

ORDINANCE NO. 2014- 2

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD REQUIRING
THE MOWING OF GRASS, WEEDS, AND VEGETATION, AND
PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Council of the Borough of Rockwood has deemed it appropriate to provide for the general health, welfare, and safety of the residents of Rockwood Borough by enacting this ordinance to require the mowing of grass, weeds, and vegetation;

NOW THEREFORE, be it ORDAINED and ENACTED by Rockwood Borough Council, and is hereby ORDAINED and ENACTED by the authority of the Borough Council as provided for in the Borough Code, as follows:

SECTION 1. SHORT TITLE:

This Ordinance may be referred to as the “Rockwood Borough Mowing Ordinance.”

SECTION 2. PROHIBITED CONDUCT:

No person, firm, partnership, or corporation owning or occupying any real property within the Borough of Rockwood shall permit any grass or weeds, or any vegetation whatsoever, not edible or planted for some useful or ornamental purposes, to grow or remain on such premises to a height in excess of six (6) inches above the ground, between May 1 and October 31 of any year. Any such grass, weed, or vegetation is hereby declared to be a nuisance and detrimental to the health, safety, and comfort of the inhabitants of the Borough.

SECTION 3. RESPONSIBILITY OF OWNERS AND OCCUPANTS:

The owner of any such premises, whether occupied by the owner or not, and the occupant thereof in case of premises occupied by other than the owner thereof, shall remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance. Both the owner and the occupant, in the case of premises occupied by other than the owner, shall be responsible for the compliance with this Ordinance.

SECTION 4. ACTION OF BOROUGH UPON FAILURE OF OWNER/OCCUPANT:

In any case where the owner or occupant as aforesaid shall fail, neglect or refuse to comply with any of the provisions of this Ordinance, the Borough Council may cause the officers or employees of the Borough to mow said grass, weeds, or vegetation as may be reasonably necessary to comply with the provisions of this Ordinance and to collect the costs and expenses thereof, with any additional amount allowed by law, from such owner and/or occupant, as the case may be, in addition to any fine or penalty imposed under this Ordinance, provided the Council shall first notify such owner and/or occupant, as the case may be, that unless such mowing is completed within five (5) days from the giving of such notice the Borough may mow or cause the same to be mowed and the costs, expenses and penalty aforesaid collected. If the owner and/or occupant, as the case may be, is a resident of the Borough, notice shall be given by posting on the property, by handing the notice to the owner or occupant, if possible, and by mailing the same to the

owner by regular mail addressed to the last known address of the owner/occupant; if the owner/occupant, as the case may be, is a non-resident of the Borough, and his whereabouts is known, such notice shall be given by posting the property and by mailing the same by regular mail at the last known address of the owner/occupant; if the whereabouts of such owner and/or occupant, as the case may be, is unknown, the Borough may proceed to mow or cause to be mowed such grass, weeds, or vegetation and to collect the costs, expenses, and penalty as aforesaid without giving notice. The costs and expenses of the Borough for mowing shall be determined from time to time by action of council. The costs and expenses may be collected in any manner allowed by law, to include the filing of a municipal lien.

SECTION 5. PENALTIES:

Enforcement against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the notice given, or otherwise fails to comply with the Ordinance, as aforesaid, shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine shall be in an amount not less than One Hundred and 00/100 (\$100.00) Dollars and not more than One Thousand and 00/100 (\$1,000.00) Dollars for each violation. Additionally, imprisonment may be imposed to the extent allowed by law for the punishment of summary offenses. Any person or entity found guilty of violating this Ordinance may be assessed court costs and reasonable

attorney fees incurred by the Borough in any enforcement proceedings.

Each day the violation continues after notice has been given shall be considered a separate offense allowing the filing of a separate citation, for the purpose of assessing fines and penalties. Once notice has been properly given for a violation, the notice continues to support each separate offense and citation until the violation is corrected; it is intended that a fresh notice need not be given before each citation in cases of a continuing violation.

SECTION 6. PROSECUTION NOT EXCLUSIVE REMEDY:

The choice by the Borough of Rockwood to initiate summary proceedings against any person, firm, partnership, corporation or other entity, who or which fails to comply with the terms of this Ordinance shall not serve as the exclusive remedy, and the Borough retains all rights provided by law to pursue other remedies including actions in equity or otherwise in the Court of Common Pleas, which actions would include the collection of all costs of Rockwood Borough for actually mowing or cutting any grass, weeds, or vegetation, and any other remedies allowed by law, to include all court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings.

SECTION 7. ENFORCEMENT OFFICER:

This Ordinance shall be enforced by officers of the Rockwood Borough Police Department, and/or by an enforcement officer appointed by proper resolution of Borough Council. It is the specific intention of Borough Council that enforcement may be

conducted both by the Rockwood Borough Police Department and by a duly-appointed enforcement officer, in the discretion of Council.

SECTION 8. SEVERABILITY AND REPEALER:

If any provision or portion of this Ordinance, for any reason, is found to be unconstitutional, illegal, or invalid by a Court of appropriate jurisdiction, such decision shall not affect or impair the validity of any of the remaining portions or parts of this Ordinance. It is hereby declared that the intent of Rockwood Borough is that this Ordinance would have been adopted even if such provisions or parts found to be unconstitutional, illegal, or invalid had not been included in the original Ordinance. Any and all Ordinances inconsistent herewith are hereby repealed, to specifically include Ordinance No. 2008-3 as had been adopted April 15, 2008.

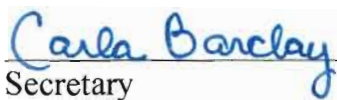
SECTION 9. EFFECTIVE DATE:

This Ordinance shall be effective immediately upon enactment.

ADOPTED this 19th day of August 2014.

Attest:

ROCKWOOD BOROUGH:


Secretary


President of Council

APPROVED this _____ day of _____ 2014.


Mayor