

ORDINANCE NO. **237**

AN ORDINANCE AMENDING THE PROVISIONS OF THE ZONING ORDINANCE AND ORDINANCE 112 AND ORDINANCE 232 OF TINICUM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA TO AMEND THE DEFINITION OF MERCHANTABLE TREE AND TO ALLOW THE REMOVAL OF DISEASED TREES FROM WOODLAND AREAS AND RIPARIAN BUFFERS

BACKGROUND:

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Tinicum Township (the "Board of Supervisors") include the ability to plan for the development of the Township through Zoning and Subdivision and Land Development Ordinance under the Act of July 13, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code";

WHEREAS, the Board of Supervisors on or about September 1, 2005, duly adopted a revised and restated Tinicum Township Zoning Ordinance;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended;

WHEREAS, the Board of Supervisors finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance and Ordinance 112 to exclude diseased trees from the definition of merchantable tree;

WHEREAS, the Board of Supervisors finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance and Ordinance 232 to allow the removal of diseased trees from woodland areas, and from areas designated as riparian buffer following submittal of a plan of removal to the Township for approval.

WHEREAS, the Board of Supervisors finds and determines that this Zoning Ordinance Amendment is consistent with the Township Comprehensive Plan and the Community Development Objective stated therein and in the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ENACTED AND ORDAINED by the Board of Supervisors of Tincum Township, Bucks County, Pennsylvania, after public hearing, duly advertised and held on the _____ day of _____, 2018, as follows:

Section 01: Ordinance 112 Section 705 is amended as follows:

705.II Definitions is amended to include the following bold text:

- (q) Merchantable Tree- tree or portion of a tree having economic value based on size, quality, condition and location. **Not including diseased or dead trees, as determined by a certified arborist or township engineer, or trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.**

Section 02: Amend Section 806(c)(8)(i)(a)[c] Riparian Buffer Zone 1 Use Regulations to add the following bold text:

[c] Removal of invasive species, only by hand with no use of chemicals, **and removal of diseased or dead trees, as determined by a certified arborist or township engineer, in accordance with a plan approved by the Township.**

Section 03: Amend Section 806(g)(2)(i) Woodland & Hedgerow Overlay District to add the following bold text:

- (2) For all woodland removal activities, not associated with the development of a property the following shall apply.
 - (i) Woodland removal involving the cutting down of 15 or more mature, **non-diseased or dead trees, as determined by a certified arborist or township engineer, per calendar year shall comply with all requirements of Section 705(A)(A6) Forestry.**

Section 4: All inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Tincum Township shall remain in full force and effect.

Section 5: The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by

a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.


Section 6: This Ordinance shall be effective five (5) days after adoption by the Tincum Township Board of Supervisors.

ORDAINED and ENACTED this *7th* day of *August*, A.D., 2018.

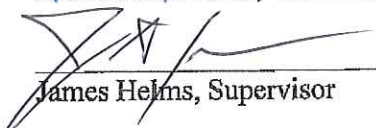
TINICUM TOWNSHIP
BOARD OF SUPERVISORS



John Blanchard, Chairman




Richard Rosamilia, Vice Chairman



James Helms, Supervisor

Attest:



Teri Lewis,
Township Manager