

FREEPORT BOROUGH Ordinance # 378

AN ORDINANCE RESTRICTING THE GROWTH OF WEEDS AND THE HEIGHT OF ALL GRASS WITHIN THE BOROUGH, SETTING THE PROCEDURES FOR ENFORCEMENT, AND ESTABLISHING FINES AND PENALTIES FOR ANY VIOLATION THEREOF.

The Borough of Freeport enacts the following:

Sec.1 DEFINITION. "Weeds" as used in this Ordinance shall include all rank vegetable growth which exhales unpleasant and noxious odors or pollen, and also rank vegetable growth which may conceal filthy deposits or serve as breeding places for mosquitoes or other insects. The "definition" shall also include grass at a height of eight (8) inches or more.

Sec.2 WEEDS UNLAWFUL AND A NUISANCE UNDER CERTAIN CONDITIONS.

No person owning or holding any real estate within the Borough shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereon to a height of eight (8) inches, or fail to cut and destroy such weeds and other undesirable vegetation when notified by the Borough to do so. Such growth of weeds or other undesirable vegetation is declared to be a nuisance injurious to the public interest and public health. This Ordinance is applicable to all properties, when occupied or unoccupied. The owner of the property is responsible for complying with this Ordinance. The Borough may exempt certain wooded areas, steep hillsides, industrial lots, and other parcels wherein weeds do not adversely affect the property of others and residents' health.

Sec.3 NOTICE OF VIOLATION AND ORDER TO CUT OR DESTROY WEEDS OR OTHER UNDESIRABLE VEGETATION.

When determined through investigation by the Borough that weeds and other undesirable vegetation exceeding the height specified in Section 1 hereof exist upon any land within the Borough, the Borough shall issue a notice of violation to the owner of such land by either personal delivery, telephone, certified mail, return receipt requested or by posting where the violation occurs. The notice of violation shall contain an order to cut or destroy the weeds or undesirable vegetation within five (5) days.

Sec.4 BOROUGH AUTHORIZED TO REMOVE, TRIM OR CUT WEEDS AT EXPENSE OF OWNER OR OCCUPANT AND CIVIL PENALTY.

Notwithstanding any provisions of this Ordinance, whenever there is violation of this Ordinance and same has not been rectified within five (5) days of the notice referred to in Section 3 herein the Borough, through its agents, personal or contractors is authorized to rectify the violation. The full cost of rectifying the violation plus an additional administrative fee equal to 10% of said cost shall be collected from the owner/owners. If the owner/owners fail to pay said sum the Borough Solicitor is authorized to place a municipal lien on the property and thereafter collect same plus interest at the rate of 6% per annum as provided by law. Such amount may be charged

in addition to any fine or penalty imposed hereof upon conviction of violating this Ordinance. In addition to the remedies stated herein the Borough may pursue a Civil Action against said violator to collect said sums.

Sec. 5 PENALTY FOR VIOLATION.

Any person who shall violate or fail, neglect or refuse to comply with any provision of this Ordinance shall be guilty of a violation, and for each and every such violation, upon conviction thereof, shall be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 plus costs of prosecution. Each day of a violation shall be a separate offense.

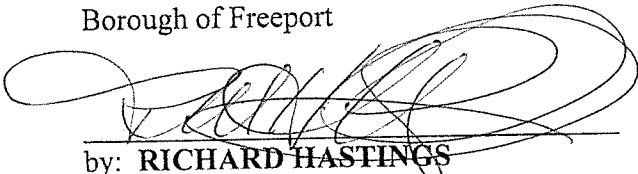
Sec.6 SEVERABILITY

If any part of this Ordinance is declared invalid, such decision shall not affect or impair the remaining parts.


Sec.7. THIS ORDINANCE SUPERSEDES any prior Ordinance addressing weed and vegetation growth.

ORDAINED and ENACTED this 4th day of April, 2016.

Borough of Freeport


by: **RICHARD HASTINGS**
President of Council

ATTEST:


CAROL CRYTZER
Borough Secretary

Approved as to form and substance:


JAMES SWARTZ, Mayor