

**ORDINANCE NO. 2012-05  
RADNOR TOWNSHIP**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 263, TREES, OF THE CODE OF THE TOWNSHIP OF RADNOR, ESTABLISHING NEW DEFINITIONS, GENERAL POWERS AND DUTIES OF THE SHADE TREE COMMISSION, NEW PERMIT AND APPLICATION REQUIREMENTS, AND REVISING THE ENFORCEMENT AND PENALTIES PROVISIONS OF THE ORDINANCE.**

**P R E A M B L E**

*Pursuant to recommendation of the Radnor Township Shade Tree Commission, the Radnor Township Board of Commissioners does hereby ENACT and ORDAIN as follows:*

**Section 1.**

Chapter 263, Trees, is hereby revised and amended in full as follows:

**Chapter 263**

**TREES**

**§ 263-1. Legislative intent.**

The purpose of this chapter is to provide a mechanism for the establishment of a commission which shall encourage proper selection, planting, replanting and care and establish protective regulations for trees within Radnor Township in order to control problems of air and noise pollution, soil erosion, aesthetic depreciation, maintain maximum tree cover and to make Radnor Township a healthier and safer place to live.

**§ 263-2. Establishment of Commission.**

A commission to be known as the Shade Tree Commission is hereby established.

**§ 263-3. Personnel of Commission; appointment; terms; vacancies.**

- A. The Commission shall be comprised of seven residents of the Township, two of whom shall be appointed annually, one from the Parks and Recreation Board and one from the Planning Commission, all of whom shall serve without compensation. Where applicable, at least three of the members should be professionally trained in Horticulture, Arboriculture, Forestry or an associated field.

- B. On the expiration of the term of any Shade Tree Commissioner, a successor shall be appointed by the Board, to a term of five years.
- C. Vacancies in the office of Shade Tree Commission shall be filled by the Board of Commissioners for the unexpired term.
- D. Any Commission member may be removed at the discretion of the Board of Commissioners.

**§ 263-4. Word usage; definitions.**

- A. The singular number includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT – A landowner or developer as hereinafter defined who has filed an application for a subdivision or land development, or an application for a grading or clearing permit, or a permit for either an emergency tree removal or other tree removal within the jurisdiction of the Shade Tree Commission.

AREA OF DISTURBANCE - An area proposed to be disturbed in any manner, temporary or permanent, as a result of construction activities, plus a buffer zone of 20 feet.

BOARD - The Board of Commissioners of the Township of Radnor.

CLEARING PERMIT – The clearing or removal of six or more trees annually, each having a DBH of six inches or greater on any property or adjacent properties under single ownership.

COMMEMORATIVE SHADE TREE FUND – A fund comprised of contributions from interested persons and other entities, including payments in lieu of replanting requirements and fines levied, for the purpose of maintaining the wooded character of the streets and lands within the township.

COMMERCIAL DISTRICT – Includes CO, C1, C2, WBOD, C3, PB and Garrett Hill Zoning Districts.

DBH - DIAMETER AT BREAST HEIGHT - Standard measurement of a tree's diameter taken at breast height (4 1/2 feet above the ground or 1.5 meters).

DEAD TREE - A tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a non-dormant or other natural stage of the tree that would

minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

**DEVELOPER** – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes, or causes to be made, a subdivision of land or a land development, or who has applied for a permit within the jurisdiction of the Shade Tree Commission.

**EMERGENCY TREE** - A tree that is currently failing or has failed.

**FORESTRY MANAGEMENT** – The branch of forestry concerned with the overall administrative, economic, legal, scientific and technical aspects of silvicultural and forest regulation. This includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, forest genetic resources and other forest resource values. Management can be based on conservation, economics or a combination of the two. Techniques include timber extraction, thinning, planting and replanting of various species, and/or the establishment of roads and pathways through forests, and the prevention of fire hazards.

**HAZARD TREE** - Any tree that may fail due to mortality or a structural defect or changed stand conditions and, as a result, may cause property damage or personal injury.

**HERITAGE TREE** - A tree having a 30 inch or greater in DBH.

**INVASIVE PLANTS** - Non-indigenous species or strains that become established in natural plant communities and wild areas, replacing native vegetation. Invasive plants are introduced species that can thrive in areas beyond their natural range of dispersal. These plants are characteristically adaptable, aggressive, and have a high reproductive capacity. Their vigor combined with a lack of natural enemies often leads to outbreak populations.

**PARKS AND RECREATION BOARD** - The Park and Recreation Board of Radnor Township.

**PERMIT** - A permit in writing as issued by the Township Manager or Township Engineer pursuant to application approval by the Shade Tree Commission.

**PERSON** - Any individual, firm, association, partnership, corporation or any other legal entity, other than the Township.

**PLANNING COMMISSION** - The Planning Commission of Radnor Township.

**PROTECTIVE TREE PRESERVATION FENCE** - A temporary fence installed, at minimum, around the dripline of any tree which is to be preserved during construction or demolition operations, inside of which no grading, storing or dumping of any material may occur.

Chain link fence shall be 6 feet tall with 2 inch mesh chain link fabric. Two inch posts shall be tied with 6 gauge aluminum wire ties at 24 inches on center. Posts shall be a minimum of 2 feet in the ground and space of 10 feet on center. Plastic zip-ties may not be used.

**PUBLIC PROPERTY** - All property owned or under the control of the Township, including but not necessarily limited to all property of the School District of Radnor Township, all public parks and playgrounds, municipal building property, public library and fire station(s).

**PUBLIC STREET OR HIGHWAY** - Any Township right-of-way, a portion of which is used for vehicular or pedestrian travel.

**SHADE TREE** - Any tree with a six-inch or greater DBH that is subject to review and/or approval by the Shade Tree Commission under any section of this chapter.

**SHADE TREE COMMISSION** - A commission established pursuant to powers granted by the Radnor Township Home Rule Charter.

**STREET TREE** - Any tree on any public property or public street or highway in Radnor Township.

**STREET TREE PERMIT** - A permit in writing issued by the Township Manager upon application approval to any arborist or person certified by the International Society of Arboriculture (ISA) to do any work on a shade or street tree in Radnor Township.

**TREE REPLACEMENT FORMULA** - Replacement of any tree removed or recommended to be removed by the Shade Tree Commission as follows:

6 – 18 inch DBH removed	=	1 replacement tree
19 – 29 inch DBH removed	=	3 replacement trees, two being large canopy trees
30 inch DBH or greater removed	=	6 replacement trees, four being large canopy trees

All replacement trees shall have a minimum 2- to 2 1/2-inch DBH.

\* See approved township tree replacement list on Appendix A for listing of species that should be used as replacement trees.

**TREE SPECIES**- All existing and/or replacement trees shall include both the common name and botanical name (e.g., red maple-acer rubrum).

**TOWNSHIP** - The Township of Radnor.

**TOWNSHIP ARBORIST** - The duly appointed arborist of the Township or his designee.

TOWNSHIP ENGINEER - The duly appointed engineer of the Township or his designee.

TOWNSHIP MANAGER - The duly appointed manager of the Township or his designee.

**§ 263-5. General powers and duties of Shade Tree Commission.**

A. General.

- (1) The Shade Tree Commission shall advise the Township when necessary on recommended locations for new trees and/or the removal of unsuitable trees on all streets within the Township.
- (2) The Shade Tree Commission shall recommend and publish on the Township website suitable species of trees for planting and replanting pursuant to the tree replacement formula along streets and in other areas, as well as appropriate size, spacing, planting, bracing, fertilization, maintenance and pruning of trees.
- (3) The Shade Tree Commission may, with approval of the Board of Commissioners, consult the Township arborist to advise on suitable species or trees, their planting, durability, rate of growth, litter tendencies, care, protection and treatment, tolerance to impervious coverage and traffic, and other such advice that may be useful or appropriate to the duties and responsibilities of the Shade Tree Commission. All fees and other costs incurred pursuant to this section shall be reimbursed to the Township by the applicant.
- (4) The Shade Tree Commission shall recommend to the Board of Commissioners rules and regulations to further carry out its duties and responsibilities, which may include the issuance of mandatory or voluntary guidelines governing the planting, maintenance and removal of trees.
- (5) The Shade Tree Commission may periodically conduct a survey of Heritage Trees within the Township and shall encourage the protection of all such trees. No entry on private property shall be made without written or verbal permission from the landowner.
- (6) The Township shall administer the Commemorative Shade Tree Fund.
- (7) The Shade Tree Commission shall hold public meetings on a regular basis, but not less frequently than eight times a year, and shall publish its schedule. Meetings and notices thereof shall be governed by the Radnor Township Home Rule Charter and appropriate state law.

- (8) At the end of each year the Shade Tree Commission shall submit an annual report to the Board of Commissioners summarizing its yearly activities and its plans for the next year.
- B. The Shade Tree Commission shall review or cause to be reviewed all applications submitted to the Township for the following:
- (1) Land development.
  - (2) Subdivision.
  - (3) Grading in excess of 200 cubic yards.
  - (4) Grading for parking lots of five or more cars.
  - (5) Clearing on any property of six or more trees annually, each having a DBH of six inches or greater.
  - (6) Removal of a Heritage Tree in a non-emergency situation. Documentation must be provided to the Shade Tree Commission following emergency clean up and mitigation.
  - (7) Forestry Management (thinning, herbicide applications, timber retail).
  - (8) Forestry Practices (selective thinning, invasive species control, timber harvesting, replanting).
  - (9) Pool permits.
  - (10) Excavation in excess of 60 cubic yards.
- C. The Shade Tree Commission shall review, if directed by the Township Engineer or Director of Community Development, any applications submitted to the Township for the following:
- (1) Demolition permits on any building lot whereby the proposed work may impact or cause the removal of trees; and
  - (2) Commercial tree removal permits.

**§ 263-6. Emergency tree removal.**

- A. In the case of immediate necessity for the protection of life or property, any shade or street tree described in this chapter may be removed without first obtaining a permit. Property owner or designee shall report the emergency removal to the Township within ten days of removal. If applicable, a hazardous tree report, including relevant documentation and photographs shall be submitted by a certified arborist.
- B. Hazardous tree removal. Property owner is to contact the Township or fill out an on-line application before removing the tree. When the application has been approved by the Township, the tree may be removed.
- C. If, upon determination by the Director of Public Works, or his/her designee, and after consultation with the township arborist that a tree or trees on private property are considered a hazard tree, or such trees are in imminent danger of falling or creating property damage or personal injury, the applicable property owner shall be notified of the hazard tree. The property owner shall then remove, in part or in whole, the tree or trees to correct the hazardous condition within five days of notification by the Township. If the hazard tree is not removed within five days of notice, the Township may take such action as necessary to remedy the situation resulting a lien being filed against the property to cover the Township's costs.
- D. Emergency tree removals shall not require Shade Tree Commission approval prior to the tree being removed, provided that the Township has been notified by the property owners.

**§ 263-7. License requirements.**

- A. License required. Effective the date of this chapter, it shall be unlawful for any person, firm, or corporation to prune or remove a street tree within the jurisdiction of the Shade Tree Commission without first having obtained a license as a specialty contractor from the Community Development Department, as required by Chapter 145 of the Township Code.
- B. Application. Applications for license shall be made on a form provided by the Township and shall include name and address of the business, partnership or corporation, and the name of the individual to be licensed, along with any additional information which the Township may require.
- C. Certification. Upon the filing of an application for license, applicants shall be required to provide evidence of current certification through the International Society of Arboriculture. Certification as an ISA arborist shall be required for renewal of a contractor's license pursuant to this subsection.

D. Insurance Requirements. All applications for a license shall include proof of general liability insurance coverage and worker's compensation insurance coverage in the following amounts:

- (1) General Liability – Coverage for personal injury in a minimum amount of \$1,000,000 per occurrence and in the aggregate, and property damage in a minimum amount of \$250,000 per occurrence and in the aggregate. In the alternative, a combined coverage of \$1,000,000 of personal injury and property damage per occurrence and \$1,250,000 in the aggregate may be provided.
- (2) Worker's Compensation – Coverage as is required by the Commonwealth of Pennsylvania.

All policies shall be issued and in full force and effect before commencement of any construction. All insurance coverages shall not be altered, modified or canceled without the express written consent of the Township.

**§ 263-8. Review of permit applications.**

- A. Land development/subdivision. In addition to any applicable requirements of the Radnor Township Subdivision and Land Development Ordinance, all applicants shall submit to the Shade Tree Commission the following information contemporaneously with the filing of the land development or subdivision plan:
  - (1) The applicant shall submit a plan illustrating:
    - (a) The size, species and location of all shade trees and street trees with a DBH of six inches or greater which are in the proposed area of disturbance.
    - (b) All trees to be removed designated with an X; and listed in report form with species, size and general point of location on property.
    - (c) Approximate location of trees listed in plan form with species, size on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data).
  - (2) A planting plan shall also be required illustrating the size, species and location of trees to be planted in compliance with the Tree Replacement Formula. The planting plan shall include a chart summarizing sizes and species of trees to be removed and trees to be planted.
  - (3) The plan(s) shall illustrate the location of protective tree preservation fence around trees to remain, including a detail of such. Additionally, the following measures must be addressed by the applicant and inspected by the Township Engineer or Township Arborist prior to the start of work or issuance of the permit: protective



tree preservation fence must be installed. All trees to be removed within the area of disturbance must be clearly marked at the base of each tree with visible, permanent forestry type paint in the color of pink indicating the status of each tree. All trees to remain within the area of disturbance must be clearly marked at the base of each tree with forestry grade flagging tape in green color.

- (4) In addition to the requirements of § 255-38 of the Radnor Township Subdivision and Land Development Ordinance, shade trees and street trees shall be planted by the applicant or developer for any land development or subdivision as follows:
  - (a) Along both sides of new streets.
  - (b) Along new sidewalks.
  - (c) Along both sides of existing streets, highways, sidewalks, pedestrian ways, bicycle trails or pathways when they abut or lie within the subdivision or land development.
  - (d) Along both sides of access driveways to residential development.
- (5) The Shade Tree Commission shall review the proposed application for compliance with the requirements of the Township's Tree Replacement Formula. The Shade Tree Commission shall also consider the impact, if any, on all trees with a DBH of six inches or greater and shall make recommendations for the preservation of existing trees and for the species, location and size of new plantings. Such recommendations shall be made in writing to the Planning Commission.
- (6) In the event that replanting is impractical or impossible as determined by the Shade Tree Commission, the applicant has the option of making payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the tree replacement formula as set forth in Section 263-4.
- (7) No tree removal permits may be issued until final plan approval and the escrow required by Section 263-10 of this Ordinance has been established.

**B. Grading and clearing permits.**

- (1) The application for a grading permit for grading in excess of 200 cubic yards, or for grading in a parking lot of five or more cars or in connection with a pool permit, shall be made in writing to the Township Engineer upon forms available on the Township website, together with the required filing fee.
- (2) The application for a clearing permit on any lot in which six or more trees of six or more inches or greater DBH or upon which a Heritage Tree is proposed to be removed, shall be made in writing to the Township Engineer upon forms available on the Township website, together with the required filing fee.

- (3) The applicant shall submit a plan, including:
  - (a) The size, species and location of all shade and street trees with a DBH of six inches or greater which are in the proposed area of disturbance.
  - (b) All trees to be removed designated with an X.
  - (c) Approximate location of trees on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data), A planting plan shall also be required illustrating the size, species and location of trees to be planted in compliance with the Tree Replacement Formula. The plan shall include a chart summarizing sizes and species of trees to be removed and trees to be planted.
- (4) The plan(s) shall illustrate the location of protective tree preservation fence around trees to remain, including a detail of such. Additionally, the following measures must be addressed by the applicant and inspected by the Township prior to the start of work or issuance of the permit:
  - (a) Protective tree preservation fence must be installed and maintained until the work is complete and not removed until directed by the Township.
  - (b) All trees to be removed within the area of disturbance must be clearly marked at the base of each tree with visible, permanent forestry type paint in the color of pink indicating the status of each tree. All trees to remain within the area of disturbance must be clearly marked at the base of each tree with Forestry Grade flagging tape in green color.
  - (c) For every 30 trees to be removed, the applicant must provide five photographs capturing as many trees as possible to obtain a broad spectrum of the proposed property to be cleared and/or areas of 6 or more trees to be removed.
- (5) The Shade Tree Commission shall make a recommendation regarding each grading or clearing permit plan before them and provide a written basis for its findings. Upon recommendation of the Shade Tree Commission, the Township Engineer may issue a grading or clearing permit.
- (6) The Shade Tree Commission may, in its discretion as a condition of a permit, recommend that the applicant file a bond or to deposit security satisfactory to the Township to guarantee compliance with the terms and conditions upon which the permit is issued.
- (7) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make payment to the Commemorative

Shade Tree Fund in lieu of replanting in accordance with the Tree Replacement Formula set forth at Section 264-4 of this Ordinance, or may plant the required trees in locations in need in the township.

C. Removal of a Heritage Tree - Trees greater than 30 inches in DBH.

- (1) Removal of Heritage Trees is strongly discouraged. The application for the removal of a Heritage Tree shall be made in writing to the Township Engineer upon forms published on the Township website, together with the required filing fee.
- (2) The plan shall illustrate the size, species and location of the Heritage Tree that is proposed to be removed, and the size, species and location of new trees to be planted in compliance with the Tree Replacement Formula. Three to five photographs of the proposed Heritage Tree to be removed must accompany the application: 1) at the base of the trunk at ground level 2) the entire tree if possible 3) the subject area of concern (defect, crack). If the applicant cannot produce photos, an on-site visit may be necessary.
- (3) The Shade Tree Commission shall approve or disapprove each Heritage Tree permit application in accordance with this Ordinance. If the removal of a Heritage Tree is approved, the applicant shall replace each Heritage Tree DBH for DBH, unless such replacement planting onsite is impractical or impossible, in which event, the applicant shall contribute a fee in lieu of such planting to the Commemorative Shade Tree Fund or shall plant the required trees in locations in need in the township.

D. Tree removal and tree planting in commercial districts.

- (1) The application for tree removal in a commercial district shall be made in writing to the Township Engineer upon forms furnished on the Township website, together with the required filing fee and shall be required when one or more trees of two and one-half inches in DBH or larger are to be removed from a commercially zoned property.
- (2) A plan shall be submitted illustrating the size, species and location of the tree that is proposed to be removed, and the size, species and location of new trees to be planted in compliance with the Tree Replacement Formula.
- (3) The Shade Tree Commission shall review the application for compliance with the requirements of the Township's Tree Replacement Formula at Section 263-4.
- (4) The Shade Tree Commission shall approve or disapprove each application it receives and provide a written basis for its findings. If approved, the Township Engineer may issue a tree removal permit.
- (5) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make payment to the Commemorative

Shade Tree Fund in lieu of replanting in accordance with the Tree Replacement Formula as set forth at Section 263-4, or shall plant the required trees in locations in need in the township.

E. Demolition permit.

- (1) The application for a demolition permit shall be made in writing to the Director of Community Development upon forms furnished by him, together with the required filing fee.
- (2) The applicant shall be required to submit a plan illustrating the size, species and location of all shade and street trees with a DBH of six inches or greater which are in the proposed area of disturbance; all trees to be removed designated with an X [It is recommended that permanent spray paint be used for trees to be removed pink and trees to remain with forestry flagging tape (green)]; and approximate location of trees on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data).
- (3) All demolition permits and other tree removal applications shall meet the Tree Replacement Formula as set forth at Section 263-4 of this Ordinance.
- (4) The Shade Tree Commission shall approve or disapprove each application and provide a written basis for its findings. If approved, the Director of Community Development may issue a demolition permit.
- (5) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make has payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the Tree Replacement Formula as set forth at Section 263-4 or may plant the required trees in locations in need in the township.

**§ 263-9. Street trees.**

A. Planting.

- (1) Street trees shall be planted by the developer for any land development or subdivision as follows:
  - (a) Along new streets.
  - (b) Along new sidewalks.
  - (c) Along existing streets, highways, sidewalks, pedestrian ways, bicycle trails or pathways when they abut or lie within the subdivision or land development.

(d) Along access driveways to residential development.

- (2) The Shade Tree Commission encourages all residents to plant, maintain and assume stewardship for street trees within the Township. Appropriate species for new trees are recommended in Appendix A of this chapter and are available on the Township website. Careful attention should be given to encouraging proper planting, especially under utility wires.

As to location, it is advisable to consult the Shade Tree Commission for appropriate locations for the new street trees.

- (3) Whenever any street tree shall be planted in violation of this chapter, or an unsuitable species is planted, or a street tree is planted in an inappropriate location due to traffic sight lines, overhead wires, insufficient area for root growth or similar conditions, the Township may remove the street tree at the cost of removal to the owner of the property.

B. Maintenance of street trees.

- (1) The cost and expenses of planting, pruning, maintaining, fertilizing, protecting and caring for street trees shall be borne by the Township unless the Township determines that a property owner is responsible.
- (2) Any firm, subcontractor, certified arborist or person contracted to prune or otherwise maintain or remove a street tree must first apply to the Township for an annual permit to perform such activities. Certification shall be from the International Society of Arboriculture (ISA).
- (3) Public utilities wishing to do routine maintenance shall apply to the Township for an annual permit to perform such activities. The permit application shall specify the kind of work the utility desires to perform and the area where the operation will occur during the period of the permit.
- (4) Whenever, in order to take down or prune any street tree, it shall be deemed necessary to remove any wire or wires, every person or utility having any such wire(s) running through a public street or highway shall temporarily remove the same or cut off the flow of the current there from within 24 hours after service of written notice from the Township Manager to do so. Notice may be made by regular mail. Tree trimming near energized electrical conductors may be done by certified arborists trained to work in these conditions.

C. Acts injurious to street trees. Except in case of necessity for protection of life or property, it shall be a violation of this chapter for any person to do any of the following acts:

- (1) To cut down any street tree.

- (2) To interfere or come in contact with the roots of any street tree.
- (3) To cut into, drive nails or spikes into, break, climb with spurs, or injure in any manner a street tree.
- (4) To place any rope, guy wire, cable, sign, poster or other fixture on a street tree.
- (5) To injure, misuse or remove any device placed to protect a street tree.
- (6) To discharge or pour salt, saltwater, oil or other noxious liquids or materials on a street tree or around its base.
- (7) To place any stone, cement or other material on a street tree or around its base so as to impede the natural passage of water and air into its roots.
- (8) To attach any electrical wire, insulator or any device for the holding of an electrical wire to any street tree, without first obtaining a permit.

**§ 263-10. Obligation escrow.**

This chapter shall be enforced by the Township Engineer and/or other designated township representative in order to carry out the requirements of this section.

- A. An obligation escrow agreement shall be established by the applicant with the Township for all approved land development/subdivision applications, grading, clearing, commercial development applications, pool permits, woodland thinning, tree planting, and demolition permits (collectively the "approved permits").
- B. The obligation escrow agreement is to guarantee the applicant's compliance with the approved permits under this chapter and shall be established in a form and manner to be approved by the Township prior to the commencement of any tree planting or tree removal.
- C. Prior to the removal or planting of any required trees, an applicant shall be required to place in escrow the following amounts:
  - (1) An amount equal to \$500 per tree scheduled to remain up to a maximum of \$7,500, unless waived or modified by the Township Engineer;
  - (2) An amount equal to a minimum of \$18.00/LF of tree protection preservation fence or the amount set annually by the Board of Commissioners, as required by the approved permit;
  - (3) An amount equal to \$500 per newly installed replacement tree, unless waived or modified by the Township Engineer, for inspections in accordance with § 263-8; and

- (4) In the event that replanting is impractical or impossible, onsite the applicant shall make payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the Tree Replacement Formula as set forth in Section 263-4, , or may plant the required trees in locations in need in the township.

D. In the event that an applicant removes any tree in violation of an approved Township plan or permit, the applicant shall forfeit \$500 for each tree as a penalty and an additional \$500 necessary to replace the tree removed in violation of an approved plan or permit.

### **§ 263-11. Fines and Penalties; Enforcement.**

This chapter shall be enforced by the Township Manager and his duly authorized representatives, and the Township Manager shall carry out and enforce the recommendations of the Shade Tree Commission.

A. Fines shall be levied under the following circumstances:

- (1) Failure to conform with a plan approved by the Shade Tree Commission.
- (2) Failure to install protective tree preservation fence on a construction site, or to remove such a fence during construction or clearing operations, or to violate the purpose of the fence by storing materials within the fence, thereby damaging tree roots.
- (3) Injury or injuries (as described in § 263-9C) or removal of any street or shade tree in violation of this chapter.
- (4) Upon the determination of the Township Engineer that an applicant or his/her representative has violated or permitted the violation of this chapter, the applicant shall pay a fine to the Township of \$250 per day or \$350 per tree unlawfully removed, or such other fine as is determined to be equitable by the Township Engineer. Once the Township Engineer determines the fine, the applicant shall have ten days within which to pay the fine or the Township will institute a civil enforcement complaint in District Justice Court.

B. Any person, partnership or corporation which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a minimum fine of \$500 per day up to a maximum of \$1,000 per day, plus all court costs, including reasonable attorneys' fees incurred by the Township as a result of the violation. Each day the violation continues shall constitute a separate violation.

C. If any tree has been injured, cut down or removed in violation of this chapter, an applicant or person shall replace the tree with a new tree or trees of a size and species to be recommended by the Shade Tree Commission. The cost and maintenance of the new tree shall be the responsibility of the violator for a period of two years during which time

the violator shall be responsible to replace the tree if it dies or becomes diseased within that two-year time period.

**§ 263-12. Disposition of penalties or assessments.**

Any penalties or assessments imposed under the Chapter shall be paid to Radnor Township and deposited in the Commemorative Shade Tree Fund.

**§ 263-13. Appeals.**

- A. Any person who wishes to contest any decision of the Shade Tree Commission or any fines and/or penalties shall have the right to appeal, in writing to the Board of Commissioners, within 20 days of the date of the alleged action pursuant to the Local Agency Law.
- B. On any appeal to the Board of Commissioners, the Board shall consider individual hardship considerations of the property owner with respect to cost, property maintenance and stewardship of the property, and such other factors deemed appropriate by the Board.

**Section 2.**

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 3.**

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.


**Section 4.**

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

**ENACTED** and **ORDAINED** this 11<sup>th</sup> day of February, 2013.

RADNOR TOWNSHIP


By:



Name: Elaine P. Schaefer

Title: President

ATTEST:

  
Robert A. Zienkowski, Secretary



## Appendix A: Recommended Trees for Radnor Township

This appendix is not meant to be restrictive; trees which are not listed may be used. Large-growing trees are preferred wherever there is available space.

For further information on sun, water and soil requirements, and the landscape value of the following trees, please consult the *Manual of Woody Landscape Plants* by Michael A. Dirr, which is available at the Radnor Memorial Library.

### **The following are invasive exotic species and should not be planted anywhere in Radnor Township:**

*Acer platanoides* (Norway maple)  
*Acer pseudoplatanus* (sycamore maple)  
*Acer ginnala* (Amur maple)  
*Ailanthus altissima* (tree-of-heaven)  
*Aralia elata* (Japanese angelica tree)  
*Broussonetia papyrifera* (paper mulberry)  
*Morus alba* (white mulberry)  
*Paulownia tomentosa* (princesstree)  
*Pellodendron amurense* (Amur cork-tree)  
*Pyrus calleryana* (callery pear)  
*Ulmus parvifolia* (Chinese elm)

### **The following trees have pest or other issues and are not recommended for planting:**

*Betula pendula* (European whitebark birch)  
*Pinus nigra* (Austrian pine)  
*Pinus sylvestris* (Scots pine)  
*Sorbus aucuparia* (European mountain-ash)  
*Tsuga canadensis* (Canada Hemlock)

### **Minimum planting sizes and planting standards:**

Trees should:

- Have a caliper of 2 1/2"-3"
- Be balled and burlapped (B&B) specimens
- Planted according to current industry standards
- Have all non-biodegradable burlap, rope and twine removed from the root ball
- Be mulched

### **Large Canopy Trees (trees that will have a mature height of 50 or more feet)**

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Cladrastis lutea</i>	American Yellowwood
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash

Gingko biloba (male selections)  
Gleditsia triacanthos  
Gymnocladus dioicus  
Liquidambar styraciflua  
Liriodendron tulipifera  
Magnolia acuminata  
Metasequoia glyptostroboides  
Nyssa sylvatica  
Pseudolarix kaempferi  
Quercus acutissima  
Quercus bicolor  
Quercus imbricaria  
Quercus macrocarpa  
Quercus palustris  
Quercus phellos  
Quercus shumardii  
Taxodium distichum  
Tilia americana  
Tilia cordata  
Tilia tomentosa  
Zelkova serrata

Maidenhair Tree  
Common Honeylocust  
Kentucky Coffeetree  
Sweetgum  
Tulip Tree  
Cucumbertree  
Dawn Redwood  
Black Tupelo  
Golden-larch  
Sawtooth Oak  
Swamp White Oak  
Shingle Oak  
Bur Oak  
Pin Oak  
Willow Oak  
Shumard Oak  
Bald-cypress  
American Linden  
Littleleaf Linden  
Silver Linden  
Japanese Zelkova

**Large Evergreen Trees (evergreens that will have a mature height of 50 or more feet)**

Abies concolor  
Abies nordmanniana  
Cedrus atlantica  
Cryptomeria japonica  
Picea abies  
Picea orientalis  
Picea omorika  
Pinus flexilis  
Pinus parviflora  
Pinus strobus  
Pinus wallichiana  
Pseudotsuga menziesii

White Fir  
Nordmann Fir  
Atlas Cedar  
Japanese Cedar  
Norway Spruce  
Oriental Spruce  
Serbian Spruce  
Limber Pine  
Japanese White Pine  
White Pine  
Himalayan Pine  
Douglas-fir

**Small and Medium Trees (trees that will have a mature height of under 50 feet)**

Acer buergerianum  
Acer campestre  
Acer carpinifolium  
Acer griseum  
Acer palmatum  
Amelanchier arborea  
Amelanchier canadensis  
Amelanchier laevis  
Amelanchier x grandiflora

Trident Maple  
Hedge Maple  
Hornbeam Maple  
Paperbark Maple  
Japanese Maple  
Downy Serviceberry  
Shadblow Serviceberry  
Allegheny Serviceberry  
Apple Serviceberry

<i>Aesculus x carnea</i>	Red Horsechestnut
<i>Alnus</i> sp.	Alders
<i>Betula lenta</i>	Sweet Birch
<i>Betula nigra</i>	River Birch
<i>Betula platyphylla</i>	Japanese White Birch
<i>Calocedrus decurrens</i>	Incense-cedar
<i>Carpinus betulus</i>	European Hornbeam
<i>Carpinus caroliniana</i>	American hornbeam
<i>Cercidiphyllum japonica</i>	Katsura Tree
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chamaecyparis nootkatensis</i>	Alaska-cedar
<i>Chamaecyparis obtusa</i>	Hinoki False Cypress
<i>Chionanthus virginicus</i>	Fringe-tree
<i>Cornus kousa</i>	Kousa Dogwood
<i>Cornus mas</i>	Cornelian Cherry
<i>Crataegus crusgalli</i> var. <i>inermis</i>	Thornless Cockspur Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Crataegus punctata</i>	Dotted Hawthorn
<i>Crataegus viridis</i> 'Winter King'	Winter King Hawthorn
<i>Halesia carolina</i>	Carolina Silverbell
<i>Ilex aquifolium</i>	English Holly
<i>Ilex opaca</i>	American Holly
<i>Juniperus chinensis</i>	Chinese Juniper
<i>Juniperus virginiana</i>	Eastern Red-cedar
<i>Maackia amurensis</i>	Amur Maackia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Malus</i>	Flowering Crabapple
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Parrotia persica</i>	Persian Parrotia
<i>Pinus bungeana</i>	Lacebark Pine
<i>Pinus densiflora</i>	Japanese Red Pine
<i>Pinus cembra</i>	Swiss Stone Pine
<i>Pinus thunbergiana</i>	Japanese Black Pine
<i>Prunus serrulata</i>	Flowering Cherry
<i>Prunus subhirtella</i>	Higan Cherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Stewartia koreana</i>	Korean Stewartia
<i>Stewartia pseudocamellia</i>	Japanese Stewartia
<i>Thuja</i> 'Green Giant'	Green Giant Arborvitae
<i>Thuja plicata</i>	Western Arborvitae