

ORDINANCE NO. 2023-GRASS, WEEDS, AND OTHER VEGETATION

**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 PROPERTY OWNERS FAILING OR
REFUSING TO DO SO, AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF**

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of Greensboro Borough to enact this Ordinance.

NOW, THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202, the Borough Council of Greensboro Borough, Greene County, (herein “Borough”) Pennsylvania, does hereby enact and ordain the following:

SECTION 1: Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Duly Authorized Law Enforcement Officer shall mean any police officer who is a member of a municipal police force which has entered into an intergovernmental cooperation agreement with the Borough for the enforcement of Borough Ordinances.

Owner, as applied to property, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or part of such property, and vendees under a contract for deed.

Person shall mean a natural person, firm, partnership, association, corporation, or other legal entity.

Property shall include real property and personal property.

Real property, real estate, or land shall include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

Tenant or occupant, as applied to a building or land, shall include:

1. Any person holding, either alone or with others, a written or oral lease of such building or land.
2. Any person who, either alone or with others, occupies such building or land.

SECTION 2: Height of Grass

No person, firm or corporation, owning or occupying any property within the Borough, 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 six (6) inches or to conceal any filthy deposit. Any grass, weeds 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 3: Owner and/or Occupant of Premises to Remove, Trim or Cut Vegetation

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 compliance with the provisions of Section 2 of this Ordinance.

SECTION 4: Borough Council to Give Notice

- A. The 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 certified mail, return receipt requested, via the United States Postal Service, to the property 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 Section 2 of this Ordinance, directing and requiring such property owner or occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within ten (10) days after issuance of such notice. If the property is occupied by a person or entity other than the property owner, notice shall be provided to both the owner and the occupant.
1. In the event there is no occupant, or the property owner cannot be personally located within the Borough, then notice shall be served 1) by certified mail, return receipt requested, via the United States Postal Service, to the property owner at the address noted in the records of the Greene County Tax Assessment Office as the address to which real estate taxes are to be directed and 2) by posting the property with the individual empowered by Section 6 herein and photographing the posting evidencing the placement of such notice.
- B. In case any owner or occupant shall neglect, fail or refuse to comply with such notice, within the period of time stated herein, the borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the borough, from such person, firm or corporation, in the manner provided by law.
1. An invoice will be served upon the property owner or occupant, or in the case the occupant is not the owner, then upon both owner and occupant. Said invoice will reflect the cost borne by the Borough in the payment of its employees in conducting

the necessary removal of said nuisance together with a penalty of ten (10%) percent of the total cost. Payment shall be made payable to the Borough of Greensboro and tendered by mail via the United States Postal Service to: Borough of Greensboro, P.O. Box 153, Greensboro, PA 15338-0153.

2. Should the property owner or occupant fail to make full payment upon the invoice within thirty (30) days of the issuance thereof, the Borough may enforce collection of said sums through any manner afforded by law, including but not limited to, the filing of a municipal claim, an action of assumpsit or seeking relief by bill in equity.

SECTION 5: Penalty

Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any provision of this Ordinance shall be subject to the following regarding penalties.

A. In this section, the term “violation of this Ordinance” means:

1. Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or
2. Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
3. Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.

B. The term “violation of this Ordinance” does not include the failure of a borough officer or borough employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Ordinance that it is the intent of the borough to impose the penalty provided for in this section upon the borough officer or borough employee.

C. Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished as follows:

1. If the violation is not a criminal violation, by a civil penalty of \$600.00 per violation.
2. If the violation is criminal, by a fine of \$1,000.00 per violation.

Unless stated otherwise, violations of this Ordinance (including provisions regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution) are criminal violations.

D. Except as otherwise provided:

1. With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
2. As to other violations, each act is a separate offense.

E. Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.

F. The imposition of a penalty does not prohibit equitable relief.

G. The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.

H. Any violation of this Ordinance that also violates any state law or federal law shall be prosecuted under the state law or federal law and not under this Ordinance.

SECTION 6: Enforcement

The Mayor, Borough Code Enforcement Officer or any duly authorized law enforcement officer shall be empowered to enforce and issue citations for any violation of this ordinance.

SECTION 7: Repealer

All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

SECTION 8: Savings Clause

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

SECTION 9: Effective Date

This Ordinance shall become effective immediately after its adoption and enactment.

Adopted and enacted this _____ day of _____, 2023, at a meeting of the Council of the Borough of Greensboro.

DRAFT

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Attest:

Borough of Greensboro:

Lisa A. Miller, Borough Secretary

Donna J. Neino, President of Council

Examined and Approved this _____ day of _____, 2023.

Edward Abbott, Mayor

Christopher Michael Simms, Esquire