

BOROUGH OF ORWIGSBURG

Schuylkill County, Pennsylvania

ORDINANCE NO. 184

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ORWIGSBURG RELATING TO GRASS, WEEDS AND OTHER VEGETATION; REQUIRING THE REMOVAL, TRIMMING OR CUTTING THEREOF BY THE OWNER OR OCCUPANT OF THE PREMISES, UNDER CERTAIN CIRCUMSTANCES, OR BY THE BOROUGH, AT THE EXPENSE OF SUCH OWNER OR OCCUPANT IN DEFAULT; PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Orwigsburg, in council duly assembled, and it is hereby enacted and ordained by authority of the same, as follows:

Section 1. No person, firm or corporation, owning or occupying any property in the Borough of Orwigsburg shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so that the height thereof shall exceed 9 inches, or which may throw off any unpleasant or noxious odor or conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough of Orwigsburg, in violation of any of the provisions of this section, is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough of Orwigsburg.

Section 2. The owner of any premises, and/or the occupant thereof, if the same may not be occupied by the owner, shall remove, trim or cut all grass,

weeds or other vegetation growing or remaining upon such premises in violation of the provisions of Section 1 of this ordinance.

Section 3. The Borough Council shall designate, by resolution, any officer or employee of the borough, who is hereby authorized to notify personally, or by registered or certified mail, the owner and/or occupant of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this ordinance, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation within five (5) days after the issuance of said notice. In case any person, firm, or corporation shall neglect, fail or refuse to comply with such notice within the time stated therein, the borough may remove, trim or cut such grass, weeds or vegetation and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Borough of Orwigsburg, from such person, firm or corporation, in the manner prescribed by law.

Section 4. If any premises upon which grass, weeds or other vegetation may be growing in violation of this ordinance is unoccupied, and the name of the owner or owners cannot be ascertained, the notice shall be given by the person authorized to do so, by placing a written notice on the premises, which notice shall state that if the grass, weeds or vegetation are not removed within five (5) days from the date appearing on said notice then the borough may do so and that the cost thereof will be collected according to law.

Section 5. The borough may collect the cost of removal of said grass, weeds and vegetation, from the owner or occupant of said premises, upon failure of the owner and/or occupant thereof to remove the same within the time prescribed in said notice and the borough may collect the cost of removal from the owner and/or

occupant by action at law or by filing a municipal lien against the owner of said premises in accordance with the Municipal Lien Act of the Commonwealth of Pennsylvania. The cost of removal of grass, weeds and vegetation by the borough shall be in addition to the fine and costs imposed under Section 6 hereof.

Section 6. Any person, firm or corporation who shall violate or fail, neglect or refuse to comply with any of the provisions of this ordinance shall upon conviction thereof, before a Justice of the Peace of the Borough of Orwigsburg, or any magistrate within the magisterial district in which the Borough of Orwigsburg may be located, be sentenced to pay a fine not exceeding Twenty-five (\$25.00) Dollars and the cost of prosecution and in default of the payment of the fine and cost, to undergo imprisonment in the Schuylkill County Prison for a period not exceeding ten (10) days. Provided, however, that each day's violation shall constitute a separate offense and additional notice to the offender shall not be necessary in order to constitute an offense.

Section 7. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith be and the same are hereby repealed.

Section 8. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council and Mayor of the Borough of Orwigsburg, that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED and ORDAINED into an ordinance this 18th day of
September, A. D., 1968, by the Council of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG

By: David S. Boyer
President of Council

ATTEST:

Jeanette M. Gotsch
Secretary

EXAMINED AND APPROVED, this 18th day of September,
A. D., 1968.

David M. Jones
Mayor of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania