

**AN ORDINANCE REPEALING ORDINANCE NO. 3-2014
AND ADOPTING IN ITS PLACE THIS ORDINANCE WHICH SHALL BE KNOWN AS
THE RIMERSBURG GRASS, WEED, BRANCH AND TREE ORDINANCE**

ORDINANCE NO. 4-2017

WITNESS:

WHEREAS, the Borough of Rimersburg believes that the health, welfare and quality of life within the Borough would be enhanced if all property owners maintained their property in neat, safe and orderly fashion; and

WHEREAS, the Borough Council desires to adopt this Ordinance to replace Ordinance 3-2014; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL FOR THE BOROUGH OF RIMERSBURG, and enacted by the authority of the same as follows:

ARTICLE I. Definitions

All words and phrases shall be defined according to their normal and common usage unless otherwise identified herein.

“Property” or “Premises”, for the purpose of this Ordinance, shall be construed to include the area under the control of the owner located between the improved portion of the street and the property line commonly identified as the street right-of-way.

“Street” shall include the terms alley, place, way, drive, road, or similar term but not a driveway, private drive, or private right-of-way.

“Vegetation” shall be defined as and shall include, but shall not be limited to, any grass, weeds, flowers, plants, flowering plants, bushes, flowering bushes, or any other growth commonly identified as vegetation.

ARTICLE II. Growth of Vegetation Restricted

No person, firm or corporation or representative of any firm or corporation, owning and/or occupying any property within the Borough of Rimersburg, shall permit any brush, grass, weeds, or any vegetation whatsoever, not planted or grown for an ornamental purpose, to grow or remain upon such property so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor or to conceal any filthy or hazardous condition or produce pollen or

encroach on the public sidewalks so as to diminish any portion of the full width of said sidewalk or to cause an unsafe condition such as a trip hazard or slippery surface upon such sidewalk. Any brush, grass, weeds, or other vegetation growing upon any property within the Borough in violation of the provisions of this section is hereby declared to be a nuisance to the public and detrimental to the health, safety, welfare and comfort of the inhabitants of the Borough of Rimersburg.

ARTICLE III. Minimum Tree Clearance Above Streets and Sidewalks

All trees on or adjacent to public streets or sidewalks in the Borough of Rimersburg shall not extend lower than seventeen (17') feet above the street or eight (8') feet above the sidewalk adjacent thereto.

ARTICLE IV. Hazardous trees

The owners of hazardous, dead or decaying trees, which if they were to fall could land on a public sidewalk or a public street shall, upon written notice from Rimersburg Borough, remove said tree or trees at the owner's expense.

ARTICLE V. Roadside Management, Tree Trimming and Selective Thinning and Removal

It is the duty of the property owner to remove from the property any tree, plant, shrub or other similar obstruction, or part hereof, which obstructs the view of any driver, on any roadway within Rimersburg Borough and constitutes a traffic hazard. When the Borough determines that a traffic hazard exists, it shall notify the owner of the property to remove the hazard.

ARTICLE VI. Responsibility

Section 1. The owner and the occupant thereof shall be jointly responsible for the removal, cutting and/or trimming of all brush, grass, weeds or other vegetation growing or remaining upon such property or premises in violation of the provisions of this Ordinance. Notwithstanding anything set forth in this Ordinance, the owner may assign his/her or its obligations described herein to his/her/its tenant or tenants; provided, however, the owner shall be solely responsible for all violations and penalties provided by this Ordinance as it relates to vegetation.

Section 2. The owner shall be solely responsible for a violation of Articles III, IV, and V above.

ARTICLE VII Notice of Violation

Section 1. The Council, or any officer or employee designated by Borough Council, or the Chief of Police (or the head supervisor of the entity providing police services to the Borough of Rimersburg), shall give notice by personal service or by Certified U.S. Mail, return receipt requested to both the owner and to the occupant, when the occupant is known, identifying any premises whereon any brush, grass, weeds, or other vegetation is growing or remaining in violation of the provisions of this Ordinance, directing and requiring such owner and occupant remove, cut and/or trim such brush, grass, weeds, or other vegetation so as to conform to the requirements of this Ordinance within five (5) days of the date of issuance of such notice. Failure to continue maintenance by cutting and/or trimming the brush, grass, weeds and other vegetation identified in said notice on a regular basis shall not require additional notice of violation applying to the same property or premises.

Section 2. The Council, or any officer or employee designated by Borough Council, shall give notice by personal service or by Certified U.S. Mail, return receipt requested to the owner to cut down and remove all trees which violate Article III or IV of this Ordinance within twenty (20) days of receipt of written notice or such lesser time if it is determined that a tree creates a realistic threat of injury to person or property.

Section 3. In the event that notice required to be sent pursuant to Section 2 of this Article shall be returned undelivered, then, in such case, the notice shall be sent by First Class U.S. Mail to the same address as the certified mail was sent, which shall be deemed to constitute service.

ARTICLE VIII. Penalties

Section 1. In the event that the owner or the person in control of the property fails to remove or abate a violation within five (5) days after having been sent the notices described in Article VI, the Borough shall have the right, but not the obligation, to remove and/or abate the violation and collect from the owner and the person in control of the property upon which the violation exists the following: the cost of the removal or abatement; an additional ten percent (10%) of the costs to reimburse the Borough for its administrative expenses; and the Borough's reasonable legal fees associated with action to remove or abate the violation.

Section 2. If the owner of the property upon which a violation is situated, or the person in control of that property, fails to comply with the instruction to remove or abate a violation as directed pursuant to Articles I-VI, above, then in such case the costs set forth in Section 1 of this Article shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

Section 3. Notwithstanding anything set forth in this Ordinance involving civil penalties and costs of removing or abating a misdemeanor, any person, firm, or corporation which violates this Ordinance, upon conviction by a magistrate having jurisdiction thereof, shall be guilty of a

summary violation and upon conviction thereof shall pay a fine of One Hundred (\$100.00) Dollars. Each day that the violation continues shall constitute a separate offense.

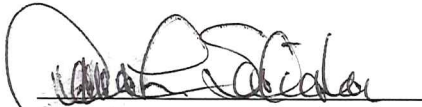
ARTICLE IX. Repealer.

This Ordinance specifically repeals Ordinance 3-2014 and any other provision of an ordinance which is contrary to, or inconsistent with this Ordinance.

DULY ENACTED AND ORDAINED this 2nd day of October, 2017.

ATTEST:


RIMERSBURG BOROUGH


Secretary


President

(Municipality Seal)

Approved this 2nd day of October, 2017.


Mayor of Rimersburg Borough
Clarion County

