

ORDINANCE NO.89-003

AN ORDINANCE OF THE BOROUGH OF HOWARD DECLARING WEEDS A NUISANCE;
PROVIDING FOR THE CUTTING OF WEEDS; AND PRESCRIBING PENALTIES IN
VIOLATION OF ITS PROVISIONS

BE IT ENACTED AND ORDAINED by the Borough of Howard:

SECTION I: GROWTH OF GRASS, WEEDS, ETC. – No person who owns or occupies property in the Borough shall permit grass, weeds or other vegetation, which is not edible or planted for some useful or ornamental purpose, to grow or remain on such property, or on any public right-of-way or public utility easement adjoining or adjacent to such property, so as to exceed a height of six inches or so as to cause unpleasant or noxious odors, conceal filthy deposits or create or produce pollen. Grass, weeds or other vegetation so growing on any property in the Borough or on any public right-of-way or public utility easement adjoining or adjacent to such property is hereby declared to be a nuisance and abatable as such at law or inequity.

SECTION II: RESPONSIBILITY OF OWNERS AND OCCUPANTS-

Every person who owns or occupies property in the Borough, including an owner of vacant or unoccupied property, shall keep all grass, weeds and other vegetation growing or remaining on such property, or on any public right-of-way or public utility easement adjoining or adjacent to such property, trimmed to a height not to exceed six inches in accordance with Section I

SECTION III: NOTICE; NONCOMPLIANCE; REMEDY OF BOROUGH-

Council, or any 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 premises whereon grass, weeds or other vegetation is growing or remaining in violation of Section I, directing and requiring such owner or occupant to remove, spray, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this chapter within five days after issuance of such notice. If such owner or occupant neglects, fails or refuses to comply with such notice, within the period of time stated therein, the Borough authorities shall have the following remedies: They may remove, spray, trim or cut such grass, weeds or vegetation so as to comply with the provisions of this Ordinance; and the reasonable cost thereof, together with an additional penalty of 10% of reasonable costs may be collected by the Borough from such owner or occupant as a penalty under the provisions of this Ordinance, or in any other manner provided by law. This right as herein vested in the Borough shall be in addition to penalties prescribed by the provisions of this Ordinance for the conviction of the owner or occupant as aforesaid to comply with the terms of this Ordinance.

They may initiate summary proceedings against any person, firm or corporation who shall violate any of the provisions of this Ordinance, who shall, upon conviction thereof, by a summary proceeding before a district magistrate, be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and the costs of prosecution; each day's continuation of a violation of this Ordinance shall constitute a separate offense. The first day of violation shall commence 24 hours after the receipt of the notice of violation as certified by the United Postal Service. For the second and subsequent offenses occurring in the same calendar year as the first offense, no such notice as described herein shall be required.

SECTION IV: REPEAL - Any Ordinances or portions thereof, heretofore enacted, which are inconsistent herewith are hereby repealed and are of no force and effect.

ADOPTED AND ENACTED into an Ordinance for the Borough of Howard, this 10th day of July 1989.

BOROUGH OF HOWARD