BOROUGH OF SEVEN FIELDS, BUTLER COUNTY

BRUSH, GRASS AND WEEDS ORDINANCE NO. 31

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GENERAL REFERENCES

Collection and disposal of solid waste - Borough Ordinance No. 19
Maintenance of roads - Borough Ordinance No. 26
Tree protection - Borough Ordinance No. 32

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, REGULATING THE GROWTH AND MAINTENANCE OF BRUSH, GRASS AND WEEDS; AND ESTABLISHING STANDARDS, THEREFORE; CONFERRING CERTAIN POWERS ON THE MEMBERS OF BOROUGH COUNCIL AND THEIR DESIGNATED ADMINISTRATOR; EXCEPTIONS; AND, IMPOSING FINES AND PENALTIES.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Seven Fields and it is hereby ordained and enacted by and with the authority of the same:

ARTICLE 1 - TITLE, PURPOSE, VALIDITY

SECTION A. This Ordinance shall be known as the "Borough of Seven Fields Brush, Grass and Weeds Ordinance."

SECTION B. The purpose of this Ordinance is to ensure that the owners of all property, excluding certain exceptions, will maintain the growth of brush, grass, weeds, and other vegetative growth in such a manner to ensure the health, safety and welfare of the residents of the Borough of Seven Fields.

SECTION C. If any Section, Sub-section, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 2 - DEFINITIONS

(1) Administrator -- The qualified individual designated from time to time by the Borough Council to act for the Borough of Seven Fields under this Ordinance.

(2) Borough -- The Borough of Seven Fields.

(3) Owner -- That person, company, public entity, or corporation in whose name the property is recorded by deed in the Butler County Office of the Recorder.

ARTICLE 3 - CUTTING AND REMOVAL OF VEGETATION REQUIRED

SECTION A. Except as provided in Article 5 of this Ordinance, it shall be the duty for every owner of real estate within recorded subdivisions or plans in the Borough of Seven Fields to maintain the brush, grass, weeds or vegetation, the latter of which is not edible nor planted for some useful or ornamental purpose, to grow or remain upon their property or the right-of-way which abuts their property so that such brush, grass, weeds or vegetation does not:

(1) Exceed a height of six (6) inches;

(2) Throw off any unpleasant or noxious odor;

(3) Conceal any filthy deposit; or

(4) Create or produce pollen.

SECTION B. The cutting of such brush, grass, weeds or other vegetation twice a month during the months of April, May, June, July, August, September and October, and the removal of the brush, grass, weeds or other vegetation so cut, shall be deemed evidence that no violation of this Ordinance has been created.

ARTICLE 4 - DUTY OF OWNER

SECTION A. The owner of any property located within recorded subdivisions or plans shall cut, trim or remove all brush, grass, weeds or other vegetation growing or remaining upon such premises, or in the abutting right-of-way, in violation of any of the provisions of this Ordinance.

ARTICLE 5 - EXCEPTIONS AND WAIVERS

SECTION A. This provisions of this Ordinance shall not apply to any property which may be used for:

(1) Agriculture, as defined in Article II, Section 202 of the Borough's Zoning Ordinance No. 15, as amended;

(2) Located in a zoning district designated as a Conservation District (C-1) in said Zoning Ordinance No. 15, as amended;

(3) Located in a flood plain as defined in Article II, Section 201 of the Borough's Subdivision Ordinance No. 30;

(4) Meadow, pasture, wildflower meadow, or berry patch;

(5) Hedgerow;

(6) Managed compost piles;

(7) Ornamental landscape planting;

(8) Undisturbed open space in a planned residential development.

SECTION B. Not withstanding any other provision herein to the contrary, the provisions of this Ordinance may be waived by the Borough, with respect to the following lots upon application by the owner to the Borough Council:

(1) None of the lands abutting or across a road from the lot are being put to developed uses; or

(2) All abutting developed lands are owned by (and occupied by no one other than) the party owning the lot in question, or the abutting landowners waive enforcement of the terms of this Section against the lot.

(3) The waivers in Subsections B(1) and B(2) above shall not apply to that portion of the lot within fifty (50) feet of an existing road surface, said portion still requiring vegetation control pursuant to Article 3 of this Ordinance.

ARTICLE 6 - VIOLATIONS AND PENALTIES

SECTION A. Notice of Height Violation. Whenever it shall be reported to the Council of the Borough that any owner of any real estate in the Borough has failed or neglected to comply with any of the terms of this Ordinance, the Council after investigation and finding that the condition is contrary to the health, safety and welfare of the residents of the Borough, shall cause a written notice to be served upon the owner directing the owner to comply with all terms of this Ordinance within five (5) days after issuance of such notice.

SECTION B. Work May be Done by Borough. In the event of the failure of the owner of said real estate within the Borough to cut and destroy said grass or noxious weeds or have the same cut and destroyed within five (5) days after being notified to do so, the Borough may have said brush, grass, weeds or vegetation cut and destroyed. In case any person 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 brush, grass, weeds or other vegetation, and the cost thereof, with an additional charge of ten percent (10%), shall be collected by the Borough from such person in default, in the manner provided by law.

SECTION C. Liens. The cost of removal, fine and penalties herein stated may be entered by the Borough as a lien against such property in accordance with existing provisions of law.

SECTION D. Fines and Penalties. Any property owner violating any of the provisions of this Ordinance shall forfeit and pay, upon conviction thereof before a Justice of the Peace, a penalty not exceeding $300.00 for each and every offense together with the cost of prosecution. Whenever any property owner shall have been notified by the Administrator by service of summons in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty, and upon default of the payment of the fine or penalty and the costs, the defendant may be sentenced and committed to the county jail or workhouse for a period not exceeding thirty (30) days.

ARTICLE 7 - REPEALER

SECTION A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

BRUSH, GRASS & WEEDS ORDINANCE NO. 31

ORDAINED AND ENACTED by the Council of the Borough of Seven Fields, this 13th day of August, 1990.

Christine R. Clutter
Borough Secretary

Phyllis Coleman
Council President

REVIEWED AND APPROVED BY ME this 13th day of August, 1990.

Dr. Michael H. Coleman
Mayor of Seven Fields Borough

(SEAL)