

ORDINANCE 2016-2

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN PROHIBITING NOXIOUS VEGETATION AND RESTRICTING HEIGHT OF VEGETATION GENERALLY; KEEPING STREETS CLEAR OF YARD WASTE; PROVIDING FOR ABATEMENT AS A NUISANCE; ESTABLISHING PROCEDURES FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, it is recognized that the uncontrolled growth of grass, weeds and other similar vegetation not planted for some useful or ornamental purpose on lands within the Borough of New Berlin creates fire hazards, provides breeding places for insects and rodents, and is detrimental to the health, cleanliness, comfort and safety of the citizens of the Borough of New Berlin. It is also recognized that grass clippings left on the public streets are unsightly and contribute to clogging of the Borough's storm sewers requiring excess maintenance.

BEING ENACTED AND ORDAINED by the Mayor and Borough Council of the Borough of New Berlin, Union County, Pennsylvania.

Definitions:

BOROUGH – The Borough of New Berlin

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

OPERATOR/OCCUPANT – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

PREMISES - A lot, plot or parcel of land, including the buildings or structures thereon.

SECTION 1: Vegetative Growth a Nuisance Under Certain Conditions:0

No person, firm or corporation, owning or occupying any property within the Borough of New Berlin, including financial lending corporations or banks that have the power to foreclose on a property agreement, shall permit any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of ten inches (10") or to conceal any filthy deposits. All noxious weeds as designated by Pennsylvania's Noxious Weed Control Law (3 P.S. Sec. 255.3(b), 255.8 and 255.9) shall be

prohibited. Any weeds, grass or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

SECTION 2: Grass Clippings:

The depositing of any amount of grass clippings onto the public cartway is detrimental to the storm sewers and also causes safety problems. It shall be a violation of this Section to permit grass clippings from any private property to remain on the cartway or road shoulder of any public way in the Borough of New Berlin. These clippings must be cleaned up immediately. All owners or occupants are responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this ordinance. Violation of this section will result in a fine of \$20 per incident.

SECTION 3: Responsibility for Removing, Cutting, or Trimming:

The Owner of any premises, or Operator, as the case shall be, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this ordinance.

SECTION 4: Notice to Remove, Trim or Cut Grass, Weeds, or other Vegetation

The Borough Council, or any officer or employee of the Borough designated by Council for such purpose, is hereby authorized to give written notice, by personal service or by United States mail, to the owner and operator or occupant, as defined in Section 1, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of the first section of this ordinance, directing and requiring such owners or occupants to remove, trim or cut such weeds, grass or vegetation so as to conform to the requirements of this ordinance, within 48 hours after issuance of such notice. Second and subsequent violations in the same year will result in a 24-hour notice before Borough employees are authorized to remove, trim, or cut grass, weeds, or other vegetation on the premises.

SECTION 5: Abatement of Nuisance; Authority for Borough to Remove, Trim or Cut Grass, Weeds or Other Vegetation at Expense of Owner or Occupant of Premises.

In case any Owner or Operator shall neglect, fail or refuse to comply with the notice provided in Section 4, within the period of time stated therein, the Borough authorities may cause such grass, weeds or vegetation to be removed, trimmed, or cut. There is hereby imposed a charge of \$25 plus the actual cost of the labor involved for each time the Borough shall cause such grass, weeds or vegetation to be removed, trimmed or cut; and the owner or operator, as the case may be, of the premises shall be billed after the same has been completed.

SECTION 6: Penalty Added to Unpaid Bills for Removing, Trimming, or Cutting Grass, Weeds or Other Vegetation; Filing of Lien.

Should any bill or bills for the removing, trimming, or cutting of grass, weeds or vegetation be unpaid on or before November 1 of each year a penalty of 10% shall be added to such bill or bills, and a lien shall be filed against the premises in the same manner as other municipal claims are filed.

SECTION 7: Multiple Offenses.

Each day that any owner or operator, as the case may be, shall violate the prohibitions of Section 1 or 2 hereof shall constitute a separate offense under this part.

SECTION 8: Penalty for Violation.

Any Owner or Operator who shall violate, or fail, neglect or refuse to comply with any of the provisions of this ordinance shall, upon conviction, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, and in default of payment, to complete Community Service Hours for a term not to exceed thirty (30) hours or thirty (30) days in jail. Provided, 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: Repealer.

All ordinances or part of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: 92-5

SECTION 10: Severability.

If any sentence, clause, section or part of this ordinance is for any reason found 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 that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11: Effective Date

This ordinance shall become effective upon adoption.


ENACTED AND ORDAINED as an ordinance of the Borough of New Berlin by Borough Council, Union County, Pennsylvania, in lawful session assembled this 13th day of July, 2016.

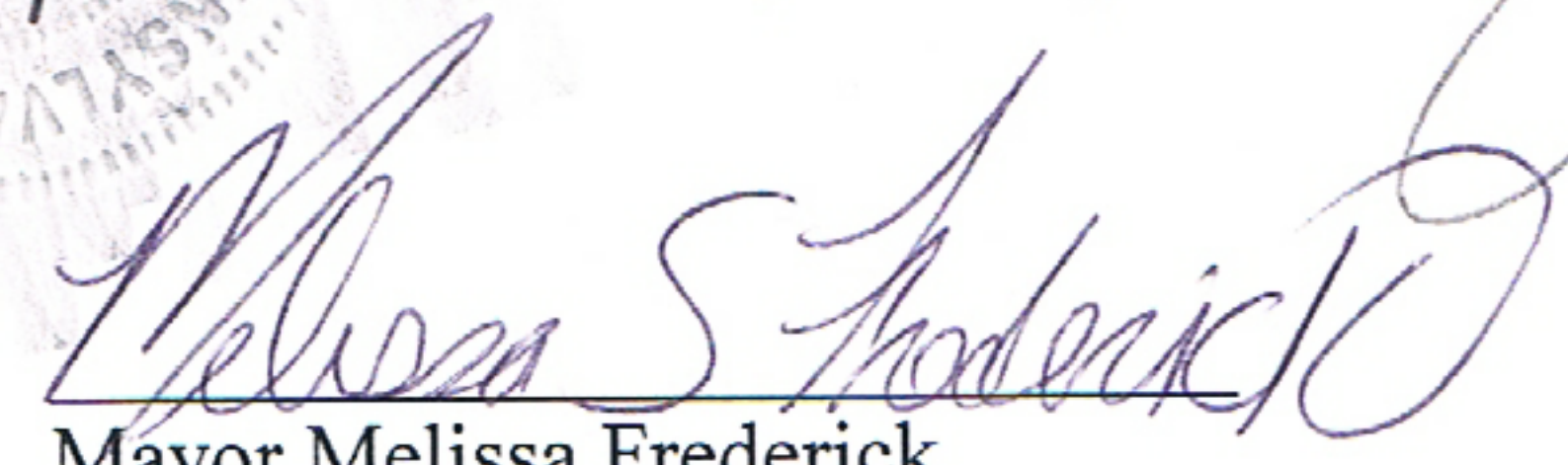
ATTEST:

NEW BERLIN BOROUGH COUNCIL




Rebecca A. Witmer, Secretary


Julianne Finkbiner, President of Council


Mayor Melissa Frederick

Personally appeared before me, the subscriber,
L.F. Machesic, Controller

of the DAILY ITEM PUBLISHING CO., publishers of THE DAILY ITEM, a newspaper of general circulation in Union, Northumberland, Snyder and Montour Counties, the paper in which publication has been directed, who being duly sworn according to law, doth depose and say that said newspaper was established April 15, 1970, and has its place of business Second & Market Sts., in the city of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania, and that, the notice, of which the attached is a copy was published in THE DAILY ITEM in the City of Sunbury, County of Northumberland and State of Pennsylvania on the

NOTICE

The New Berlin Borough, at its next regularly scheduled meeting on July 13, 2016 at 7:00 pm at the New Berlin Community Center, intends passage of:

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A copy of the proposed ordinance is available for examination at the Borough Office by calling 570-966-4705.

Rebecca A Witmer
Borough Secretary

DI: June 22, 2016

nd day of June 2016

that affiant is not interested in the subject matter of the foregoing notice advertising, and avers that all of the allegations of the statement as to time, place and character of the publication are true.

L.F. Machesic

Sworn to and subscribed before me
This 22nd day of June A.D. 2016

Diane M. Weir

NOTARIAL SEAL
Diane M. Weir
Sunbury, Northumberland County, PA
My Commission Expires May 5, 2019