

**BOROUGH OF SWARTHMORE  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE 1-2022**

**AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, DELAWARE COUNTY,  
PENNSYLVANIA AMENDING CHAPTER 266, TREE COMMITTEE, OF THE  
SWARTHMORE BOROUGH CODE TO CREATE SECTION 266.08 TITLED  
REPLACEMENT OF STREET TREES, AMENDING SECTION 266.99 TITLED  
“PENALTY” TO ESTABLISH A MINIMUM AND MAXIMUM FINE STRUCTURE  
AND ADDITIONAL REMEDIES FOR FAILURE TO REPLACE A STREET TREE.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Borough Council of the Borough of Swarthmore that Chapter 266 of the Swarthmore Borough Code, titled, "Tree Committee", is hereby amended as follows:

**Section 1:** Section 266.08, titled, “Replacement of Street Trees” shall be created as follows:

- (a.) Any person who has removed a legal street tree shall be required by the Borough to replace that street tree by utilizing one of the following means:
  - 1) Through the annual Borough Street Tree sale which is scheduled during optimal planting times.
  - 2) Through a private vendor of the resident’s choice if the tree meets the criteria set forth within Section 1293.07, Requirements for the Replacement of Vegetation (Trees or Shrubs), of the Swarthmore Borough Code. Trees replaced under this option must be replaced within sixty (60) days from Borough notification or the Borough reserves the right to replace the street tree at the owner’s expense.

**Section 2:** Section 266.99, titled, “Penalty” shall be amended as follows:

- (a) Whoever violates or fails to comply with any other provision of this chapters, including any provision of any standard, technical or other code adopted by reference in the Borough’s Codified Ordinances, the Borough may issue a summary criminal citation and seek a minimum fine of \$500 and a maximum fine of \$1,000 upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure.: In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice.
- (b) The Borough reserves the right to replace a street tree that has been removed, if such tree has not been replaced within sixty (60) days of notification, at the owner’s expense and failure of the owner to reimburse the Borough for their cost plus a ten (10) percent

administrative fee, the owner will be subject to the Borough filing liens against the real estate.

**Section 3: Severability.**

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

**Section 4: Repealer.**

All resolutions or ordinances, or parts thereof, which are inconsistent herewith are hereby repealed to the extent of the inconsistency.

**Section 5: Adoption.**

This Ordinance shall take effect and be in force from and after its enactment as required by law.

ENACTED AND ORDAINED THIS 8<sup>th</sup> DAY OF AUGUST, 2022.

SWARTHMORE BOROUGH COUNCIL

\_\_\_\_\_  
MARY J. WALK  
COUNCIL PRESIDENT

**ATTEST:**

By: \_\_\_\_\_  
William Webb, Secretary