

RESOLUTION No. 2022- 3

A RESOLUTION OF THE TOWNSHIP OF ORWELL, BRADFORD COUNTY, PENNSYLVANIA, REGARDING THE REMOVAL OF SHRUBS AND TREES GROWING WITHIN THE RIGHT OF WAY OF THE TOWNSHIP THAT CONSTITUTE A HAZARDOUS CONDITION AND THE REQUIREMENTS FOR NOTICE

WHEREAS, the Pennsylvania Municipal Code for Second Class Townships provides the Township of Orwell with the authority to maintain their township roads within Orwell Township; and

WHEREAS, the Township may remove shrubs and trees growing within the township right of way if the Supervisors find that said shrubs and trees constitute a hazardous or dangerous condition to the use of the road or which impair the use or maintenance of the township road and public street consistent with 53 P.S. Section 67325;

NOW THEREFORE, be it resolved and it is hereby resolved as follows:

1. The Orwell Township Supervisors have the authority to remove all shrubs and trees within the right of way of any township road upon the Supervisors finding that said shrub or tree constitutes a hazardous or dangerous condition to the use of said highway or those which impair the use or maintenance of the public road or street.
2. Any tree having a trunk diameter in excess of 6 inches shall only be removed by the Township Supervisors or agents of the Supervisors after providing the abutting property owner with 30 days written notice by certified mail return receipt requested. A refusal of service of said certified mail shall constitute service.
3. All logs, cord wood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highway right of way shall be surrendered to and remain the property of the abutting owners.
4. The Township Supervisors and or their agents may clear out brush and other refuse along the sides of the road to the legal width thereof within said township road right of way, including the removal of all branches that in any way interfere with public travel.
5. Nothing in this resolution shall prevent the Township Supervisors or their agent from removing roadside trees which may be thrown down by wind or lodged in a position to be a menace to public travel or which, by reason of any other cause, may become a source of danger to the public.

GDDJ

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DEPAOLA
JONES, PC

LAW OFFICES
TOWANDA, PA
SAYRE, PA

6. At the option of the Township Supervisors pursuant to 53 P.S. Section 67907, the Township Supervisors may enact an ordinance which requires owners of property to cut and remove trees located on their property if the condition of said trees as determined by the Township Supervisors unreasonably effects or interferes with the health, safety, or welfare of the public or the right of the public to the unobstructed use of public roads or property.
7. If any sentence, clause or section or any part of this Resolution is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parties of this Resolution.
8. Any Resolution or parts of Resolutions which are contrary to or in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.
9. This Resolution shall take effect on the date of enactment set forth below.

RESOLVED this 14th day of December, 2022.

Township of Orwell

BY: 
Chad Cooley, Chairman

ATTEST BY:


Mia M. Beebe, Secretary

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CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted at a meeting of the Township of Orwell held on the 14th day of December, 2022.

Mia M. Beebe
Mia M. Beebe, Secretary

GDDJ

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