

CHAPTER 22

NUISANCES (HIGH GRASS)

BOROUGH OF WYALUSING
ORDINANCE NO. 22

AN ORDINANCE CHAPTER NO. 22, NUISANCES, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate Nuisances (High Grass) as authorized under the Borough Code found at 53 P.S. § 46202, Specific powers.

(6) Health and cleanliness regulations. To make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the borough.

The Borough of Wyalusing hereby ordains and enacts as follows:

ARTICLE I
Weeds and Leaves

§ 1. WEEDS.

From and after the passage of this article, it shall be unlawful for any person, firm or corporation owning or having a present interest in any real estate in the Borough of Wyalusing to permit weeds and similar vegetation not edible or planted for some useful or ornamental purpose to grow higher than 12 inches or to the height at which the vegetation goes to seed, whichever is less, on the premises owned by them in the Borough of Wyalusing, and all such vegetation is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the borough.

§2. LEAF DISPOSAL.

From and after the passage of this article, it shall be unlawful for any person, firm or corporation owning or having a present interest in any real estate in the Borough of Wyalusing to permit the following:

(1) Place or cause to be placed, thrown or maintained in or near any of the highways of the Borough any liquid or solid vegetable or animal matter that will decay or become offensive, or which will render offensive any of the drains, streams or sewers within the Borough.

(2). Place or cause to be placed, thrown or maintained in the highways of the Borough any grass clippings, leaves, branches which will decay and which will impede water flowing into the drains, streams, or storm sewer systems within the Borough.

(3). Place or cause to be placed, thrown or maintained in or near the highways of the Borough any leaves and branches in the street during the annual fall leaf pick-up. Said leaves and vegetative debris shall be placed on the area between the sidewalk and the curb that were to be picked up by the Borough Department of Public Works. In the event there is no area between the sidewalk and the curb, then the leaves may be placed at the curb line. However, the leaves may not be placed in the street.

§3. BOROUGH CLEAN UP.

If the property owner, after receipt of a five (5) day notice to cut the high grass or remove the leaves in the street, fails to cut the high grass, or remove said leaves, the Borough shall cut said grass and remove the leaves and file a lien for the cost of said services as a municipal lien against the property owners real estate together with a 10% surcharge and the cost of filing said lien. The property owner may also be liable for attorney's fees for the collection of said lien.

It shall be permissible for leaves to be placed in bags on the curbside. In the event the borough utilizes a leaf pick-up machine, the Borough will advertise that the leaves do not have to be bagged.

§4. EXEMPTION FOR AGRICULTURAL DISTRICT

It shall be permissible for weeds and similar vegetation not edible or planted for some useful or ornamental purpose to grow higher than 12 inches in height in the Agricultural District.

§5. SIDEWALKS TO BE CLEARED OF SNOW.

Snow removal on sidewalks shall be the responsibility of tenant and/or property owner.

(1) It will be the responsibility of each tenant and every property owner within the Borough to clear or have cleared any accumulation of snow and ice from sidewalks adjoining their property within a twenty-four-hour period after each accumulation occurs. The twenty-four-hour time period shall begin after the period of precipitation ends.

(2) A person or person shall not plow, snow blow, or shovel accumulations into the street or right-of-way.

(3) A person or persons shall not pile accumulations of snow or ice in the vicinity of a fire hydrant.

B. The Wyalusing Borough Ordinance Enforcement Officer or Borough designee may issue to any person or other alleged violator of §5(A)(1) a notice of intent to take action because of an alleged violation of §5(A)(1). A person or other alleged violator receiving said notice may avoid other legal action by performing what is necessary to comply with this §5(A)(1) within 24 hours of receiving this notice and by paying the minimum fine as prescribed in §6(B) to the Office of Wyalusing Borough within 24 hours of receiving the notice or before 11:00 a.m. when the Borough Office reopens should the Office be closed at the end of the twenty-four-hour period. This provision in this subsection shall not be construed as requiring that notice be given prior to taking any action as prescribed by §5(C).

C. Failure to comply.

If any tenant or property owners, including commercial and public establishments, fail to comply with the snow removal as set forth above, the Borough may use its employees and equipment to clear the accumulations and levy a charge based on the prevailing wage scale and prevailing rate per hour charged by local individuals using their own equipment for snow removal purposes. Computation of charges shall be based on portal-to-portal time. Should any bill or bills for clearing of snow and/or ice accumulations remain unpaid on or before the first day of June of each year, a penalty of 10% shall be added to such bills, and a lien may be filed against the premises in the same manner as other municipal claims are filed or other appropriate legal action may be taken against the property owner.

§6. VIOLATIONS AND PENALTIES.

A. Any violations of this article may be corrected by the Ordinance Enforcement Officer or other persons designated by the Council, and the cost of removing said nuisance and a ten-percent surcharge, together with the penalties provided by law, shall be collected by municipal lien or by an action of assumpsit or any such manner as may be provided by law, together with Attorney fees as provided by ordinance.

B. Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this article shall, upon conviction, be sentenced to pay a minimum fine of \$25 for failure to remove the snow within a twenty-four (24) hour period after each

accumulation occurs provided the property owner removed the snow prior to the Borough employees removing the snow.

C. Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution and, in default of payment of such fine and costs, be imprisoned for a term not exceeding 30 days.

THIS ORDINANCE shall take effect immediately upon adoption.