

**BOARD OF SUPERVISORS
LOWER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY, PA**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PORTIONS OF THE CODE OF LOWER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, SPECIFICALLY TITLE FOUR, ENTITLED SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SPECIFICALLY ARTICLE II, ENTITLED "WORD USAGE AND DEFINITIONS" AND SECTION 1230.41 ENTITLED "LANDSCAPING" OF ARTICLE VIII "DESIGN STANDARDS," RELATING TO TREE PRESERVATION, MAINTENANCE AND REPLACEMENT FOR SUBDIVISIONS AND LAND DEVELOPMENTS.

WHEREAS, the Lower Gwynedd Township Boards of Supervisors (the "**Board**") finds that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; preserves and enhances the Township's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare; and

WHEREAS, this Chapter is intended to regulate and control the indiscriminate and excessive cutting of trees in the Township and to encourage property owners to preserve and build around trees whenever possible.

AND NOW, the Board of Supervisors of Lower Gwynedd Township hereby enacts and ordains, and it is hereby **ENACTED** and **ORDAINED** as follows:

SECTION 1.

Article II, entitled Word Usage and Definitions of Title Four of the Lower Gwynedd Township Code, Section 1230.06 entitled "Terms Defined", is hereby amended by adding the following definitions:

CLEAR CUTTING:

The indiscriminate or broad removal of trees, shrubs or undergrowth on any lot in the Township, with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of nonnative tree and shrub species when the soil is left relatively undisturbed, the removal of dead or significantly diseased trees and those trees which pose an imminent danger to the public health, safety or welfare.

SECTION 2.

Section 1230.41 entitled "Landscaping" of Article VIII "Design Standards" of Chapter 1230 (Subdivision and Land Development) of the Lower Gwynedd Township Code, is hereby amended by adding the following sub-paragraphs:

- (j) All subdivisions and land developments shall be laid out in such a manner so as to preserve healthy trees and shrubs on the site. Any tree lost or destroyed as a result of clear cutting as defined in this Code, which has occurred within five (5) years prior to the submission of a subdivision and/or land development application, shall be shown on the required plan as a "Removed Tree" and will be required to be replaced in accordance with §1230.41(i).
- (k) No clearcutting is permitted.
- (l) The penalty for any violation of Section 1230.41 shall be in accordance with the Enforcement Remedies within §515.3 of the Pennsylvania Municipalities Code. Anyone violating this Article, in addition to any other penalty outlined in this Code, shall be required to replace the removed tree(s) per the requirements in §1230.41.

Any person who violates the ordinance, including property owners, occupants, tree companies and gardeners, could be held liable for violation of the ordinance. If a violation occurs during construction, the Township may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan, including protection measures for remaining trees on the property, has been approved by the Board of Supervisors.

SECTION 3.

Except as specifically hereby amended, the Lower Gwynedd Township Subdivision and Land Development Ordinance is hereby ratified and confirmed in its entirety.

SECTION 4.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 5.

The provisions of this Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this ____ day of _____, 2023.

ATTEST:

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**

MIMI GLEASON, INTERIM SECRETARY

By: _____
DANIELLE A. DUCKETT, CHAIRPERSON

DRAFT