

Borough of Norwood

Ordinance No. 16:05

**An Ordinance Adding Chapter 221 to the Code of the Borough of
Norwood to Regulate Clear Cutting of Trees on Private Property**

WHEREAS, this ordinance's purpose is to amend the Code of the Borough of Norwood to add provisions prohibiting clear cutting of trees on private property in the Borough, to advance the health, safety, and welfare of the residents and businesses in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: A new Chapter 221 titled "Trees" is added to the Code of the Borough of Norwood to state as follows:

Chapter 221. Trees.

§221-1. Purpose and Findings. This chapter's purpose is to regulate the practice of clear cutting trees on private property to better protect and advance the health, safety, and welfare of Norwood's residents and businesses. The practice of indiscriminate clear cutting of trees increases the Borough's costs to control drainage and causes soil erosion, decreased soil fertility, and the deterioration of the Borough's residential character, thus reducing property values.

§221-2. Definitions. The words and phrases used in this chapter will have the following meanings:

"Clear cutting" means the removal in any calendar year of more than three (3) trees or twenty per cent (20%) of the trees on any lot in the Borough as depicted on the Borough's tax map or on or in any approved subdivision plat or deed, whichever lot is smaller in size.

"Person" means any individual, sole proprietor, corporation, partnership, limited liability company, or any other business.

"Tree" means any living woody perennial plant with a trunk having a diameter of at least eight (8) inches when measured at a point that is four (4) feet six (6) inches above the level of the existing

grade, or, for a multiple trunked tree, with the trunk with the largest diameter that, when multiplied by one and one half (1.5), is at least eight (8) inches.

§221-3. Clear Cutting Prohibited. No person may clear cut any lot in the Borough without obtaining a permit from the Borough.

§221-4. Application for Clear Cutting. Applications for permission to clear cut a lot are to be filed with the Borough Clerk's office and will state the information requested on the application, including:

- A. The applicant's name, address, and telephone number.
- B. The address, block and lot number, and location of the property.
- C. A site plan or survey of the property showing the location of the trees proposed to be cut.
- D. The applicant also will use visible weatherproof markings on the trees proposed to be cut, provided that no paint or chemicals that are harmful to the trees are used.

§221-5. Application Fee. The applicant will pay a fee of \$25 to the Borough upon the filing of an application under this Chapter.

§221-6. Review of Applications. Any application for clear cutting will be reviewed by the Mayor and Council and will be granted or denied at a public meeting to be held on written notice sent to the applicant at the address stated in the application. The Mayor and Council may request comment on the application from the Norwood Environmental Commission, the Norwood Planning Board, the Norwood Zoning Board of Adjustment, Borough employees, and the public.

§221-7. Time for Decision. The Mayor and Council will grant or deny any application filed under this Chapter within 60 days of the receipt of the application and fee, unless the applicant consents to an extension. If no action is taken by the Mayor and Council within this time period, then the application will be deemed denied.

§221-8. Enforcement. The Borough's construction code official will enforce this Chapter.

§221-9. Violations and Penalties. Any person convicted of violating the terms of this Chapter will be subject to the penalties set forth in Chapter 174 of this Code. Each tree that is cut in violation of this Chapter will be considered a separate violation.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance will take effect upon final approval and publication, according to law.

Introduced and passed first reading: April 13, 2016

Passed second reading: May 11, 2016

ATTEST:

APPROVED BY:


Lorraine L. McMackin, Borough Clerk


James P. Barsa, Mayor

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