

**BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2008 -3

AN ORDINANCE OF THE BOROUGH OF EAST PROSPECT REGULATING THE HEIGHT OF GRASS AND WEEDS, PROVIDING FOR MOWING OF THE GRASS AND WEEDS EXCEEDING THE PERMITTED HEIGHT, AUTHORIZING THE BOROUGH TO CUT SUCH GRASS AND WEEDS IF THE OWNER/OCCUPANT FAILS TO DO SO AFTER NOTICE, PROVIDING FOR THE COLLECTION OF COSTS OF MOWING AND SETTING FORTH VIOLATIONS AND PENALTIES THEREFORE.

WHEREAS, the Pennsylvania Borough Code authorizes a borough council to enact ordinances to regulate maintenance of properties within the borough limits; and

WHEREAS, the Borough Council of East Prospect Borough has determined that the growth of grass and weeds above a certain height within the Borough limits is detrimental to the general health, safety and welfare of the citizens of the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of East Prospect Borough, York County, Pennsylvania, as follows:

Section 1. Short Title. This Ordinance shall be known as and may be cited as the East Prospect Borough Weed Control Ordinance.

Section 2. Findings & Purposes. The East Prospect Borough Council finds that the failure to cut and mow grass and weeds in residential, commercial and industrial areas of the Borough creates a nuisance; is harmful to the health and well-being of the residents of East Prospect Borough and is contrary to the general welfare to the residents of the Borough. Specifically, the failure to mow the grass and cut weeds in said areas:

- A. Creates a nuisance in that weeds are permitted to go to seed and spread to the lawns of neighbors;
- B. Creates a health hazard in that overgrown lawns and weeds contribute to the amount and spread of pollen, affecting those who suffer from allergies;
- C. Affects property values in non-agricultural areas;
- D. Creates danger of crime where unkept lawns may give rise to an assumption that the premises are unoccupied;

- E. Creates dangers in regard to property maintenance and health where tall grass and weeds near residences may hide garbage and debris which attracts rodents;
- F. Affects the public welfare by reflecting negatively on property maintenance, the citizens and the Borough.

Section 3. Height of Grass and Weeds Restricted.

- A. No person, firm, partnership, corporation or other entity owning or having an interest in any real estate within the East Prospect Borough shall permit any grass that is not edible nor planted for some useful or ornamental purpose to grow or remain on such premises, including any portion of the premises occupied by a street or alley, so as to exceed a height of three (3) inches. Where weeds or other vegetation are concerned, the height of such weeds and other vegetation shall be restricted to a height of six (6") inches except where such weeds or vegetation are not edible or are not planted for some useful or ornamental purpose.
- B. Any violation of such restrictions are hereby declared to be detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

Section 4. Responsibility. The owner of any such premises, whether occupied by the owner or lessee, tenant or other occupant, and the occupant thereof, in cases of the premises occupied by other than the owner thereof, shall have the duty to maintain grass, weeds and vegetation on the premises in compliance with this ordinance, and shall upon notice as provided herein, remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance. Both the owner and the occupant, where applicable, shall be responsible for the compliance with this Ordinance. The occupancy of the premises by a tenant, lessee or some party other than the owner shall, in no way, excuse owner from the duty to comply with this Ordinance.

Section 5. Notice. Whenever an owner or occupant has failed to comply with any term of this ordinance, the Borough at East Prospect shall give notice to owner and occupant, where applicable, to remove, trim, mow or otherwise cut the grass, weeds or vegetation to bring the same into compliance with this ordinance. Notice may be served by certified or registered mail or by posting the property at a conspicuous place. The notice shall provide that the owner and/or occupant shall bring the property into compliance within no less than five (5) business days of the date of the notice.

Section 6. Failure of owner or occupant to comply. Any person, firm, partnership, business, corporation or other entity who or which shall fail to mow the grass or cut said weeds and vegetation within five (5) business days after mailing of said letter or posting of said notice in accordance with the procedure specified herein shall, upon conviction hereof, be guilty of a

summary offense and shall be sentenced to pay a fine of not more than six (\$600.00) dollars, plus costs. Each and every day of continued violation shall constitute a separate offense.

Section 7. Borough's Right to Mow; Collection of Costs. In the event of the failure of the owner or occupant to mow the grass and cut or remove the grass, weeds and vegetation within five (5) business days of the notice specified herein, East Prospect Borough may have the grass mowed and weeds and vegetation cut and invoice the owner for the cost thereof plus an administration fee of ten (10%) percent. These costs and penalties shall be in addition to any fines for violations. Penalties may be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim or by any other procedure authorized by law.

Section 8. Legal Proceedings to Enforce Compliance. In addition to the fines for violations, costs and penalties provided for by this Ordinance, East Prospect Borough is hereby authorized to institute proceedings in the Court of Common Pleas of York County to require owners and/or occupants to comply with the provisions of this Ordinance.

Section 9. Costs Incurred by Borough. The costs of mowing, cutting or removal of grass, weeds or vegetation incurred by the Borough may be entered by the Borough as a lien against such property in accordance with existing provisions of law for the enforcement and collection of municipal claims.

Section 10. Enforcement Officer. The Borough Council of East Prospect shall appoint or designate, by Resolution, an Enforcement Officer whose responsibility it shall be to investigate, inspect and enforce all of the provisions of this Ordinance.

Section 11. Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

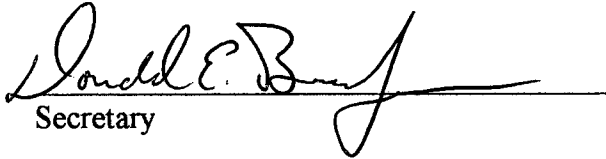
Section 12. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance. It is hereby declared as the intent of East Prospect Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 13. Effective Date. This Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED by the Borough Council of East Prospect Borough this
6 day of October, 2008.

ATTEST

BOROUGH COUNCIL OF
EAST PROSPECT


Secretary

 (SEAL)
President/Vice President

APPROVED this 6 day of October, 2008.


Mayor

U:\MUNICEASTPROS\ORDINANC\2008\GRASS AND WEED ORDINANCE.doc