the current cycle year.

§25-108 – Tree Harvesting

1. A tree permit is required for all tree harvesting activities when the value of the trees, logs, or other timber products removed exceeds \$2,000 per calendar year, regardless of the zoning district, location of trees, or number of trees to be removed.
2. A written logging plan shall be submitted with each application and the provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township upon request. At minimum, the logging plan shall include:
 - A. Approximate dates of operation. The landowner and/or operator shall notify the Township Planning and Zoning Officer, at least five (5) business days before the operation commences and within ten (10) business days before the operation is complete. No tree harvesting shall occur until the notice has been provided. Notification shall be in writing and specify the tree permit number for which it is associated.
 - B. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 - C. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.
 - D. Design, construction, and maintenance of stream and wetland crossings.
 - E. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.
3. A sketch map or drawing containing the following information shall be submitted with each application:
 - A. Site location and boundaries, including both the boundaries of the property on

which the timber harvest will take place and the boundaries of the proposed harvest area within that property.

- B. Significant topographic features related to potential environmental problems.
 - C. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures.
 - D. Location of all crossings of waters of the Commonwealth.
 - E. The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
4. The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- A. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1 et seq.).
 - B. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
5. Any permits required by state laws and regulations are the responsibility of the applicant and shall be attached to and become part of the logging plan.
6. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in §25-108.2 and §25-108.3, provided that all information required by these subsections is included or attached.
7. All structures required for tree harvesting activities, and all activities beyond the actual removing of trees, shall be regulated by the Salisbury Township Code Enforcement Ordinance (Chapter 5), the Salisbury Township On Lot Grading and Development Ordinance (Chapter 9), the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22), and the Salisbury Township Zoning Ordinance (Chapter 27), when applicable.

8. The following requirements shall apply to all tree harvesting operations:
 - A. Tree harvesting activities shall not occur between the hours of 8:00PM and 7:00AM.
 - B. Felling or skidding on or across any public thoroughfare is prohibited without express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 - C. No tops or slash shall be left within 25 feet of any public thoroughfare, private roadway, or accessway providing access to adjoining residential properties.
 - D. All tops and slash between 25 and 50 feet from a public thoroughfare, private roadway, or accessway providing access to adjoining residential properties or within 50 feet of adjoining residential properties shall be lopped to a maximum height of 4 feet above ground.
 - E. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - F. Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property.
 - G. No trees shall be left lodged in the processes of falling.
 - H. Litter and construction debris resulting from a tree harvesting operation shall be removed from the site before it is vacated by the operator.
 - I. Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. As deemed necessary by the Township, haul roads and landing areas must be stabilized and seeded.
9. The land owner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan and this Chapter.
10. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipality road as caused by traffic associated with the tree

harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damages.

§25-109 – Emergency Situations

1. In case of emergency, where safety is concerned, a tree may be secured and/or removed by the property owner without a permit; however, a permit must be obtained within 72 hours after its removal. Additional shade trees and/or interior lot tree may be removed at the same time as the emergency work being conducted provided that the tree permit application lists all trees that were removed. Failure to apply for a permit within 72 hours for emergency work shall result in penalties as stated in §25-114 of this Chapter.
2. The removal of trees due to an emergency situation does not void the requirement to replace trees, as required within this Chapter. The replacement date is calculated from the date of removal, not the date a permit is issued.
3. In the case of an emergency, where safety is concerned, the Township may treat, secure, and/or remove any tree, regardless of its location. The property owner responsible for said tree shall be liable to the Township for costs of professional care in the treatment, security, and/or removal of the dangerous tree. Such work shall be performed by the Township, or contracted by the Township, and the costs assessed to the property owner. The property owner may also be subject to the penalties as stated in §25-114 of this Chapter.

§25-110 – Submission Standards for Permit Applications

1. A tree permit application, when required by this Chapter, shall be submitted for review along with an application fee of \$30 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.
2. A site plan showing all trees to be removed and replaced, if required, shall be included with the application. Exemptions to this requirement are:
 - A. A tree harvesting permit as required in §25-108 of this Chapter.
3. Trees to be removed, except those as part of a tree harvesting activity, must be identified with a ribbon around its trunk or other distinguishable marking. This marking must be in place prior to the submission of the application and must remain in place until either the tree is removed, the application is denied, or the application is abandoned/withdrawn.

4. Revised plans may be resubmitted up to sixty (60) days after a denial letter has been issued unless a time extension has been granted by either the Salisbury Township Director of Community Development or his/her designee. The revised plans shall be submitted with a resubmission fee of \$15 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.

§25-111 – Review Standards

1. A tree permit application, when required by this Chapter, shall be reviewed within thirty (30) calendar days of submission and either approved or denied by the Salisbury Director of Community Development or his/her designee.
2. If denied, the Salisbury Township Director of Community Development or his/her designee shall submit a letter to the applicant detailing the reasons for denial.
3. All permits must be issued within one year of approval. If permits have not been issued within one year of a tree permit approval, the application will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
4. Proposed activities must commence within one year of the issuing of a tree permit. If the activity has not commenced within one year the permit will be considered abandoned. A new application and application fee shall be submitted again if the applicant wishes to continue with the proposed activity.
5. A time extension for the requirements in §25-111.3 and §25-111.4 may be granted by the Salisbury Township Director of Community Development or his/her designee if a request has been submitted in writing and due diligence has been shown within the required timeframe.

§25-112 – Waiver Requests and Appeals

1. A request for a waiver from any regulation or requirement within this chapter shall be addressed in writing to the Salisbury Township Director of Community Development.
2. A waiver shall not be granted from the requirements stated in §25-106.5. Any change in the approved and/or recorded plan within the first five (5) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.

3. A waiver shall not be granted from the requirements stated in §25-107.4. Any change in the approved and/or recorded plan within the first twenty-five (25) years of the Certificate of Occupancy and/or Certificate of Completion being issued is subject to the requirements of the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) and/or the Salisbury Township Zoning Ordinance (Chapter 27), whichever was the authorizing Ordinance.
4. All waiver requests may be submitted with the initial submission of the tree permit application, or no more than 60 days from the denial letter.
5. Waiver requests shall be in writing and accompanied with all necessary supporting documentation including justification for the granting of the waiver requested.
6. The Director of Community Development shall grant or deny each waiver request within 30 days of submission of the waiver request. The decision of the Director of Community Development shall be communicated to the applicant in writing.
7. The applicant has the right to appeal any denial by the Director of Community Development of a waiver request by submitting an appeal application, the appeal fee, and all required documents, to the Community Development Department. The appeal must be received by the Community Development Department within thirty (30) days of the waiver denial letter. The appeal fee shall be \$150 as established by this Chapter. This fee may be amended or revised from time to time by duly enacted resolution of the Board of Commissioners.
8. All appeals will be heard by the Salisbury Township Planning Commission at their next scheduled public meeting. All submission deadlines and announcement requirements for a public meeting of the Planning Commission, as outlined in the Pennsylvania Municipalities Planning Code and the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) must be followed. The decision of the Planning Commission is final.

§25-113 – Inspections

1. Township staff may enter the property at any time to inspect all tree removal and replacement activities on site.
2. Township staff may enter the property at any time as part of a Violation inspection.

§25-114 – Violations

1. All penalties stated herein shall be issued as a non-traffic citation filed with the District Magistrate's office.
2. Failure to obtain a tree permit, when applicable, is considered a violation of this Chapter and the property owner shall be subject to a penalty of five hundred dollars (\$500) for each tree removed without first obtaining a permit. The property owner shall be sent a Notice of Violation stating the fine owed. In addition to the stated penalties, the property owner shall be responsible for all administrative and legal fees associated with each violation. The following are exempt from this violation and/or penalty:
 - A. Trees removed prior to April 1, 2021;
 - B. Trees removed in emergency situations as regulated in §25-109 of this Chapter.
3. Additional violations of this Chapter shall be subject to a penalty not to exceed three hundred dollars (\$300) per day or occurrence, with each day or occurrence constituting a separate violation, subject to the penalties set forth herein. In addition to the stated penalties, the property owner shall be responsible for all administrative and legal fees associated with each violation.
4. Unless the violation requires immediate action for safety issues, or a tree has previously been removed without first obtaining a tree permit, the property owner and/or applicant may, upon being issued a Notice of Violation by the Salisbury Township Director of Community Development or his/her designee, may be given fourteen (14) days to correct the violation without a penalty being imposed.
5. If a Notice of Violation has been issued, and remediation actions are not taken by the property owner within fourteen (14) days, the Township, at the expense of the property owner, may take all appropriate steps to remediate the situation. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interest and any legal fees, until all monies due are paid. This cost is in addition to all penalties and fees incurred in §25-114.1.
6. Immediate remediation actions taken by the Township for safety issues shall be done at the expense of the property owner. Failure to repay the Township for its work within sixty (60) days will result in a lien on the property, plus interest and any legal fees, until all monies due are paid. This cost is in addition to all penalties and fees incurred in §25-114.1.
7. A Certificate of Occupancy and/or Certificate of Completion will not be issued until all

penalties, remediation, administrative, and legal fees are paid in full. A Certificate of Occupancy and/or Certificate of Completion may be issued, upon approval of the Salisbury Township Director of Community Development, if a payment plan is on file with the Township Finance Office.

ARTICLE II.

This Ordinance shall be effective immediately.

DULY ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 24th day of June, 2021, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY

(Lehigh County, Pennsylvania)

Cathy Bonaskiewich
Township Secretary

By: _____
Debra Brinton
President, Board of Commissioners