

**ORDINANCE NO. 210**

**AN ORDINANCE OF THE BOROUGH OF SOUTH NEW CASTLE, LAWRENCE COUNTY, PENNSYLVANIA, RELATING AND PERTAINING TO GRASS, WEEDS AND OTHER VEGETATION, REQUIRING THE CUTTING, TRIMMING OR REMOVAL THEREOF BY THE OWNER OF THE PREMISES WHEREON THE SAME ARE GROWING, OR BY SOUTH NEW CASTLE BOROUGH AT THE EXPENSE OF SUCH OWNER, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.**

BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH NEW CASTLE, AND IT IS HEREBY ENACTED AND ORDAINED BY THE GENERAL MUNICIPAL AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION 1.**

- A. This ordinance shall be known and may be cited as the "South New Castle Borough Grass and Weed Control Ordinance."
- B. The provisions of this Ordinance shall apply to each and every lot, tract of ground, parcel of land, or any portion of the foregoing located within the municipal limits of the Borough of South New Castle.
- C. This Ordinance shall not apply to:
  - 1. Any land used primarily for the raising of agricultural crops and/or livestock; and/or
  - 2. Land officially designated as a "Wild Life Refuge."
- D. The provisions of this Ordinance shall apply to the owner of record (hereinafter "Owner") of any lot, tract of ground, etc., described in Section 1.B above, including by way of example but not by way of limitation, individuals, any combination of individuals, partnerships, limited partnerships, corporations, associations, any business entities of any nature whatsoever, etc.

**SECTION 2.**

- A. No Owner shall permit grass, weeds, or other vegetation to grow to a height in excess of six (6) inches on any lot, etc. as described in Section 1.B hereof.

- B. The provisions of this Section shall not apply to vegetation planted solely for ornamental purposes, unless such vegetation shall obstruct the view of users of an abutting road or highway, or otherwise be detrimental to the public health, safety or welfare of the residents of the Borough of South New Castle.
- C. Any grass, weeds, or other vegetation permitted by an Owner to grow to a height in excess of six (6) inches in contravention of the provisions of this Ordinance shall be considered a nuisance, and are further hereby declared to be detrimental to the public health, safety and welfare of the residents of the Borough of South New Castle.

### **SECTION 3.**

- A. The owner of any property is hereby declared to be and shall be responsible for the removal, trimming or cutting of all grass, weeds or other vegetation growing or existing on any lot described in Section 1.B; the fact that any lot or tract of ground may be occupied, used, or utilized by any person or entity other than the Owner (by way of example but not by way of limitation a "tenant") shall not relieve the Owner from compliance with this Ordinance.

### **SECTION 4.**

- A. The Mayor of the Borough of South New Castle, or any officer or employee of the Borough whom the Mayor may designate, are hereby authorized to send written Notice to the Owner of any violation of this Ordinance.
- B. The written Notice authorized by Section 4.A above shall:
  - 1. Direct and require the Owner to remove, trim or cut any and all grass, weeds or vegetation to a height necessary to conform with the provisions of this Ordinance within fifteen (15) days after the Owner's receipt of the written Notice; and
  - 2. Shall be sent to the Owner by both certified mail return receipt requested and regular mail or hand delivered by a local municipal agent.

### **SECTION 5**

- A. If an Owner fails, neglects, refuses or otherwise does not comply with the written Notice sent pursuant to Section 4 above within the time period stated in the Notice, the Owner shall be deemed to be in violation of the provisions of this Ordinance and, upon conviction thereof before a Court of competent jurisdiction (including the District Justice of District Magistrate), shall be sentenced to pay a fine of not less than ONE HUNDRED DOLLARS (\$100.00) for the First Offense, ONE HUNDRED FIFTY DOLLARS (\$150.00) for the Second Offense, TWO

HUNDRED DOLLARS (\$200.00) for the Third Offense, plus costs of prosecution for each offense, provided, however, that starting with the seventeenth (17th) day after the Owner's receipt of written Notice required under this Ordinance, every additional day's violation shall constitute a continuation of the First Offense, a Second Offense, or a Third Offense, as applicable, and further written Notice to the Owner as would otherwise be required pursuant to this Ordinance shall not be required in order to constitute an offense under the provisions of this Section.

- B. In case the Owner shall neglect, fail or otherwise refuse to comply with the provisions of the written Notice, the Borough of South New Castle, or an authorized contractor hired by the Borough may, but need not be obligated to remove, trim or cut such grass, weeds or other vegetation, and the costs thereof, together with an administrative fee of twenty percent (20%) of such costs, may be recovered by the Borough from the Owner in any manner provided by law, including but not limited to provisions provided by law for the filing of Municipal Liens and/or Municipal Claims and the recovery thereof.

## SECTION 6

- A. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.
- B. All ordinances or parts thereof in conflict with the provisions of this ordinance are repealed, providing, however, any proceedings pending, including prosecutions for violations of any previous ordinance being repealed hereby, shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.
- C. This ordinance shall become effective upon its enactment, ordainment, and approval.

ENACTED AND ORDAINED AND APPROVED by the Council of the Borough of South New Castle this 1 day of July, 2010.

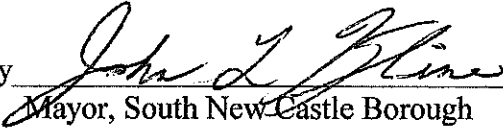
Attest:

*Dorothy A. Kline*  
Borough Secretary

Council of South New Castle Borough

*Henry J. ...*  
President

Examined and approved this 1 day of July, 2010.

By   
Mayor, South New Castle Borough

LAW OFFICES

**CILLI & PERROTTA, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

GABRIEL P. CILLI  
LOUIS M. PERROTTA

June 7, 2011

CILLI CENTRAL STATION, SUITE 203  
229 S. JEFFERSON ST. · NEW CASTLE, PENNSYLVANIA 16101  
TELEPHONE (724) 658-9980 FAX (724) 658-9455

VIA CERTIFIED MAIL AND FIRST CLASS MAIL

BAC Home Loan Savings  
7105 Corporate Drive  
Plano, TX 75024

COPY

**Re: Notice of Violation of Grass Cutting Ordinance  
Ordinance No. 210, South New Castle Borough,  
Lawrence County, Pennsylvania  
Properties: 1935 & 1939 Morris Street  
New Castle, PA 16102**

To Whom It May Concern,

You are hereby notified that you are in violation of the Grass Cutting Ordinance, being Ordinance No. 210 of South New Castle Borough, Lawrence County, Pennsylvania, for properties situate at 1935 Morris Street, and 1939 Morris Street, New Castle, Pennsylvania, 16102.

As the Owner of said properties you are directed and required to remove, trim or cut any and all grass, weeds or vegetation to a height necessary to conform with the provisions of this Ordinance within fifteen (15) day of receipt of this written Notice.

Should you fail, neglect or refuse to comply with this written Notice, within the time period stated, you shall be deemed to be in violation of the provisions of this Ordinance, further legal action shall be taken pursuant to the Ordinance. Upon conviction by a court of competent jurisdiction, you will be subject to pay fines according to the following schedule: not less than ONE HUNDRED DOLLARS (\$100.00) for the First Offense, ONE HUNDRED FIFTY DOLLARS (\$150.00) for the Second Offense, TWO HUNDRED DOLLARS (\$200.00) for the Third Offense, plus costs of prosecution for each offense.

Additionally, the Borough may remove, trim or cut such grass, weeds or other vegetation, and the costs thereof, together with an administrative fee of twenty percent (20%) of such costs, may be recovered by the Borough from the Owner in any manner provided by law.

Very Truly Yours,

  
GABRIEL P. CILLI

✓ cc: South New Castle Borough