

ARTICLE I

Regulations and Requirements Generally

[Adopted 3-12-1973 by Ord. No. 1510; amended in its entirety 9-10-2007 by Ord. No. 2508; 9-13-2021 by Ord. No. 2929-2021]

§ 170-1. Purpose and declaration of policy.

- A. It is the policy of Haverford Township that there shall be no net loss of trees within the boundaries of the Township. The purpose of this article is to establish the standards necessary to assure that this policy will be implemented and enforced. The provisions of this article are enacted to:
- (1) Establish protective regulations for trees within Haverford Township in order to control problems of flooding, soil erosion, air and noise pollution and make Haverford Township a healthier and safer place in which to live;
 - (2) Encourage the protection of the maximum number of healthy trees throughout the Township, regardless of location;
 - (3) Establish and maintain the maximum amount of tree cover on public and private lands in the Township by prohibiting the destruction and removal of trees except in accordance with the standards set forth in this article;
 - (4) Maintain trees in the Township in a healthy and nonhazardous condition through professionally accepted arboricultural practices;
 - (5) Establish and revise, as necessary, standards for the planting and maintenance of trees to improve the economic base of the Township by improving property values, to enhance the visual quality of the Township and its neighborhoods and to improve public health by lessening air pollution and the incidence of flooding;
 - (6) Minimize hazards and damage to streets and sidewalks and reduce the costs of maintaining public rights-of-way;
 - (7) Provide latitude in the interpretation and application of Township rules, standards, and guidelines when reasonable and necessary to minimize the destruction of trees.

§ 170-2. Definitions.

The following words and phrases, when used in these regulations, shall have the meanings ascribed to them, except in those instances when the context clearly indicates a different meaning:

ARBORIST — An ISA certified arborist, as defined below.

AREA OF PRESERVATION — The area around a tree to be protected which is calculated as 12 times DBH or one foot of radius per inch of DBH.

CALIPER INCHES — Standard measurement of nursery stock's diameter taken 12" or

lower on stem depending on propagation method and size category.

CLEARING — 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.

CROWN — The branches and foliage of a tree; the upper portion of a tree.

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).

EARTH DISTURBANCE ACTIVITY — As defined in Chapter 78, Erosion and Sediment Control; Stormwater Management.

HERITAGE TREE — A tree having a thirty-inch-or-greater DBH.

ISA CERTIFIED ARBORIST — A certified professional who has a minimum of three years' full-time experience working in the professional tree care industry and who has passed an examination covering all facets of arboriculture.

PERMIT — Any permit in writing as issued by the Township Manager of the Township of Haverford.

PERSON — Any person, firm, partnership, association, company or organization of any kind.

PRUNING — The removal of that part of the plant that is undesirable or superfluous.

PUBLIC SHADE TREE — Any tree in or upon any public park, property, street, highway and/or avenue in the Township of Haverford, or that part of any tree which extends within the lines of any public street, highway and/or avenue in the Township of Haverford.

PUBLIC STREET, HIGHWAY OR AVENUE — Any street, sidewalk or alley open to the public within the right-of-way lines thereof.

TOWNSHIP MANAGER — Refers to the Township Manager or designee in the implementation and enforcement of this article.

TREE — Any woody perennial plant usually having but one main stem or trunk and a more or less definitely formed crown and growing to a height of 10 feet or more.

TREE DRIPLINE — The line marking where the outer edges of a tree's branches overhang the ground.

TREE REPLACEMENT FORMULA —

- A. Where a developer or owner finds it impossible or impractical to retain existing trees that are less than 30 inches in diameter, they shall replant one inch of new tree diameter for every four inches of existing tree diameter removed. Replacement trees shall have a minimum diameter of two inches.
- B. Where a developer or owner finds it impossible or impractical to retain existing trees which are 30 inches or greater in diameter, they shall replant one inch of new tree diameter for every one inch of existing tree diameter removed. Replacement trees shall have a minimum diameter of at least two inches. A permit shall be

required for the removal of any heritage tree. The Shade Tree Commission shall recommend to the Township Manager whether the permit should be approved or denied. The Shade Tree Commission shall provide a written basis for its findings.

- C. If replacement planting is impractical or impossible, the developer or owner shall make a payment to the Township in lieu of planting at a fee rate set by the Board of Commissioners.

§ 170-3. Regulations and requirements for public shade trees.

A. Applicability.

- (1) The standards of this section shall apply to all public shade trees in Haverford Township, including the portion of a public shade tree on private property.

B. Permit required.

- (1) No person shall plant, prune, remove or spray a public shade tree in or upon any public street, highway and/or avenue without a written permit from the Township Manager, such permit to designate the type of tree and place where such public shade tree is to be planted, pruned, sprayed and/or removed, except that it shall not be unlawful to perform the following activities:
- (a) Trim shade trees to conform to the clearance requirements of Subsection C(4) hereof; trim or prune shrubs and bushes within the public area, remove or cut off low hanging or broken branches of trees which create or may create a public nuisance or danger; carry out normal repair, upkeep, minor pruning and trimming;
- (2) The Township Manager shall have the authority to designate the type of public shade tree suitable and may refuse a permit to plant any type of tree which, in the opinion of the Township Manager, is not suitable to the location. The Township Manager may be guided by standards laid down by the International Society of Arboriculture or any other similar organization which promulgates standards which would carry out the intent of these regulations.
- (3) No person shall, without first obtaining a permit therefor, cut, break, climb with spikes, injure in any manner or remove any public shade tree; or cut down or interfere in any way with the main roots of any public shade tree; or spray any public shade tree with any chemical or insecticide; or place any rope, guy wire, cable, sign, poster or any other fixture on any public shade tree or guard for any public shade tree; or injure, misuse or remove any device placed to protect any tree except in case of immediate necessity for the protection of life and/or property.
- (4) No person shall, without first obtaining a permit, place or hereafter maintain any stone, cement or any other impervious surface such as blacktop which shall impede the passage of water and air to the roots of any public shade tree.
- (5) No person shall remove a public shade tree with a DBH of four inches from

any property without a written permit from the Township Manager, such permit to designate the type of tree and place where such public shade tree is to be removed.

C. General regulations.

- (1) No person shall plant a public shade tree in or upon the public streets, highways and/or avenues within five feet from the edge of any driveway.
- (2) No person shall plant a public shade tree nearer to the intersection of any two or more streets than 25 feet from the point of intersection of any two public right-of-way lines. A distance of 30 feet shall be maintained on streets which are state highways.
- (3) No person shall pour saltwater, oil or any other deleterious material at any place in such manner that injury might result to any public shade tree.
- (4) Every property owner of trees standing on private property shall keep such trees trimmed so that the minimum clearance of any branches that overhang any public walks is 12 feet for mature trees and nine feet for newly planted trees, and the minimum clearance where branches overhang any public street, highway and/or avenue is 14 feet.
- (5) The Township Manager may order the removal of any tree on private property if said tree is diseased, dead or creating any hazard to the public.
- (6) On all new building sites, the owner or contractor shall plant on said building site abutting the public right-of-way at least one public shade tree for every 30 feet of street frontage or fraction thereof.

D. Permit procedure.

- (1) The application for any permit required hereunder shall be submitted, in writing, to the Township Manager on a form provided by the Township for this purpose.
- (2) The permit application shall specify:
 - (a) The particular kind of work or operation the applicant desires to perform and shall state the exact location and the species of any tree affected.
 - (b) A written statement indicating the reasons for removal or relocation of a tree and a description of the species, size and condition of the tree to be removed.
 - (c) The proposed location of any replacement trees, if required by the tree replacement formula.
- (3) A permit fee shall be paid by the applicant at or before the issuance of the permit, said fees to be set by resolution of the Board of Commissioners as amended from time to time.

- (4) The Township Manager, in his or her sole discretion, may submit any permit application received hereunder to the Shade Tree Commission for review, comment and recommendation as to approval or disapproval.
- (5) The Township Manager may revoke any permit issued under this section upon satisfactory proof that any of the terms or conditions upon which the permit was issued have been violated.

E. Enforcement.

- (1) The Township Manager, in conjunction with other Township Departments, shall enforce these regulations.
- (2) The property owner shall complete all required work within nine months if issued contemporaneously with a building permit, or within 60 days for all other work, unless the Township Manager extends such completion date or temporarily revokes said permit for cause.
- (3) If any property owner neglects or refuses to comply with any order of the Township Manager within the time limit specified in a written notice issued by the Township Manager, the Township Manager may cause such violation to be abated at the expense of the property owner, and the entire cost of the work shall be a lien upon said premises, and a claim therefor shall be filed in the same manner as municipal claims are filed and collected.