

ORDINANCE NO. 418

**PARKESBURG BOROUGH
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF PARKESBURG BOROUGH, CHESTER COUNTY 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 THE BOROUGH OF PARKESBURG AT THE EXPENSE OF SUCH OWNER, PRESCRIBING PENALTIES FOR VIOLATIONS, ETC.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PARKESBURG, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1

- A. This Ordinance shall be known and may be cited as the “Parkesburg 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 Parkesburg.
- 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 Parkesburg.
- 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 Parkesburg.

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 Parkesburg, 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.

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 the written Notice required under this Ordinance, every additional day's violation of this Ordinance shall constitute a continuation of a 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 Parkesburg, 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 existing Ordinances of the Borough of Parkesburg, or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.
- C. The provisions of this Ordinance shall become effective thirty (30) days after its enactment.

Ordained and enacted by the Council of the Borough of Parkesburg in a Public Meeting held this 11th day of September, 1995.