

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 19-02

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 17-04 TO MAKE THE FAILURE TO TRIM TREES AND VEGETATION AFFECTING PUBLIC RIGHTS OF WAY A QUALITY OF LIFE VIOLATION; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 53 P.S. § 12416(a), affords the City of Jeanette the power to “regulate the manner and method for the planting, trimming, removing, maintaining and protection of shade trees in, on and along or extending over the public streets, sidewalks and rights-of-way of the city and provide for penalties for violations”; and

WHEREAS, the Third Class City Code, 53 P.S. § 12915(a)(3), affords the City of Jeannette the power to “keep in order and repair and in safe passable condition” “any street or any part of a street within city limits”; and

WHEREAS, the Vehicle Code, 75 Pa.C.S.A. § 6112, affirms “the duty of the owner of real property to remove from the property any tree, plant, shrub or other similar obstruction, or part thereof, which by obstructing the view of any driver constitutes a traffic hazard”; and

WHEREAS, the Third Class City Code, 11 P.S. § 12435, affords the City of Jeannette with the power to enact ordinances that are “(1) [e]xpeditious or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; or (2) [n]ecessary to the exercise of the powers and authority of local self-government in municipal affairs;” and

WHEREAS, with its Shade Tree Commission Ordinance, enacted March 19, 1975, the City of Jeannette previously adopted certain rules regarding shade trees located within the City.

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purpose. Section II of Ordinance No. 17-04 shall be amended to read as follows:

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor operations without permits, accumulation of snow and ice and failure to trim trees and other vegetation within public rights of way are costly problems that contribute to the deterioration of property values

and general disorder in the community. These problems degrade the physical appearance of the City which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizen of Jeannette are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety, and general welfare of the City by helping to create a clean environment for the citizens of Jeannette while eliminating safety and welfare concerns for both residents and emergency service personnel.

Section 2. Quality of Life Violations.

A new subsection (R) shall be inserted in Section V of the Ordinance, which new subsection shall read as follows:

- R. Tree and Vegetation Trimming. It shall be unlawful for the owner(s) of real property to permit or cause trees, bushes, or vegetation growing or located upon, along, in front of, in at the rear of his or her respective real property to:
- (1) overhang any portion of a public highway, street, alley, sidewalk, or other public right of way at a height less than twelve (12) feet; provided that the City Engineer shall have the authority to designate a higher clearance in any public right of way where heavy traffic or other conditions make it expedient;
 - (2) overhang any portion of a public highway, street, alley, sidewalk, or other public right of way so as to in any way obstruct the movement of vehicular or pedestrian traffic;
 - (3) remain standing if diseased and situated so as to in any way endanger vehicular or pedestrian traffic on any portion of a public highway, street, alley, sidewalk, or other public right of way; or
 - (4) interfere with the proper lighting of public highways, streets, and alleys by streetlights.
 - (5) interfere with any City fire alarm wiring that the owner(s) have not removed or permitted the City to remove, at the City's discretion.

Section 3. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 4. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 14th day of March, 2019.

CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon
Michelle Langdon
City Clerk