

ORDINANCE No. 83

**AN ORDINANCE TO REGULATE THE REMOVAL OF TREES
AND REGULATE EROSION CONTROL
IN THE BOROUGH OF DEER LAKE, PA**

Be it enacted and ordained by the Borough Council of Deer Lake , in council duly assembled, as follows:

Section 1. Removal of Trees and Cover

A. Applicability. This Ordinance applies to the removal of trees and vegetation on properties located within the Borough of Deer Lake. Before any trees or shrubbery are removed from a potential building site, a permit must first be applied for with the Borough of Deer Lake Code Enforcement Officer.

B. Permitting Requirements.

1. General.

All tree cutting exceeding the limitations of Section C requires a Permit from the Borough of Deer Lake Code Enforcement Officer.

2. Exceptions

- a. This Ordinance shall not apply where governmental bodies perform cutting.
- b. Public or Private Utilities are required to inform the Borough of Deer Lake prior to initiating any trimming or tree removal in the Borough of Deer Lake.
- c. This Ordinance shall not apply to removal of dead, dying or diseased trees or shrubbery.

C. Limitations on Removal of Trees and Cover.

- 1. Preservation of Trees and Vegetation.** Except as set forth in this section, natural shrubbery, trees and undergrowth shall be preserved as far as practicable, and if removed, it shall be replaced with vegetation that is equally effective in meeting the objectives of the Ordinance.
- 2. Prohibition of Clear Cutting.** Clear cutting of trees shall be prohibited other than for the following areas and purposes:
 - a. For the placement and maintenance of a building within thirty feet (30') of each

- exterior wall of said building,
- b. For the installation of a private septic system,
- c. A twenty foot (20') wide (or width as allowed by other regulation) path for construction of a roadway from a public road or easement to the principal building on any lot,
- d. For the recreational area described in this section.

3. Creation of a Recreational Area. One or more recreational area(s) is/are allowed on each parcel with a total recreational area no larger than 500 square feet per 10,000square feet of lot area. Select cutting of trees and shrubbery is permitted to create a recreational area if one does not exist naturally.

4. Adherence to Sound Forestry Practices. Recommendations as published by the Penn State Extension Office or other recognized arborist authorities on when and how to cut an prune specific species of trees and plants are to be strictly adhered to.

D. Alternative Tree Removal and Cover Limitations.

1. General. A special cutting plan allowing cutting greater than that set forth in Section C may be permitted by the Borough of Deer Lake by issuance of a Special Cutting Permit.
2. Application Requirements. In applying for such a permit the parcel owner shall provide the Borough of Deer Lake Code Enforcement Officer with a scale drawing which includes the following information:
 - a. Name,
 - b. Address of site and contract information,
 - c. Legal description,
 - d. Directions to site,
 - e. Location of parking/landing areas,
 - f. Topography of the land including a proposed drainage plan,
 - g. Existing Vegetation, wetland, buildings and structures,
 - h. Proposed cutting,
 - i. Proposed Replanting.
3. The Code Enforcement Officer may grant a special cutting permit with alternative limitations only if it finds that such special cutting plans:
 - a. Will not cause undue erosion or destruction of scenic beauty,
 - b. Will provide substantial screening of dwellings, accessory structures and parking areas.
4. The Code Enforcement Officer may require replacement plantings, and the

submission of a bond that guarantees the establishment and maintenance of the planned tree or shrubbery planting by the parcel owner.

- E. Severability.** This Ordinance does not replace or restrict the Borough Zoning Ordinance that shall apply in all cases. In the event that this Ordinance requires additional restrictions, the owner must comply with this Ordinance as well as the Borough Zoning Ordinance. In the event any provision hereof is found to be unenforceable, such provisions only shall be unenforceable, the balance of this Ordinance shall remain in full force and effect.

Section 2. PENALTY.

Any person who violates any provision of this Ordinance may be required upon conviction thereof, to pay a fine of not more than one thousand dollars (\$1,000.00) and cost of prosecution for each violation.

Section 3. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and publication, as provided by law.

Passed and adopted by the Borough of Deer Lake this 14 day of June, 2016.

David B. Crouse
President of Council

[Signature]
Mayor

Attest:

[Signature]
Borough Secretary

Date Adopted: 6-14-16

Date Posted: _____