Ordinance No. 7-2 Weed Ordinance Amended November 14, 2005

AN ORDINANCE RELATING TO GRASS, WEEDS AND OTHER VEGETATION, REQUIRING THE REMOVAL, TRIMMING OR CUTTING BY THE OWNERS THEREOF, OR BY THE BOROUGH AT THE EXPENSE OF SUCH OWNERS FAILING OR REFUSING TO DO SO, AND PRESCRIBING PENALTIES FOR VIOLATION

The Borough of Mercersburg hereby ordains the following:

SECTION 1. No person, firm or corporation, owning or occupying any property within the Borough of Mercersburg, 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 as to exceed a height of twelve (12) inches when measured from the surface of the ground, or to throw off any unpleasant or noxious odor. Any grass, weeds or other vegetation growing upon any premises in the Borough of Mercersburg 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.

Exceptions:

- (1) Cultivated flowers and gardens.
- (2) Lands in current agricultural production.
- (3) Undeveloped lots of record greater than one acre in size, provided that a 20 foot wide buffer area be provided adjacent to all abutting developed properties and public streets or sidewalks in which no weeds or plant growth in excess of twelve (12) inches shall be permitted.

<u>SECTION 2.</u> The owner of such premises, whether occupied by the owner or not, and the occupant thereof in case of premises occupied by other than the owner thereof, shall remove, trim or cut all such vegetation growing or remaining upon such premises occupied by other than the owner, shall be responsible for the compliance with this Ordinance.

Neither the owner or the occupant shall permit any grass clippings, tree trimmings, hedge clippings or tree leaves, hereinafter referred to as "yard waste," to be placed into a public street or alley along the curb line in such a manner that the yard waste covers or could cover or enter the storm water drainage system of the Borough of Mercersburg.

SECTION 3. The Borough Manager, or any officer of the Borough of Mercersburg designated thereby for the purpose, is hereby authorized to give notice, by personal service or by the United States Mail, to the owner or occupant, as the case may be, 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 occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within five (5) days after receipt of such notice. In the event there is no occupant, or the owner cannot be located within the Borough of Mercersburg, then notice shall be posted on the premises. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated in therein, the borough authorities may remove, trim or cut such grass, weeds or vegetation and an invoice will be sent to the owner for the hours any Borough employee worked on lot or lots to bring the condition into conformity with the Ordinance plus the penalty authorized by the Ordinance. The owner will then be given thirty (30) days to pay the invoice. If an invoice remains unpaid thirty (30) days after receipt proceedings for filing a municipal lien against the property are authorized. The lien shall be subject in all respects to the general law provided for the filing and recovery of municipal liens.

SECTION 4. 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 be guilty of a summary offense, and upon conviction, shall be sentenced to pay a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars and costs of prosecution. 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 5. ENACTED AND ORDAINED as an ordinance this 14th day of November, 2005, by the Mercersburg Borough Council of the Borough of Mercersburg, Franklin County, Commonwealth of Pennsylvania.

Mercersburg Mayor, James C. Zeger

Council President, Joshua C. Meyers

ATTEST:

Secretary, Steven Mellot

Approved this 14th day of November, 2005.