BOROUGH OF BERLIN, COUNTY OF SOMERSET, PENNSYLVANA

ORDINANCE NO. 2026-373

AN ORDINANCE AUTHORIZING THE BOROUGH TO TRIM, PRUNE, AND REMOVE TREES AND VEGETATION WITHIN THE BOROUGH FOR THE MAINTENANCE AND PROTECTION OF BOROUGH-OWNED ELECTRICAL LINES AND FACILITIES; ESTABLISHING PROCEDURES FOR NOTICE AND ENTRY; AND PROVIDING FOR ENFORCEMENT

WHEREAS, the Borough of Berlin owns and operates electrical lines and facilities within the Borough that provide electricity to residents and businesses; and

WHEREAS, trees, vegetation, and other plant growth located on public and private property within the Borough may interfere with, threaten, or pose a hazard to the safe and reliable operation of the Borough's electrical lines and facilities; and

WHEREAS, the Borough Council has exclusive care, custody, and control of shade trees in the Borough pursuant to 8 Pa.C.S. § 2720(a);

WHEREAS, the Borough Council is authorized to maintain and protect shade trees on the streets and highways in the Borough and to make and enforce regulations as may be necessary for the care and protection of shade trees;

WHEREAS, the Borough has the general power to make regulations as may be necessary for the health, safety, morals, and general welfare of the Borough pursuant to 8 Pa.C.S. §1202(5);

WHEREAS, the Borough Council may enact ordinances not inconsistent with the laws of the Commonwealth as it deems beneficial to the Borough;

WHEREAS, it is necessary and proper for the Borough to trim, prune, and remove trees and vegetation that interfere with or threaten the Borough's electrical lines and facilities in order to maintain safe, reliable, and continuous electrical service to Borough residents and businesses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Berlin, Somerset County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Borough Electrical Line Vegetation Management Ordinance."

SECTION 2. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

"Borough" means the Borough of Berlin, Somerset County, Pennsylvania.

"Borough Council" or **"Council"** means the duly elected governing body of the Borough of Berlin.

"Borough electrical lines" or **"electrical lines"** means all electrical transmission lines, distribution lines, conductors, wires, cables, poles, towers, equipment, apparatus, and associated facilities owned, operated, or maintained by the Borough for the purpose of providing electrical service to residents and businesses within the Borough.

"Dangerous condition" means any tree, vegetation, branch, limb, or plant growth that:

- (a) Is dead, diseased, or structurally unsound and is likely to fall onto or come into contact with Borough electrical lines;
- (b) Extends into, over, or within proximity to Borough electrical lines such that it poses a risk of electrical contact, arcing, or interference with electrical service;
- (c) Obstructs access to or maintenance of Borough electrical lines or facilities; or
- (d) Otherwise presents a hazard to the safe, reliable, or efficient operation of Borough electrical lines or to public safety.

"Owner" means the record owner of real property as shown on the most recent tax assessment rolls of the Borough, and includes any tenant, occupant, or other person having control or possession of the property.

"Private property" means all real property within the Borough that is not owned by the Borough or another governmental entity.

"Public property" means all real property owned by the Borough, including but not limited to streets, highways, rights-of-way, easements, alleys, parks, and other public grounds.

"Trim," "prune," or "remove" means to cut, remove, take down, or otherwise eliminate trees, branches, limbs, vegetation, or plant growth, in whole or in part, by any appropriate means.

"Vegetation" means trees, shrubs, bushes, plants, vines, undergrowth, and any other plant growth.

SECTION 3. AUTHORITY TO TRIM, PRUNE, AND REMOVE TREES AND VEGETATION

3.1 General Authority

The Borough, through its authorized agents, employees, and contractors, is hereby authorized and empowered to trim, prune, and remove trees and vegetation located on public property and private property within the Borough where such trees or vegetation interfere with, threaten, or pose a dangerous condition to Borough electrical lines and facilities.

3.2 Scope of Authority

The authority granted by this Ordinance includes, but is not limited to, the following:

(a) Trimming, pruning, and removing trees and vegetation that overhang, extend into, or are located within proximity to Borough electrical lines such that they create a risk of contact, interference, or service disruption;

(b) Removing dead, diseased, damaged, or structurally unsound trees or limbs that pose a hazard to Borough electrical lines;

(c) Clearing vegetation that obstructs access to Borough electrical lines, poles, equipment, or other facilities for purposes of inspection, maintenance, repair, or emergency response;

(d) Cutting back or removing vegetation that impairs the safe and reliable operation of Borough electrical lines or that may reasonably be expected to do so in the future based on normal growth patterns; and

(e) Taking any other necessary action to protect Borough electrical lines and facilities from interference or damage by trees and vegetation.

3.3 Public Property

On public property, including streets, highways, rights-of-way, easements, and other public grounds, the Borough may trim, prune, or remove trees and vegetation at any time without prior notice when necessary to maintain, protect, or ensure the safe operation of Borough electrical lines.

3.4 Private Property

On private property, the Borough may trim, prune, or remove trees and vegetation that interfere with or threaten Borough electrical lines, subject to the notice provisions set forth in Section 4 of this Ordinance.

SECTION 4. NOTICE TO PROPERTY OWNERS

4.1 Notice Required

Except in cases of emergency as provided in Section 4.3, the Borough shall provide written notice to the owner of private property before entering the property to trim, prune, or remove trees or vegetation pursuant to this Ordinance.

4.2 Form and Content of Notice

The notice shall be in writing and shall include:

(a) A description of the property on which the work is to be performed;

(b) A description of the trees or vegetation to be trimmed, pruned, or removed, with sufficient specificity to allow the owner to identify the affected trees or vegetation;

(c) The reason for the work, including an explanation of how the trees or vegetation interfere with or threaten Borough electrical lines;

(d) The anticipated date or timeframe when the work will be performed, which shall be not less than ten (10) days from the date of mailing of the notice unless the Borough determines that a shorter period is necessary to protect public safety or prevent service disruption; and

(e) A statement that the owner may contact the Borough to discuss the proposed work or request an inspection.

4.3 Emergency Circumstances

In the event of an emergency, including but not limited to circumstances where trees or vegetation pose an immediate threat to public safety, risk imminent damage to Borough electrical lines, or have caused or are likely to cause an interruption in electrical service, the Borough may enter private property and perform necessary trimming, pruning, or removal without prior notice. The Borough shall provide written notice to the property owner as soon as practicable following completion of emergency work.

4.4 Method of Notice

Notice required by this Section shall be deemed sufficient if mailed by first-class mail to the owner at the address shown on the most recent tax assessment rolls of the Borough, or if personally delivered to the owner or to an adult occupant of the property.

SECTION 5. ENTRY UPON PROPERTY

5.1 Right of Entry

The Borough, through its authorized agents, employees, and contractors, shall have the right to enter upon public property and private property within the Borough at reasonable times for the purpose of inspecting, trimming, pruning, or removing trees and vegetation that interfere with or threaten Borough electrical lines, in accordance with the provisions of this Ordinance.

5.2 Reasonable Care

The Borough and its authorized agents, employees, and contractors shall exercise reasonable care when entering property and performing work authorized by this Ordinance and shall make reasonable efforts to minimize damage to property and disruption to property owners and occupants.

5.3 Disposal of Debris

The Borough shall remove logs, cordwood, branch wood, and other debris resulting from trimming, pruning, or removal activities from public property. On private property, the Borough may leave logs, cordwood, and branch wood on the property for the owner's use or may remove such materials at the Borough's discretion. Small branches, twigs, and other debris shall be removed by the Borough.

SECTION 6. OWNER RESPONSIBILITIES

6.1 Owner Duty to Maintain

Property owners are encouraged to maintain trees and vegetation on their property in a manner that prevents interference with Borough electrical lines. Owners may, at their own expense, trim or remove trees and vegetation on their property that interfere with or threaten Borough electrical lines, provided that such work is performed in a safe and workmanlike manner.

6.2 Owner-Initiated Trimming

Nothing in this Ordinance shall prohibit a property owner from trimming or removing trees and vegetation on the owner's property, provided that:

(a) The work does not create a hazard to Borough electrical lines or public safety;

(b) The work is performed in compliance with all applicable laws and regulations; and

(c) In the case of trees or vegetation in immediate proximity to energized electrical lines, the owner shall notify the Borough in advance and coordinate the work with the Borough to ensure safety.

6.3 No Interference

No person shall interfere with, obstruct, or hinder the Borough or its authorized agents, employees, or contractors in the performance of work authorized by this Ordinance.

SECTION 7. COSTS AND EXPENSES

7.1 Borough Expense

All costs and expenses incurred by the Borough in trimming, pruning, or removing trees and vegetation on public property pursuant to this Ordinance shall be borne by the Borough.

7.2 Private Property – Borough Expense

All costs and expenses incurred by the Borough in trimming, pruning, or removing trees and vegetation on private property pursuant to this Ordinance shall ordinarily be borne by the Borough, as such work is performed for the benefit of the Borough's electrical system and the general public.

7.3 Repeated Violations

In the event that the Borough is required to perform repeated trimming, pruning, or removal on the same private property within a twelve (12) month period due to the owner's failure to maintain trees or vegetation after receiving written notice and an opportunity to comply, the Borough may assess the costs of such subsequent work against the property owner in accordance with Section 8.

SECTION 8. ENFORCEMENT AND PENALTIES

8.1 Violations

It shall be unlawful for any person to:

(a) Interfere with, obstruct, or hinder the Borough or its authorized agents, employees, or contractors in the performance of work authorized by this Ordinance;

(b) Refuse to allow the Borough or its authorized agents, employees, or contractors to enter property for purposes authorized by this Ordinance;

(c) Damage, destroy, or remove any Borough electrical lines, poles, equipment, or facilities; or

(d) Plant, maintain, or allow the growth of trees or vegetation in a manner that creates dangerous conditions to Borough electrical lines after receiving written notice from the Borough and failing to remedy the condition within the time specified in the notice.

8.2 Penalties

Any person who violates any provision of this Ordinance shall, upon conviction before a district justice, be sentenced to pay a fine of not less than Fifty dollars ($50.00) nor more than Five Hundred dollars ($500.00) for each offense, together with costs of prosecution. Each day that a violation continues shall constitute a separate offense.

8.3 Alternative Enforcement – Municipal Claims

In addition to or in lieu of criminal prosecution, the Borough may recover costs incurred in performing work on private property pursuant to Section 7.3 of this Ordinance, together with a penalty of ten percent (10%) of such costs, by filing a municipal claim against the property in accordance with the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq., or by action of assumpsit, or by bill in equity.

8.4 Remedies Cumulative

All remedies provided in this Ordinance shall be cumulative and not exclusive. The Borough may pursue any one or more remedies simultaneously or consecutively.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 10. REPEALER

All ordinances or parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

ORDAINED AND ENACTED this 6th day of August 2026

ATTEST:

Traci Horning

Traci Horning, Executive Secretary

BOROUGH OF BERLIN

Michael Lottig

Michael Lottig, President

APPROVED BY THE MAYOR this 6th day of August, 2026

Joseph Krause