

ORDINANCE NO. 625

AN ORDINANCE DEFINING WEEDS, GRASSES, AND OTHER VEGETATIVE MATERIAL GROWING TO A HEIGHT IN EXCESS OF SIX INCHES WITHIN THE LIMITS OF THE BOROUGH OF MONT ALTO TO BE A NUISANCE, FIXING RESPONSIBILITY FOR THE CUTTING OF THE SAME, PROVIDING FOR THE COLLECTION OF COSTS AND THE ASSESSMENT OF FINES FOR FAILURE TO CUT THE SAME, AND AUTHORIZING THE BOROUGH OF MONT ALTO TO COLLECT THE COSTS ASSOCIATED WITH CUTTING THE SAME.

Be it ordained and enacted, and it is hereby ordained and enacted by the Mayor and Town Council of the Borough of Mont Alto, Franklin County, Pennsylvania:

SECTION 1: No person, firm, and/or corporation owning or occupying any property within the Borough of Mont Alto shall permit any grass, weeds, or any other vegetation whatsoever, not otherwise edible or planted for some useful or ornamental purpose, to grow or remain upon such property so as to exceed a height of six (6) inches, to throw off any unpleasant or noxious odor, to conceal any filthy deposit and/or refuse, or to create or produce pollen.

SECTION 2: Any grass, weeds or other vegetation growing upon any property located within the Borough limits in violation of any of the provisions of Section 1 is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough and the same is hereby prohibited.

SECTION 3: It shall be the duty of the owner of any property situate within the Borough limits, and, the occupant of any such property, in the case of property occupied by other than the owner thereof, to remove, cut, mow or trim any grass, weeds and other vegetation growing or remaining upon such property and in the space between said property line and the curb line in front and in the rear and along the sides thereof, so that neither the grass, nor weeds, nor other vegetation shall rise above the height of six (6) inches, and every such owner and/or occupier shall remove said cuttings, trimmings and/or mowings from said premises.

SECTION 4: The Borough Council, or any other officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, or by United States Mail to the owner or occupant, as the case may be, of any property whereon grass, weeds, or other vegetation is growing and/or remaining in violation of Section 1 of this ordinance, directing and requiring such owner and/or occupant to remove, trim, cut and/or mow grass, weeds or other vegetation so as to conform to the requirements of this Ordinance, within five (5) days of such notice.

In the event a property owner or occupant is in violation of the terms of Section 1 for a third time during a growing season, which for the purposes of this Section is defined as that period from April 1 to November 15 each year, the Borough shall file a citation with the appropriate magisterial district justice for non-compliance.

SECTION 5: In case any owner and/or occupant shall neglect, fail or refuse to comply with the notice provided pursuant to Section 4 hereof within the time period stated therein, the Borough Council, or such of its officers and/or employees designated for the purpose hereof, may cause such grass, weeds and/or other vegetation to be removed, trimmed, cut and/or mowed. There is hereby imposed a charge of fifty (\$50.00) dollars, plus the actual cost of the labor and equipment involved for each time the Borough shall cause such grass, weeds, and/or other vegetation to be removed, trimmed, cut and/or mowed; and the owner and/or occupant, as the case may be, of the property shall be billed after the same has been completed.

SECTION 6: In addition to the other penalties provided by this Ordinance, the Borough may institute proceedings in Courts of Equity to require owners and/or occupants as the case may be, of property within the Borough limits to comply with the provisions of this Ordinance. In addition, the Borough may institute summary criminal proceedings by filing a citation against the property owner and/or occupant in the appropriate magisterial district court for said owner and/or occupant failing to comply with the terms of this Ordinance.

SECTION 7: Should any bill or bills for the removing, trimming, cutting and/or mowing of grass, weeds, and/or other vegetation, remain unpaid for a period of 60 days from the date of the same, the amount thereof may be entered by the Borough as a lien against such property in accordance with existing provisions of law.

SECTION 8: Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any of the provisions of this Ordinance shall, upon conviction hereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) dollars and the costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than ninety (90) days. **PROVIDED**, however, each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

SECTION 9: The provisions of any other Ordinance, to the extent that they conflict the above provisions are hereby repealed. This Ordinance specifically supersedes and replaces Ordinance No. 293.

SECTION 10: This Ordinance shall be effective immediately upon its adoption.

Adopted this 20 day of November, 2015.

Attest:


Secretary


Vice-President

Approved this 2nd day of November, 2015.



Mayor