

ORDINANCE NO. 459

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, RESTRICTING THE HEIGHT OF VEGETATION; REQUIRING THE CUTTING AND REMOVING OF WEEDS, BRUSH, GRASS AND OTHER VEGETATION FROM UNKEPT PROPERTIES; AUTHORIZING SUCH CUTTING AND REMOVAL BY THE BOROUGH; PROVIDING FOR REMEDIAL ACTION BY THE BOROUGH IN SPECIFIED SITUATIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BACKGROUND

WHEREAS, The Borough of Leesport desires to regulate unkept properties for weeds, brush, grass and vegetation within the Borough limits.

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the “Leesport Borough Unkept Properties Ordinance”.

SECTION 2. Unkept Properties as Nuisance: All properties not kept from excessive weeds, brush, grass and other vegetation as provided for in this Ordinance are hereby declared to be a nuisance and detrimental to the health, safety and comfort of the citizens of this Borough.

SECTION 3. Definition. The word “person” shall mean any natural person, trust, partnership, association, firm, corporation or other entity.

SECTION 4. Standards for Weeds, Brush, Grass and Other Vegetation:

(a) No owner, occupant or lessee of real estate in the Borough shall permit or allow to grow in height in excess of six inches (6”), any weeds, brush, grass, or other vegetation which is not edible or planted for some useful or ornamental purpose upon the land owned, occupied or leased by such person.

(b) All such weeds, brush, grass or other vegetation which is not edible or planted for some useful or ornamental purpose in excess of six inches (6”) in height shall be cut and removed by the owner, occupant or lessee of such real estate.

(c) It shall be unlawful for any owner, occupant or lessee of the real estate as set forth above, not to cut or remove any weeds, brush, grass or other vegetation which is not edible or planted for some useful or ornamental purpose, which exceeds six inches (6”) in height.

SECTION 5. Enforcement Procedures: The Code Enforcement Officer or the Mayor of Leesport Borough may give written notice to any owner, occupant or lessee of or other person having an interest in real estate which has weeds, brush, grass or other vegetation in excess of six inches (6”) in height which is not edible or planted for some useful ornamental purpose, to cut and/or remove said weeds, brush, grass or other vegetation in compliance with this Ordinance.

The written notice may be personally delivered to the owner, occupant or lessee of or other person having an interest in the real estate or sent by certified mail to the last known address of such person. Notification by hand delivery shall include affixing a written notice of violation to the front door (or main entry door) of the residence or office of any owner, occupant, or other responsible person charged with violating the provisions of this Ordinance. Said notice shall:

(a) Direct and require the removal of the condition, or the trimming or cutting of such grass, weeds, brush, or other vegetation, so as to conform to the requirements of this Ordinance, within ten (10) days after the issuance of such notice.

(b) Notify such owner, occupant, or lessee that he/she is in violation of the provisions of this Ordinance and that if he/she shall pay a penalty in the amount determined by Resolution of Borough Council at the Borough Office, 27 S. Canal Street, Leesport, PA, within ten (10) business days of the date of issuance of the notice of violation, such penalty shall be deemed as and shall constitute the full penalty for that violation. Any person charged with a violation of the provisions of this Ordinance for a second time during a single growing season shall pay a penalty determined by Resolution of Borough Council for a second violation. Any person charged with a third or subsequent violation of the Ordinance during a single growing season shall pay a penalty determined by Resolution of Borough Council for violation for the third and each subsequent violation. For the purposes of this Ordinance, a growing season shall be deemed to be that period each year between April 1st and October 31st.

(c) Any person notified of a violation of this Ordinance who fails to trim or cut his/her grass, weeds, shrubs or other vegetation so as to conform with the requirements of this Ordinance, who fails to remove this cited condition, or who fails to make payment in full of the penalty imposed for violation within ten (10) business days of the date of issuance of the notice of violation shall, upon summary conviction before a District Magistrate, be subject to a fine not exceeding \$600.00 plus costs. Each day’s violation shall be a separate offense under this Ordinance.

(d) If the owner, occupant, lessee of, or other person having an interest in the real estate fails or refuses to comply with the notice to remove a condition or to trim or cut his/her grass, weeds, shrubs, or other vegetation within the period of time stated in the notice described above, the Borough may, or hire someone to remove the condition, or trim or cut such grass, weeds, shrubs or other vegetation. In that event, the cost thereof,


together with an additional penalty of 10%, may be collected by the Borough from the person who is the record owner of the property, in the manner provided by law.

SECTION 6. Repealer. All Ordinances, including, but not limited to Ordinance No. 366 enacted the 20th day of September, 1995, or parts of Ordinances expressly inconsistent herewith, or dealing with the same or similar subject matter of this Ordinance, are expressly repealed.

SECTION 7. Effective Date. This Ordinance shall take effect immediately after the adoption by the Council and approval by the Mayor.

ORDAINED and ENACTED as an Ordinance by the Council of the Borough of Leesport, Berks County, Pennsylvania, at a meeting held on the 20th day of July, 2016.

BOROUGH COUNCIL OF THE BOROUGH OF
LEESPORT, BERKS COUNTY, PENNSYLVANIA



President

Member

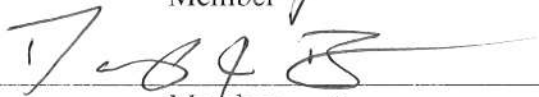
Member



Member



Member



Member



Member

Attest: 

Secretary

Approved as an Ordinance of the Borough of Leesport this 20th day
of July, 2016.


Mayor