

NEW BETHLEHEM BOROUGH,  
CLARION COUNTY, PENNSYLVANIA

**Ordinance No. 871**

**AN ORDINANCE OF THE BOROUGH OF NEW BETHLEHEM,  
CLARION COUNTY, PENNSYLVANIA, REGARDING THE RESPONSIBILITY  
OF OWNERS AND OCCUPIERS OF PROPERTY TO MAINTAIN  
VEGETATION AND CONTROL DRAINAGE ON THEIR PROPERTIES**

**WHEREAS**, overgrown grass, weeds, dead trees and other vegetation and erosion and accumulation of stagnant water have been found to be a nuisance, detrimental to the health, safety, cleanliness and comfort of the citizens of the Borough of New Bethlehem;

**WHEREAS**, it is in the best interests of the citizens of New Bethlehem Borough to establish an ordinance regarding the responsibility of owners and occupiers of property to maintain the height of all grass, weeds and other vegetation on their properties and to control drainage, then,

**BE IT ORDAINED BY THE COUNCIL OF NEW BETHLEHEM  
BOROUGH, CLARION COUNTY, PENNSYLVANIA:**

**Section 1. Unrestricted Plant Growth Prohibited.** It shall be the duty of every owner or occupant of real estate within the Borough at all times to cut, destroy and remove noxious or poisonous weeds or other vegetation detrimental to public health, such as, without limitation ragweed and poison ivy, and to mow the grass and other weeds on their respective lots, and in the lawn space adjacent to curb lines along the front, rear and side lot lines thereof, so that grass, weeds, or other vegetation that is not planted for some useful or ornamental purpose, shall not grow above the height of six (6) inches.

**Section 2. Clearance over public rights-of-way.** All trees shall be kept trimmed so that the minimum height clearance where they overhang any public walk shall be at least seven (7) feet, and the minimum clearance where they overhang or project into any public street, alley or highway right-of-way shall be at least eleven (11) feet. All trees, plants or shrubs standing on private property and having branches projecting into or over a public sidewalk or right-of-way shall be kept trimmed by the owner or occupant of such private property so as to allow clear pedestrian passage.

**Section 3. Grading and Drainage.** All exterior property areas shall be graded and maintained to prevent the severe erosion of soil that may cause damage to adjoining property. All exterior property areas shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon, and/or so as to prevent the creation of a breeding ground for insects upon any property in the Borough.

**Section 4. Removal of Dead and Diseased Trees.** Borough Council, its authorized representative or the Shade Tree Commission, if any, may require the owner or occupant of any property to cut and remove trees thereon afflicted with a disease which threatens to injure or destroy shade trees in the Borough or which trees are dead or in such a condition that they may cause injury or property damage, by giving such owner or occupant of the property on which such trees are located thirty (30) days' written notice to remove such trees.

**Section 5. Responsibilities of Owners and Occupants and Declaration of Nuisance.**

It shall be the responsibility of the owner of any property, as to vacant property or property occupied by the owner, and both the owner and the occupant of any property, unless otherwise provided by written and signed lease agreement, as to property occupied by parties other than the owner thereof, on or after the effective date hereof, to comply with the provisions of this Ordinance. Violation of the provisions of Sections 1 through 4 of this Ordinance is hereby declared to be a nuisance, detrimental to the health, safety, cleanliness and comfort of the citizens of the Borough.

**Section 6. Notice; Maintenance by Borough; Recovery of Costs.** The Borough Council, or any officer or employee of the Borough designated by the Borough Council, is authorized to give notice, by personal service or by the United States mail, to the owner or to the owner and occupant, or, in the event the property is unoccupied, by leaving written notice publicly displayed upon such property and by sending notice to the last known address of the owner or reputed owner, for property in violation of the provisions of this Ordinance, directing and requiring such owner and/or occupant to comply with this Ordinance within seven (7) days after issuance of such notice as to Section 1 and within thirty (30) days after issuance of such notice as to Sections 2 through 4. In the event of inclement weather, the seven (7) or thirty (30) day period may be reasonably extended at the discretion of the Borough Council or such person authorized by the Borough Council to give notice of the violation.

**Section 7. Failure To Comply; Remedy By Borough.** If the owner or owner and occupant shall neglect, fail or refuse to comply with such notice within the specified time period, Borough authorities or their authorized agents may correct the violation. The Borough shall immediately thereafter be entitled to recover the costs of such removal, plus a 10% administrative fee, from the owner, lessee or occupant in the manner provided by law for the collection of municipal claims, including by suit and/or municipal lien.

**Section 8. Legal Proceedings To Force Compliance.** In addition to the other penalties provided by this Ordinance, the Borough may institute proceedings in courts of law or equity to require owners or occupants of real estate within the Borough to comply with the provisions of this Ordinance. The Borough shall be entitled to recover attorney's fees and all costs associated with any legal proceedings in courts of law or equity.

**Section 9. Penalty for Violations and Lien.** Any owner or owner and occupant, as to property occupied by parties other than the owner thereof, who shall neglect, fail or refuse to comply with the notice described in the provisions of this Ordinance shall, in

addition, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), plus the costs of prosecution. Each seven day period of violation as to Section 1 and each thirty day period as to Sections 2 through 4 shall constitute a separate and distinct offense. The costs of removal, fine and penalties hereinabove mentioned may be entered by the Borough as a lien against property in accordance with existing provisions of law.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 18th day of July, 2006.

NEW BETHLEHEM BOROUGH

By: s/Gary D. Shea  
President of New Bethlehem Borough Council

ATTEST:

Richard D. McGarrity  
Secretary

The foregoing Ordinance of New Bethlehem Borough is hereby approved by the Mayor of New Bethlehem Borough on the 18<sup>th</sup> day of July, 2006.

By: s/ Tom Seidle  
New Bethlehem Borough Mayor