

**BOROUGH OF BOWMANSTOWN  
CARBON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2011-04**

**AN ORDINANCE OF THE BOROUGH OF BOWMANSTOWN, CARBON COUNTY, PENNSYLVANIA, ESTABLISHING NEW RULES AND REGULATIONS PERTAINING TO THE CONTROL OF GRASS AND NOXIOUS VEGETATION WITHIN THE BOROUGH OF BOWMANSTOWN BY REPEALING ORDINANCE NO. 62 IN ITS ENTIRETY, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Bowmanstown, County of Carbon, Commonwealth of Pennsylvania, under the powers vested in it by the 53 P.S. §45101-48501, et. seq., as amended, "Borough Code", does hereby repeal and replace Ordinance No. 62 in its entirety as follows:

**SECTION 1. PURPOSE:** The purpose of this Ordinance is to repeal Ordinance No. 62 in its entirety and replace it by establishing new rules and regulations pertaining to the control of grass and noxious vegetation within the Borough of Bowmanstown in accordance with 53 P.S. §46202 (5) and 53 P.S. §46202 (6) of the Borough Code, as amended.

**SECTION 2. DEFINITIONS:** The following words and terms shall, for the purposes of this ordinance, have the meanings set forth herein:

PERSON – any individual, corporation, partnership, trust or other entity, including the officers of corporations and partners or partnerships.

NOXIOUS VEGETATION – Any Canadian or Russian thistle, chickory, nettle, poison ivy, sumac, poison oak, goldenrod, wild lettuce, wild mustard, wild

parsley, ragweed, milkweed, Atlantis tree, or any other plant or vegetation producing contact or airborne allergens, not edible or planted for a recognized ornamental or agricultural purpose.

**SECTION 3. REMOVAL OF HIGH GRASS AND NOXIOUS VEGETATION:**

Every person owning or occupying any premises within the Borough of Bowmanstown, upon which premises any grass or noxious vegetation in excess of twelve (12) inches in height shall grow, shall cut or remove such grass or noxious vegetation or cause the same to be cut or removed, provided, however, grass or grain shall be permitted to grow in excess of twelve (12) inches for purposes of cutting and harvesting the same for hay or other agricultural purposes. The owner of the premises, in the case of vacant premises or premises occupied by the owner thereof, and the occupant of the premises, in the case of premises occupied by other than the owner thereof, and the owner shall comply with the requirements of this section.

**SECTION 4. NOTICE OF VIOLATION; FAILURE TO COMPLY; LIEN:** The Code Enforcement Officer shall give written notice, by personal service or by United States first class mail, to the owner or occupant of any property whereon grass or noxious vegetation are growing or remaining in violation of provisions of this Ordinance, directing and requiring such owner or occupant, as the case may be, to cut or remove all such grass or noxious vegetation, so as to conform to the requirements of the Ordinance, within seven (7) days after delivering such notice to the last known residence of said owner or occupant. In case any person shall neglect or fail to comply with any of the terms, provisions and requirements of this section, or with any notice given in conformity with or pursuant to the provisions hereof, the Code Enforcement Officer, on behalf of the

Borough, shall engage all labor and furnish all materials necessary or required to comply with the notice. The cost and expenses thereof, together with ten (10%) percent added thereon as a penalty, shall be certified to the Borough Solicitor, who shall enter the same as a lien against the property in the Court of Common Pleas of Carbon County and shall proceed to collect the same in like manner as other municipal claims are by law collectible.

**SECTION 5. VIOLATIONS AND PENALTIES:** Any person who shall fail, neglect or refuse to comply with any of the provisions of this Ordinance, as amended, shall, upon conviction in a summary proceeding brought before a District Justice, under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be sentenced to pay a fine or penalty as follows:

1. First violation within any one calendar year: a fine of \$100, or 90 days imprisonment, or both;
2. Second violation within any one calendar year: a fine of \$250, or 90 days imprisonment, or both;
3. Third violation within any one calendar year: a fine of \$500, or 90 days imprisonment, or both;
4. Fourth or more violations within any one calendar year: a fine of \$1,000, or 90 days imprisonment, or both.
5. Each day that the violation continues shall constitute a separate offense.

**SECTION 6. SEVERABILITY:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional, the same shall not affect the

validity of the entire Ordinance as a whole, or any part or provision hereof other than that part so adjudged to be invalid or unconstitutional.

**SECTION 7. REPEALER:** The prior Ordinance No. 62, and all ordinances, or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall become effective five (5) days following enactment.

ENACTED AND ORDAINED at a regular meeting of the Borough Council of the Borough of Bowmanstown, County of Carbon on this 4 day of October, 2011.

BOROUGH OF BOWMANSTOWN  
CARBON COUNTY, PENNSYLVANIA

BY: William W. Ravert  
William Ravert, President of Council

ATTEST:

Tracy Burbage  
Tracy Burbage, Secretary

EXAMINED AND APPROVED this 4<sup>th</sup> day of October, 2011.

Keith G. Billig  
Keith G. Billig, Mayor

