

ORDINANCE NO. 2015-08

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, CHAPTER 86 THEREOF, ENTITLED "BRUSH, GRASS, AND WEEDS", BY AMENDING SECTIONS 86-1, 86-2, 86-3 and 86-6 THEREOF.

WHEREAS, Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend Sections 86-1, 86-2, 86-3 and 86-6 of Chapter 86 of the Code of the Borough of Greencastle to include the definition of "Owner", modify the listed violations, and provide additional enforcement remedies.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Council of the Borough of Greencastle and it is hereby ordained by authority of the same as follows:

SECTION I. Chapter 86, of the Code of the Borough of Greencastle, entitled "Brush, Grass, and Weeds", Section 86-1 entitled "Violations deemed nuisances" is hereby amended by replacing its contents with the following:

- A. For the purpose of this Chapter "Owner" shall mean any person, firm, partnership, association, trust, corporation, or other entity having any ownership interest in real property and any tenant, lessee, or occupant of real property.
- B. No Owner of any property within the Borough of Greencastle shall permit or cause the following to occur:
 1. 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, or upon the grass plot along the street or sidewalk abutting such premises in height in excess of ten (10) inches.
 2. Any weeds listed on the noxious weed control list set forth in Title 7, Chapter 110.1 of the Pennsylvania Code, as amended from time to time, to grow or remain upon such premises or upon the grass plot along the street or sidewalk abutting such premises.
 3. Any grass clippings, tree trimmings, hedge clippings or tree leaves, hereinafter referred to as "yard waste," to be placed into a public street or alley along the curblin in such a manner that the yard waste covers or could cover or enter the stormwater drainage system of the Borough of Greencastle.
 4. Dumping or hosing debris into the storm drain system.

- C. Any violation of any provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, comfort and welfare of the inhabitants of the Borough.

SECTION II. Chapter 86, of the Code of the Borough of Greencastle, entitled “Brush, Grass and Weeds”, Section 86-2 entitled “Height of vegetation restriction” is hereby amended by removing the contents thereof and marking the section as “RESERVED”.

SECTION III. Chapter 86, of the Code of the Borough of Greencastle, entitled “Brush, Grass and Weeds”, Section 86-3 entitled “Abatement of Nuisance” is hereby amended by replacing the contents thereof with the following:

The owner of any premises shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of 86-1.

SECTION IV. Chapter 86, of the Code of the Borough of Greencastle, entitled “Brush, Grass and Weeds”, Section 86-6 entitled “Violations and Penalties” is hereby amended by replacing the contents thereof with the following:

- A. Any owner who or which shall violate, fail, neglect or refuse to comply with the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$450 plus costs of prosecution and reasonable attorney fees and, in default of payment of such fine and costs, to imprisonment for not more than five days, provided that each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute an offense.
- B. The Code Enforcement Officer or his designee(s) and the Borough Police Officers are hereby duly authorized to issue a ticket in a form established by the Borough to any Owner violating the provisions of this Ordinance. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an Owner or occupant of the property or may be affixed to a door on the primary structure on the property where the violation exists fronting a right-of-way or otherwise conspicuously posted on the property. The ticket shall instruct such violator that if he, she or it reports to the Borough Office and pays to the Borough the sum of up to \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for each subsequent offense within a calendar year, within ten (10) days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the

violator in addition to the fine. In any event, if a ticket is not paid in full within ten (10) days of issuance, the official authorized to issue tickets shall issue a citation to the violator, or initiate other appropriate enforcement action.

- C. Officials authorized to issue tickets may, in their sole and absolute discretion, issue a citation or institute other appropriate enforcement action instead of a ticket.

SECTION V. REPEALER.

All ordinance or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed insofar as same affects this ordinance.

SECTION VI. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION VII. SAVINGS.

In all other respects, the Code of the Borough of Greencastle shall remain as previously enacted and ordained.

SECTION VIII. EFFECTIVE DATE.

This ordinance shall become effective immediately.

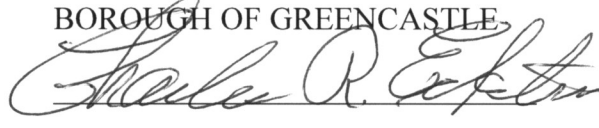
ORDAINED AND ENACTED as an ordinance of the Borough of Greencastle this
5th day of October 2015.

ATTEST

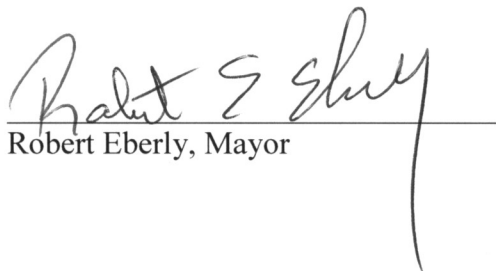


Ericka L. Faight, Secretary

BOROUGH OF GREENCASTLE



Charles Eckstine, Council President



Robert Eberly, Mayor