

ORDINANCE NO. 169 <sup>-2110</sup>

SOUTH NEW CASTLE BOROUGH

AN ORDINANCE RELATING TO GRASS, WEEDS, AND OTHER VEGETATION AND NOXIOUS WEEDS REQUIRING THE REMOVAL, TRIMMING, OR CUTTING THEREOF BY THE OWNER OR OCCUPANT OF THE PREMISES WHERE THE SAME IS GROWING UNDER CERTAIN CIRCUMSTANCES, OR BY SOUTH NEW CASTLE BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA, OR ITS AGENTS, AT THE EXPENSE OF SUCH OWNER OR OCCUPANT IN DEFAULT AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, it is the opinion of the Council of South New Castle Borough, Lawrence County, Pennsylvania that the growing of grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, which is permitted to grow or remain upon premises in the Borough to a height in excess of six (6) inches or that throws off any unpleasant or noxious odor or conceals any filthy deposit or creates or produces pollen is detrimental to the health, cleanliness, comfort, and safety of the residents of the Borough.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF SOUTH NEW CASTLE BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA:

Section 1: This Ordinance shall be known and referred to as the South New Castle Borough Weed Ordinance.

Section 2: The word "person" as used in this Ordinance shall mean any natural person or persons, association, partnership, firm, or corporation.

RALPH. NICOLLS  
ITSOS. FLANNERY  
& MOTTO

ATTORNEYS AT LAW  
3 FIRST NATL. BANK BLDG.  
NEW CASTLE, PA 16101

Section 3: No person owning, or having a present interest in or occupying any real property located within South New Castle Borough, Lawrence County, Pennsylvania shall, except as hereinafter provided, permit any grass or weeds or any vegetation whatsoever which is not edible or planted for some useful or ornamental purpose to grow or remain upon such premises, including any portion of the premises occupied by a street or alley, so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or any dissemination of cans, bottles, or trash, or to create or produce any pollen; provided, however, that such weeds or grass as hereinbefore defined that is intermingled with growing, cultivated crops shall not come within the provisions of this Ordinance.

Section 4: Any grass, weeds, or other vegetation growing upon any premises in South New Castle Borough, Lawrence County, Pennsylvania in violation of any of the provisions of Section 3 of this Ordinance is hereby declared to be a nuisance and detrimental to the health, cleanliness, comfort, and safety of the inhabitants of South New Castle Borough.

Section 5: The owner of any premises as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the

provisions of Section 3 of this Ordinance.

Section 6: The Council of South New Castle Borough, Lawrence County, Pennsylvania, or their designated agent or agents, are hereby authorized to give written notice, by personal service or by the United States mail, to the owner and/or occupant, as the case may be, of any premises wherever grass, weeds, or other vegetation is growing or remaining in violation of the provisions of Section 3 of this Ordinance, directing and requiring such owner and/or occupant to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Ordinance, within seven (7) days after issuance of such notice. If any person shall neglect, fail, or refuse to comply with such notice within the period of time stated herein, the aforementioned Borough Officers or their agent or agents may remove, trim, or cut such grass, weeds, or vegetation, and the cost thereof, including administration expenses in connection therewith, may be collected by South New Castle Borough, Lawrence County, Pennsylvania from such person or persons in the manner provided by law. These costs shall be in addition to penalties provided by the provisions of this Ordinance for the conviction of the owner or occupant as aforesaid for failure to comply with the terms of this Ordinance.

Section 7: The costs of labor and materials for the cutting, trimming, and removing of such grass, weeds, and vegetation shall be paid by the owner and/or occupant of said

lot, who shall be jointly responsible for complying with this Ordinance.

Section 8: The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be invalid, such decision of the Court shall not affect or impair the Ordinance as a whole or any of the remaining provisions thereof.

Section 9: All Ordinances or parts of Ordinances in conflict with this Ordinance shall be and the same are hereby repealed insofar as the same may conflict with the provisions of this Ordinance.

Section 10: Any person or any officer of any firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before any district justice, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) together with costs of prosecution; each day's continuation of a violation shall constitute a separate offense.

Section 11: This Ordinance shall become effective five (5) days after its passage or adoption.

Adopted and enacted into an Ordinance this 17 day of August A.D. 1990.

COUNCIL OF SOUTH NEW CASTLE  
BOROUGH

Attest:

John A. Kline  
Secretary

By Rose Marie Anthony  
President

By Agatha P. C. ...  
Council Member

By Floyd Didenbach  
Council Member

Approved by the Mayor of South New Castle Borough on  
the 14 day of August, 1990.

John Kline  
John Kline, Mayor