

TUNKHANNOCK BOROUGH
WYOMING COUNTY, PENNSYLVANIA

ORDINANCE 2014-2

AN ORDINANCE REPEALING ORDINANCE NUMBER 2008-3 AND ENACTING IN ITS PLACE A REVISED ORDINANCE ENTITLED, AN ORDINANCE ESTABLISHING A SHADE TREE COMMISSION; PROVIDING FOR PERMITS, RULES AND REGULATIONS FOR THE PLANTING, MAINTENANCE, PROTECTION AND REMOVAL OF TREES IN THE PUBLIC RIGHT-OF-WAY FOR PUBLIC HEALTH, SAFETY AND WELFARE; AND, PROVIDING ENFORCEMENT AND CREATING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

SECTION 1. DEFINITIONS

- a. "Borough" shall mean the Borough of Tunkhannock.
- b. "Hazardous Branches" shall include any dead, diseased, broken or mutilated branches or parts of trees which are in a state of decomposition and pose a threat to public safety.
- c. "Hazardous Trees" shall include any dead, diseased, broken or mutilated trees or parts of trees which are in a state of decomposition and pose a threat to public safety.
- d. "Large Trees" are designated as those attaining a height of forty-five feet (45') or more at maturity.
- e. "Medium trees" are designated as those attaining a height of thirty feet (30') to forty-five feet (45') at maturity.
- f. "Permit" shall mean a document issued in writing by the Shade Tree Commission or through the Borough of Tunkhannock.
- g. "Person" shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.
- h. "Shade Tree Commission" shall mean the body that has jurisdiction over all street trees.
- i. "Shade Tree" shall mean any planted tree located within the right-of-way of the public streets and highways of the Borough. "Shade Tree" does not include trees growing naturally within the Borough right-of-ways. All trees with diameters in excess of 5 inches growing within a tree lawn shall be presumed to be Shade Trees.
- j. "Small Trees" are designated as those attaining a height of twenty feet (20') to thirty feet (30') at maturity.
- k. "Street or Highway" shall mean 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.
- l. "Tree Lawn" is that part of the street or highway right-of-way adjacent to developed property, not covered by sidewalk or other paving, lying between the sidewalk and that portion of the street or highway used for vehicular traffic.

- m. "Tree" A large perennial plant with one main trunk and many branches.

SECTION 2. ESTABLISHMENT OF SHADE TREE COMMISSION

- a. Establishment of a five (5) member Shade Tree Commission was previously authorized pursuant to Borough of Tunkhannock Ordinance #2004-03. Five (5) residents of the Borough were appointed to staggered terms under the authority of the said prior Ordinance so that one term expires each year. Those Members shall complete their terms of appointment under the authority of this Ordinance.
- b. On the expiration of the term of any Member, Council shall appoint a resident of the Borough as a successor to serve for a term of five (5) years.
- c. Vacancies in the office of commissioner shall be filled by the Borough Council for the expired term.
- d.

SECTION 3. POWER AND DUTIES OF COMMISSION

- a. The Shade Tree Commission shall have exclusive custody and control of the Shade Trees in the Borough, and is authorized to plant, remove, maintain and protect Shade Trees on the public streets within the Borough.
- b. The duties of the Commission shall be as follows:
 - (i) To study the problems and determine the needs of the Borough regarding Shade Trees on the public streets;
 - (ii) To recommend to the Borough Council the type and size of trees to be planted upon the Borough streets or parts thereof as designated;
 - (iii) To assist the Borough Council and Borough officials in the dissemination of news and information regarding the selection, planting and maintenance of trees upon the streets and to make such recommendations from time to time to the Borough Council as to desirable legislation concerning the Shade Tree program and activities for the Borough;
 - (iv) To conduct regular and special public meetings at which the subject of Shade Trees may be discussed by the members of the Commission, officers and personnel of the Borough and all others interested in the Shade Tree program.
 - (v) Whenever the Shade Tree Commission proposes to plant, transplant or remove Shade Trees on any street, notice of the time and place of the meeting at which such work is to be considered shall be given by the Commission by advertising in the legal section of one newspaper of general circulation once a week for two weeks immediately preceding the time of the meeting. The notice shall specify in detail the streets or portions upon which trees are

proposed to be planted, transplanted or removed. Notice of the meeting shall also be posted on the bulletin board at the Borough Hall as required by the Sunshine Act, two weeks prior to the meeting and she mailed to any property owner affected thereby. Any such mailing shall be made to the persona and address on file with the Wyoming County Tax Assessment Office for mailing of tax bills;

- (vi) Before November 1 of each year the Shade Tree Commission shall certify to council an amount needed for the care of Shade Trees and for the publication of notices by this Ordinance and the Borough Code. ; and
 - (vii) To otherwise perform all duties and exercise all the powers conferred to it by Act 43 of 2012 as amended, known as the Borough Code.
- c. Within a reasonable time after the appointment of said Commission and the approval of the members thereof, upon call of the Borough Council, said Commission shall meet and organize by the election of a chairman. The said Commission shall then provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Commission shall deem advisable and necessary in order to perform the duties set forth.

SECTION 4. PERMITS REQUIRED

- a. No person shall plant, cut, trim or remove any Shade Tree under the jurisdiction of the Borough, or fasten any sign, wire, rope or other material to, around or through any Shade Tree without a permit from the Borough. No electrical installations shall be attached to any Shade Tree nor shall any person excavate any ditches, tunnels, holes or trenches, or lay any driveway, or deposit, store, or maintain any asphalt, concrete, stone or any other impervious material which may impede the free passage of air, water and fertilizer to the roots of any Shade Tree within six (6) feet from any Shade Tree without first obtaining a permit..
- b. Permit Application.
 - i. Applications for any activity regulated pursuant to this ordinance shall be submitted to the Borough Manager on forms prepared by the Shade Tree Commission and approved by Borough Council.
 - ii. On receipt of a Permit Application the Borough Manager in consultation with the Borough's Road Maintenance Department shall make a determination as to whether the proposed activity is located in the Borough right of way and/or the applicability of the permit exemptions described in Section 4.c., below. If the proposed activity is not within the Borough right of way or if an exemption applies the Borough manager will notify the applicant in writing with copy to the Shade Tree Commission that no permit is necessary for

the proposed activity. If the proposed activity is located within the Borough right of way and an exemption does not exist the Borough Manager shall notify the applicant of any required permit fees and shall forward the application to the Shade Tree Commission following receipt of any required payment.

- iii. Borough Council shall establish, revise and amend a Permit Fee Schedule by Resolution.
 - iv. Within 10 days of receipt of a permit application a representative or designee of the Shade Tree Commission shall review the application for completeness and communicate to the applicant in writing the date, time and location of the next Shade Tree Commission meeting. If the application requires additional information the notice shall also identify the specific additional information required and the date that the additional information must be received by the Shade Tree Commission for the permit application to receive consideration at the said Shade Tree Commission meeting.
 - v. The Shade Tree Commission shall approve or deny a permit application at the first regularly scheduled Shade Tree Commission meeting following receipt of a completed permit application. If the Shade Tree Commission denies a permit application the reasons for the denial must be provided to the applicant in writing within 15 days of the decision and shall include notice to the applicant that they have the right to appeal the decision of the Shade Tree Commission to the Borough Council as provided by Section 28 of this Ordinance within 30 days of the date of the said written decision.
- b. Permits Not Necessary. It shall not be necessary to obtain a permit for:
- i. Trimming, pruning, planting or removing a natural tree growing with the right of way of a public street, however, all trimming and pruning shall conform to with Section 7 and 8 of this ordinance;
 - ii. A permit otherwise required by section 4a shall not be required when the activity is carried out by or at the direction of a Public Utility or Municipal Authority when such activity is deemed necessary by the Public Utility or Municipal Authority in providing its service;
 - iii. A permit otherwise required by section 4a shall not be required when the activity is carried out by or at the direction of the Borough provided that the Borough Council has determined that the trimming, pruning or removal of a tree is necessary for reasons of public safety which shall include but not be limited to maintenance or improvement of roads, sidewalks, curbs and storm water conveyances and other improvements.
- c. In the case of an emergency which poses an immediate risk to person or property, property owners and utility companies,

including municipal authorities, shall be exempt from the requirements of 4(a), above. This exemption shall be available only to those activities necessary to alleviate the emergency condition. Persons conducting any such emergency work shall notify the Shade Tree Commission of the nature and location of the work within 24 hours of starting any such work.

SECTION 5. DUTIES AND RESPONSIBILITIES OF PROPERTY OWNERS

- a. It is the duty and responsibility of the property owner or occupier of property abutting streets and highways in the Borough, to properly maintain any tree lawns adjoining the property. This includes maintenance of trees, and other vegetation in a manner so as not to create a safety or liability problem for motorists, pedestrian traffic or other activities within the right-of-way. The cost of tree planting, transplanting, trimming and removal of street trees in the tree lawns shall be paid for by the owner of the real estate abutting the street where the work is to be done. In areas where tree lawns exist, the setback for tree planting shall be at a point half-way between the curb and sidewalk. However, no tree shall be planted in a tree lawn within twenty-five feet (25') of the near edge of the curb of an intersecting street.
- b. In rural or undeveloped areas where sidewalks and curb are not present, the right-of-way may vary in width, but does exist. The abutting property owner shall be responsible for trees and other vegetation growing in the area between the edge of the cartway and the right-of-way line in such rural or undeveloped areas. Trees in these areas shall be pruned to conform with Sections 7 and 8. Where no curbing exists, the setback for tree planting shall be eight feet (8') from the center of the drainage swale; the setback shall be eight feet (8') from the edge of the cartway. However, no tree shall be planted within twenty-five feet (25') of the near edge of the cartway of an intersecting street.
- c. All trees and other vegetation within the Borough right-of-way must be pruned or trimmed in a manner to allow for full visibility of street signage and the minimum required site distance.
- d. Cost:
 - (i) The cost of trimming, pruning, planting, or removing any Shade Trees and stumps within a public right-of-way in the Borough shall be the responsibility of the owner of the real estate abutting where the work is done.;
 - (ii) In addition, the cost of necessary suitable guards, curbing, or grading for the protection thereof, and the replacement of any pavement, driveway, or sidewalk necessarily disturbed in the execution of such work shall be paid by the owner of the real estate abutting where the work is done.

SECTION 6. CUTTING AND REMOVAL OF TREES

- a. Diseased trees anywhere within the Borough. The Shade Tree Commission may, upon thirty (30) days written notice, require a property owner to cut and remove trees afflicted with any diseased, infested with any insect that threatens to injure or destroy such Shade Tree, in the interest of safety, or to conform with the regulations of this Ordinance. Upon failure of any such owner to comply with such notice, the Borough may undertake the work to be done and collect the costs thereof from the owner of the property as provided in section 5, above.
- b. Non-Diseased Shade Trees. Removal, by the property owner, of non-diseased Shade Trees or those not infested by insects shall not be permitted unless in the judgment of the Shade Tree Commission one or more of the following criteria exist:
 - (i) A Shade Tree will sustain substantial damage due to the installation or repair of underground utilities where no other alternative, such as tunneling, sleeving or relocation exists;
 - (ii) A Shade Tree is causing traffic safety problems and pruning or other less invasive techniques would not eliminate the problems;
 - (iii) A Shade Tree has caused substantial sidewalk damage and repair or replacement of the sidewalk would inflict serious root damage to the tree;
 - (iv) A Shade Tree has been injured or diseased to an extent that removal of the tree is less expensive than repair;
 - (v) A Shade Tree is interfering with the necessary or reasonable use of any street or abutting property or the business conducted on the property and removal is less expensive than pruning or repair; or
 - (vi) A Shade Tree by virtue of its size places people or property at an unnecessary risk of harm during severe wind, rain and or lightning strikes.

SECTION 7. MANNER OF TRIMMING OR PRUNING

All trimming and pruning of Shade Trees shall conform to ANSI A300-1995 Pruning Standards - "Tree, Shrub and Other Woody Plant Maintenance - Standard Practices". All work must also conform to the latest revision of the American National Standard Institute ANSI Z133-1 (Safety Requirements for Pruning, Trimming, Repairing, Maintenance, Removing Trees and Cutting Brush). A copy of both standards (ANSI A300-1995 and ANSI Z133-1) is on file at Borough Hall.

SECTION 8. CLEARANCE OF TREES OVER SIDEWALKS AND STREETS

All branches of Shade Trees shall be kept trimmed in a manner to maintain a minimum height of twelve feet (12') where they overhang a street and eight feet (8') where they overhang a sidewalk. All Shade Trees standing on private property and having branches overhanging sidewalks or streets shall also be kept pruned by the owner so the lowest branches are in compliance with this section.

In the event the property owner neglects or refuses to maintain trees at the prescribed level within the time specified as notified in writing, the Borough may perform such work at owner's expense, in the same manner as otherwise specified in this ordinance.

SECTION 9. REMOVAL OF FALLEN TREES AND PARTS OF TREES

In the event a Shade Tree or its parts are felled by storm or other accident, the tree shall be removed from the cartway of the street by the Borough without charge. Property owners shall be responsible for any other removal or cleanup.

SECTION 10. REPAIR OR REPLACEMENT OF DAMAGED TREES

In the event a Shade Tree is damaged, the Borough may charge for repairs or replacement or make a charge for the appraised value of the tree, against the person responsible for the damage of said tree.

SECTION 11. REMOVAL OF TREE STUMPS

After removal of a tree, the remaining stump shall be removed to a point not less than six inches (6") below the grade of the surrounding area.

SECTION 12. BRANCHES NOT TO OBSTRUCT STREET LIGHTS

The property owner shall trim, or cause to be trimmed any tree branches so that they do not obstruct light from streetlights. In the event said work is performed by the Borough, the abutting property owner may be responsible for the expense as otherwise specified in this ordinance.

SECTION 13. HAZARDOUS SHADE TREES AND BRANCHES

Where hazardous Shade Trees or branches overhang the cartway of a street or otherwise exist within the right-of-way, the Borough may cause them to be removed at its expense so as to maintain public safety within the right-of-way. In the event of an emergency or hazardous situation the Shade Tree Commission may require them to be removed within twenty-four (24) hours.

SECTION 14. REPLACEMENT TREES

As a condition to any permit to remove any Shade Tree, the Borough may require that the permittee plant, at its own expense, another tree in place of the one removed, and in such case, direct the type, size and location of the tree to be planted and the season within which the work shall be done. A replacement tree shall be planted within 12 months of removal of the previous tree.

SECTION 15. SPACING AND LOCATION OF TREES

Spacing between newly planted Shade Trees shall not be less than twenty-five feet (25'). In addition, no Shade Tree shall be planted less than twelve feet (12') from a fire hydrant, light standard, or utility pole.

SECTION 16. SIZE SPECIFICATIONS FOR TREE REPLACEMENT

Tree replacement size shall be measured at a point six inches (6") above planting level. All trees shall be of one and one-half to two inches (1½" - 2") in diameter at this point, and shall have no branches below a height of five feet (5') measured from ground level.

SECTION 17. PLANTING UNDER EXISTING UTILITY LINES

All Shade Trees planted in a public right-of-way shall be a species, which does not obstruct the wires and utilities. They shall be "Small Trees" or "Medium Trees" according to the height of existing utilities and as specified by the Shade Tree Commission.

SECTION 18. ROOT ZONE CONTROLS

The Commission may in some cases require root control devices or material to minimize the effect of root growth on sidewalks, curbs or underground utilities. The need and type of control shall be prescribed by the Commission where necessary.

SECTION 19. BOROUGH MAINTENANCE

The Borough, in its sole discretion, shall have the authority to plant, trim, remove or otherwise maintain any Shade Trees at its expense, the expense of the affected property owner or a combination of both.

SECTION 20. UNNECESSARY HARM TO TREES PROHIBITED

- a. No person shall break, injure, mutilate, kill or destroy any Shade Tree or set fire or permit fire to burn any Shade Tree.
- b. No person shall attach, or permit to be attached, any cables, ropes, wires, nails, spikes or other injurious fasteners to any Shade Tree.

- c. No person shall allow any toxic chemicals, salt water, oil, gasoline or other materials which are hazardous or injurious to plant life to empty, drain, or seep onto Shade Trees or their root systems or in such a way to injure any Shade Tree.

SECTION 21. TREE MAINTENANCE CONTRACTORS

All tree maintenance contractors who trim remove or otherwise maintain trees located within the Borough right-of-ways shall possess general liability insurance coverage with a policy limit of not less than five hundred thousand dollars (\$500,000) for each occurrence. The permittee is required to supply evidence of such insurance to the Commission prior to starting work.

SECTION 22. DEVIATION FROM STRICT COMPLIANCE

The Shade Tree Commission shall have the power in appropriate cases to permit deviations from strict compliance with this Ordinance whenever, due to special circumstances, literal enforcement of this Ordinance would be impossible, impractical or not in the best interest of the Borough.

SECTION 23. COLLECTION OF COSTS FOR WORK DONE BY BOROUGH

- a. The amount each owner is to pay shall be ascertained and certified by the Shade Tree Commission to council and to the borough treasurer.
- b. Council shall issue a certificate of assessment to each property owner, duly certified under the seal of the borough and attested by the president of Council and secretary. The certificate of assessment shall be prima facie evidence in any suit for recovery of the same of the correctness and validity of the assessment.
- c. The borough secretary shall cause 30 days' personal notice of the assessment to be served upon each property owner assessed. A copy of the certificate shall accompany the notice. "Personal notice" as used in this section shall mean and include notice upon the owner of a property either by personal service upon the owner or by certified mail to the owner at the owner's last known address, or where service, after a reasonable attempt, shall not have been successfully made by either of these two methods, then by leaving notice at or upon the property.
- d. Installments. Property Owners may pay assessments in equal installments.
 - (i) TERM. The maximum term of any installment agreement shall be 24 months.
 - (ii) COMMENCEMENT OF PAYMENTS AND RATE OF INTEREST.—Payments shall commence on the date set forth in the Installment Agreement, which shall not exceed 30 days from the date of the Installment Agreement and shall include interest at the rate of 6% per year.

- (iii) INSTALLMENT AGREEMENT.-- The borough shall enter into a written installment agreement with each property owner.
- (iv) UNPAID INSTALLMENTS.-- If any of the installments shall remain unpaid for 60 days after the same has become due and payable, the entire unpaid assessment, plus unpaid accrued interest and any costs, shall be due and payable and the borough solicitor shall proceed to collect the same by filing a lien in the same manner as municipal claims are filed or by action in assumpsit.
- (v) PREPAYMENT.-- A property owner upon whom an assessment has been made may pay all or as many of the installments before the same are due, with interest and costs to the due date of the next installment.

e. Collection of Assessments.

- (i) COLLECTION METHODS.-- If any assessment remains unpaid at the expiration of the 30-day personal notice, and an installment agreement has not been entered into pursuant to section d, above, the borough solicitor shall collect the unpaid assessment, with interest from the time of completion of the improvement, or from the time of filing a certificate of assessment with council, plus costs, by filing a lien to be collected in the same manner as municipal claims or by action in assumpsit. When a property owner has two or more lots, against which there is an assessment for the same improvement, all of the lots may be embraced in one claim.
- (ii) PAYMENT LOCATION.-- Assessments, whether paid one time or by installments, shall be payable at the Borough Office.

SECTION 24. BOROUGH EXPENDITURES

Notwithstanding any other provision contained in this Ordinance, the Borough may, in its discretion, authorize the expenditure of Borough funds to help defray the costs of planting, trimming, pruning, or otherwise maintain any shade trees.

In addition to being used to help defray the costs of planting, trimming, pruning, or otherwise maintain any shade trees, funds received by the Shade Tree Commission from outside sources such as donations, individual contributions and grants, may, at the discretion of the Shade Tree Commission, be used to help defray the cost of removing shade trees.

SECTION 25. ENFORCEMENT

- a. The provisions of this Ordinance shall be enforced by the and Shade Tree Commission through the issuance of an enforcement notice. The enforcement notice shall state:
 - (i) the name of the owner of record and any other person against whom the Shade Tree Commission intends to take action;
 - (ii) the location of the property alleged to be in violation;
 - (iii) the specific violation with a description of the requirements which have not been met, citing in each

- instance the applicable provisions of the ordinance;
- (iv) the date before which steps for compliance must be commenced and the date before which the steps must be completed;
 - (v) that the recipient of the notice has the right to appeal to the Borough Council pursuant to the procedure described in Section 28, below;
 - (vi) that failure to comply with the notice within the time specified, unless extended by appeal to the Borough Council, constitutes a violation with possible sanctions clearly described.
- b. If no appeal of an enforcement notice is timely filed and the recipient of the notice has failed to comply, the Shade Tree Commission shall schedule a hearing with Borough Council to assess penalties. The said hearing shall commence no sooner than 14 days following the expiration of any compliance date provided in the notice of violation or 14 days following expiration of the appeal period, whichever first occurs. Upon scheduling such hearing, the Shade Tree Commission shall serve Notice of the Hearing upon the alleged violator via certified mail, return receipt requested, or by personal service no less than 20 days prior to scheduled hearing date.

Section 26. PENALTY.

- a. Borough Council shall assess a penalty for violations of this Ordinance in an amount not to exceed \$600 for each section of the Ordinance found to be violated. In the case of a continuing violation Council may assess a penalty for each day or portion of a day that a violation is found to exist.
- b. When the penalty imposed for the violation of this ordinance is not voluntarily paid to the borough, the borough shall initiate a civil enforcement proceeding before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure.
- c. In the event that such claims for penalties exceed the monetary jurisdiction of a magisterial district judge as set forth in 42 Pa.C.S. § 1515(a) (relating to jurisdiction and venue), exclusive of interest, costs or other fees, the borough may bring such action in the court of common pleas or may, pursuant to 42 Pa.C.S. § 1515(a), waive that portion of fines or penalties that exceed the monetary jurisdictional limits so as to bring the matter within the monetary jurisdiction of the magisterial district judge.
- d. In addition to or in lieu of enforcement of an ordinance through a civil action, as provided in this section, this ordinance may be enforced through an action in equity brought in the court of common pleas.

- e. Any person found guilty of violating this Ordinance shall be assessed court costs and reasonable attorney fees incurred by the borough in the enforcement proceedings.
- f. All fines, costs, penalties, and fees collected for the violation of this Ordinance shall be paid to the borough treasurer.

SECTION 27. MUNICIPAL IMMUNITY AND & NON-LIABILITY FOR DAMAGES

In addition to all other immunity which exists at law or in equity, nothing contained in this Ordinance shall create an obligation or duty upon the Borough. No pedestrian, passenger, driver, owner of property or any person claiming an interest otherwise affected by provisions of this Ordinance shall have any claim against the Borough for failure to perform any duty or for performance in a negligent manner.

This Ordinance shall not be construed to hold Tunkhannock Borough, the Borough Council, the Mayor, the Shade Tree Commission, or any of their respective officers, employees or their appointed agents (collectively referred to as "Municipal Parties") responsible for any damages, injuries, loss or death to person, persons or property by reason of any activity, omission or commission, or act by Municipal Parties authorized herein or otherwise arising under this Ordinance. The approval of any tree or type of tree shall not constitute a representation, guaranty or warranty of any kind or nature by the Municipal Parties and shall create no liability upon, or a cause of action against, the Municipal Parties for any damage or loss.

SECTION 28. APPEALS

Any person aggrieved by a decision, action or failure to act by the Shade Tree Commission may petition the Borough Council for relief as established below:

- a. A petition for appeal must be filed with the Borough Council within 30 days of the decision, action or failure to act of the Shade Tree Commission.
- b. The Borough Council shall conduct a public hearing within sixty (60) days of receipt of a petition. Failure to hold a hearing within the said sixty (60) day period will result in a constructive grant of the petition subject to judicial appeal.
- c. The Borough Council shall establish a fee for filing petitions by resolution.
- d. Notice for a public hearing shall be given by publication in a newspaper of general circulation not less than two (2) weeks prior to the hearing date and by posting in a conspicuous place in the Municipal Building no less than two (2) weeks prior to the date of such hearing. The notice shall contain the name of the petitioner, street address or adequate identification of the location, the date and time

- of the hearing and the nature of the relief requested.
- e. The Borough Council shall keep a stenographic record of the public hearing.
 - f. Parties shall have the right to be represented by counsel and shall be afforded an opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitions evidence may be excluded.
 - g. The Borough Council shall render a decision on the petition within forty-five (45) days of the last hearing before the Borough Council

SECTION 29. SEVERABILITY

If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid such invalidity shall not affect or impair the remainder of this Ordinance, it being the intention of Borough Council that such remainder shall continue in full force and effect.

SECTION 30. REPEALER

Ordinance Number 2008-3 and all ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 31. EFFECTIVE DATE

This Ordinance shall be effective on its adoption.

ENACTED INTO LAW as Ordinance this first day of May, 2014.

Dawn Welch

ATTEST:

Secretary

TUNKHANNOCK BOROUGH

A. Stacy Hub
Council President

