

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 546

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PERTAINING TO THE MAINTENANCE OF ALL PROPERTIES WITHIN THE BOROUGH AS TO CUTTING OF GRASS, WEEDS AND/OR OTHER VEGETATION; REQUIRING THE TIMELY REMOVAL OF SNOW FROM SIDEWALK AREAS; REPEALING ORDINANCES NOS. 198, 219, 331 465, AND 466 AND ANY AND ALL OTHER, PRIOR ORDINANCES OR PARTS OF PRIOR ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of California has the power and duty to adopt any and all Ordinances deemed necessary pursuant to 8 Pa. C.S.A. § 1202; and,

WHEREAS, the Borough Council of the Borough of California has determined it to be in the best interest and general welfare of the residents of the Borough to update and to combine existing Borough Ordinances to provide for more regulations of these property maintenance issues and to increase the penalties for violation of said regulations.

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

SECTION 1. CUTTING OF GRASS, WEEDS AND/OR OTHER VEGETATION.

1. Any person, firm, partnership and/or corporation, owning property within the Borough of California, shall as provided in this Ordinance, trim or cut all grass or weeds or other vegetation whatsoever, which is not planted or used for agricultural or ornamental purpose.
2. No such person, firm, partnership and/or corporation shall permit to grow upon property owned by him, her and/or it any grass, weeds, or other vegetation that emits any unpleasant or noxious odor or which does conceal any filthy deposit.
3. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

4. The owner of a property shall remove, trim or cut to a height of four (4) inches or less, all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance in accordance with the following minimum schedule: at least one time prior to May 31st of each year; at least one time between July 16th and August 31st of each year; and at least one time between September 1st and the end of the growing season. However, at no such time shall any property owner permit any grass, weeds, or other vegetation to grow on his property to a height in excess of six (6) inches.
5. The Borough Council shall give notice by publication in the local newspaper, at least one time during the months of April or May of each year, of the dates established for cuttings.
6. The Borough Council or any officer or employee designated thereby for this purpose, is hereby authorized to give notice, by personal service, by United States mail or by posting the property, to the owner of any premises whereon grass, weeds, or other vegetation growing or remaining in violation of the provisions of this Ordinance and directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within five (5) days after the issuance of such notice.
7. In the instance when any person, firm or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by Pennsylvania law, may be collected by the Borough from such person, firm or corporation, in the manner provided by Pennsylvania law, including filing a lien(s) against the property.
8. The owner of a property shall be responsible for conforming to the requirements of this section whether such property is occupied by owner; is occupied by a tenant and/or tenants, or is unoccupied / vacant.

SECTION 2. REMOVAL OF SNOW FROM SIDEWALK AREAS.

1. Any person, firm, partnership or corporation owning any property within the Borough shall remove all accumulation of snow or ice from the sidewalk within 24 hours after the ceasing of the snowfall or ice storm, or the formation of ice.
2. No person, firm or corporation shall deposit or cause to be deposited any snow, ice, hail, or sleet upon any plowed portion of a Borough street or road.
3. The Borough Council or any officer or employee of the Borough designated thereby for the purpose is hereby authorized to give notice by personal service, by United States Mail or by posting the property, to the owner of any premises informing the owner that he/she is in violation of the provisions of this Section, and ordering said owner to immediately comply with such notice.

4. In the instance when any person, firm or corporation shall neglect, fail or refuse to remove all accumulation of snow or ice from the sidewalk within 24 hours after the ceasing of the snowfall or ice storm, or the formation of ice, the Borough authorities may clear the premises of all snow and ice, and the cost thereof, together with any additional penalty authorized by Pennsylvania law, may be collected by the Borough from such person, firm or corporation, in the manner provided by Pennsylvania law, including filing a lien(s) against the property.
5. The owner of a property shall be responsible for conforming to the requirements of this section whether such property is occupied by owner; is occupied by a tenant and/or tenants, or is unoccupied / vacant.
6. Notwithstanding Section 2, Paragraph 5 herein, where the property in question is a multiple-business or multiple-dwelling property and each occupant or tenant has his or her own individual frontage, each occupier or tenant shall also, in addition to the owner, be responsible for conforming to the requirements of this section.

SECTION 3. PENALTIES FOR VIOLATION.

Any person, firm, partnership or corporation that shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance, shall, upon conviction of a summary offense by a Magisterial District Judge be fined not less than \$100.00 nor more than \$500.00 for each offense and shall be ordered to pay to the Borough any costs incurred by the Borough as provided by this Ordinance, together with the costs of this action, including attorney's fees, and in default of payment thereof, be committed to the Washington County Correctional Facility for a period not to exceed ninety (90) days.

Each day that a violation continues shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense as contemplated under this Ordinance.

SECTION 4. REPEAL OF PRIOR ORDINANCES.

California Borough Ordinance Numbers 198, 219, 331, 465 and 466 are specifically repealed by this instant Ordinance, and, further, any and all other prior ordinances or parts of ordinances in conflict with the terms and conditions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 5. SAVINGS CLAUSE.

Should any section of this Ordinance be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Borough Council hereby declares that it would have passed this Ordinance, and each section thereof, irrespective of the fact that any one or more sections are subsequently declared unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption of this Ordinance by the Borough Council of the Borough of California.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this _____ day of _____, 2014.

ATTEST:

BOROUGH OF CALIFORNIA

Borough Secretary

By: _____
President of Council

EXAMINED AND APPROVED by me this _____ day of _____,
2014.

BOROUGH OF CALIFORNIA

By: _____
Mayor