

Ordinance # 66

AN ORDINANCE PROVIDING FOR THE REMOVAL, TRIMMING OR CUTTING OF GRASS, WEEDS AND OTHER VEGETATION BY THE OWNER OR OCCUPANT OF PREMISES WHERE THE SAME IS GROWING OR BY THE BOROUGH AT THE EXPENSE OF SUCH OWNER OR OCCUPANT, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF

This Ordinance shall be known as and may be cited as the "WEED CONTROL" Ordinance of the Borough of New Buffalo.

BE IT ENACTED by the Borough of New Buffalo and it is hereby enacted and ordained by authority of the same as follows:

SECTION I. No person, firm, partnership or corporation owning, leasing, occupying or having an interest in any real estate within the Borough of New Buffalo shall permit any grass, weeds or vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain on such premises, including any portion of the premises occupied by a street or alley or sidewalk, so as to go to seed, or to emit any unpleasant or noxious odor, or to conceal any filthy deposit, or to produce pollen, or to exceed a height of eight (8) inches. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough of New Buffalo.

SECTION II. The Owner of any such premises, whether occupied by the owner or not, and the occupant thereof in case of premises occupied by other than the owner thereof, shall remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of the first section of this Ordinance. Both the Owner and occupant in the case of premises occupied by other than the owner, shall be responsible for the compliance with this Ordinance.

SECTION III. Provided, however, that the following limitations shall apply with reference to the enforcement of this Ordinance: No such grass, weeds or similar vegetation as heretofore defined shall come within the terms of this Ordinance if such grass, weeds or vegetation shall be intermingled with growing cultivated crops.

SECTION IV. In addition to the penalties as hereinafter imposed in this Ordinance, the Mayor, or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give written notice, by personal service or by the United States Mail to the owner or the occupant, or either of them, of a violation of the terms of this Ordinance, directing and requiring such occupant or owner or both of them to remove, trim, spray, or cut such grass, weeds or vegetation, so as to conform to the requirements of this Ordinance, within five (5) days after issuance of such notice. If any such owner or occupant shall neglect to comply with such notice within the period of time stated therein, the Borough authorities or any designee(s) of the Borough, may remove, spray, trim or cut such grass, weeds or vegetation so as to comply with the provisions of this Ordinance, and the reasonable cost thereof, plus an additional charge of twenty (20) percent of the cost, together with any additional penalty authorized by law, may be collected by the Borough from such owner or occupant as a penalty under the provisions of this Ordinance, or in any other manner provided by law including the manner provided by law for the collection of municipal claims either by filing a lien or by an action of assumpsit or other authorized manner. This right as herein vested in the Borough shall be in addition to penalties prescribed by the provisions of this Ordinance for the failure of the



Owner or occupant as aforesaid to comply with the terms of this Ordinance.

SECTION V. Any person, firm, partnership or corporation who or which shall violate any of the provisions of Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty (\$20.00) Dollars nor more than One Hundred (\$100.00) Dollars and costs of suit. Each day of violation shall constitute a separate offense without further notice to offender. In default of payment of the penalty stated herein, such offender may be imprisoned for a period not exceeding five (5) days. The fine, costs and imprisonment of this section are in addition to any penalties provided herein or otherwise by law.

SECTION VI. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough of New Buffalo that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION VII. Any Ordinance or part of Ordinance or Resolution heretofore adopted by the Council of the Borough of New Buffalo is hereby repealed insofar as the same conflicts with or effects this Ordinance.

Duly Enacted and Ordained this 6<sup>th</sup> day of July, 1982, by the Council of New Buffalo Borough, Perry County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Jana Kinyras  
Secretary

Corporate Borough Seal

BOROUGH OF NEW BUFFALO,  
PERRY COUNTY, PENNSYLVANIA

BY

Gayle C. Foster  
President of Council

EXAMINED AND APPROVED this 6<sup>th</sup> day  
of July, 1982.

[Signature], MAYOR  
BOROUGH OF NEW BUFFALO, PERRY COUNTY, PENNSYLVANIA

**BOROUGH OF NEW BUFFALO**

NEW BUFFALO, PENNSYLVANIA 17082

BOROUGH OF NEW BUFFALO

PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. 79

AN ORDINANCE OF THE BOROUGH OF NEW BUFFALO, PERRY COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION OR STORAGE OF JUNKED, ABANDONED OR DISCARDED VEHICLES, TRAILERS, BOATS, APPLIANCES OR HOUSEHOLD FURNISHINGS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances and household furnishings creates a hazard and danger to the health and welfare of the citizens of New Buffalo.

AND WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings provides a breeding area for rodents and other unhealthful animals.

AND WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings creates an attractive nuisance for children who are not aware of the danger involved therein.

AND WHEREAS, the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings violates all concepts of ecological and environmental principles.

WHEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of New Buffalo, Perry County, Pennsylvania, and it is hereby ordained and enacted by authority of the same.

SECTION 1. DEFINITIONS. As used in this Ordinance the following words or phrases shall have, in addition to the common or ordinary meaning, the meaning ascribed to them in this section.

A. Person shall mean a natural person, the members of an unincorporated association, all of the partners of a partnership and the officers and Board of Directors of a corporation.

B. Junked shall mean items sold or to be sold for scrap, being stripped or being used or sold for parts.

C. Abandoned shall mean any item resting for 96 hours or more and which is inoperable, without current registration plates, certificate, or inspection, or in such a condition as to be unusable.

D. Discarded shall mean any item resting for 96 hours or more with no known or apparent owner.

E. Vehicle shall mean an automobile, motorcycle, minibike, bicycle, go-cart, truck or other wheeled means of conveyance, motorized or self-propelled.

F. Trailer shall mean a wheeled device used as a means of carrying, hauling, or conveying any vehicle, person, animal.



## BOROUGH OF NEW BUFFALO

NEW BUFFALO, PENNSYLVANIA 17069

object or boat.

G. Boat shall mean any vessel capable of transporting a person on any river, stream, creek, lake or ocean.

H. Appliance shall mean a stove, refrigerator, television, furnace, water heater, water softener, washer, dryer or mangle, household articles used to perform any of the necessary work in a household, and articles used in business to increase production or to speed, ease or eliminate work.

I. Household Furnishings shall include all items normally found and used in a home.

SECTION 2. It shall be unlawful for any person to accumulate or store any junked, abandoned or discarded vehicle, trailer, boat, appliance or household furnishing on private or public property within the Borough of New Buffalo, Perry County, Pennsylvania.

SECTION 3. Any person upon summary conviction of violation of Section 2 of this Ordinance before a Justice of the Peace or District Magistrate, shall, for the first offence, be sentenced to pay a fine of not less than \$10.00 nor more than \$30.00 and for each and every subsequent offence, shall be sentenced to pay a fine of not less than \$25.00 nor more than \$100.00, and in default in payment of a fine assessed hereunder, shall undergo imprisonment for not less than five days nor more than 30 days. Each day the person is in violation of Section 2 constitutes a separate offense.

SECTION 4. All prosecutions of this Ordinance shall be brought in the name of the Borough of New Buffalo before any Justice of the Peace or District Magistrate and shall be commenced by information and warrant, citation, or Complaint and summons and shall be served as provided and prosecuted as provided by law.

SECTION 5. The provisions of this Ordinance are severable and if any word, clause, sentence, section, or provision of this Ordinance is unconstitutional, the remaining words, clauses, sentences, sections and provisions shall not be impaired thereby.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law this Third day of February 1987.

BOROUGH OF NEW BUFFALO  
Perry County  
Pennsylvania

Ordinance # 94

BOROUGH OF NEW BUFFALO  
PERRY COUNTY, PENNSYLVANIA

AMENDMENT OF ORDINANCE NO. 79

The Borough Council of New Buffalo hereby amends as follows Ordinance No. 79 prohibiting the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings:

1. Paragraph C of Section 1 is amended to provide that: "Abandoned" shall mean any item resting for 96 hours or more and which is: a) either inoperable under its own power in the customary manner, or b) without current registration plates, certificate or inspection, or c) is in such a condition as to be unusable (for vehicles, means unusable for normal vehicular travel and highway transportation).

2. Paragraph G of Section 1 is hereby amended to provide that "boat shall mean any vessel capable of or intended to be capable of supporting or transporting a person on any river, stream, creek, lake or ocean."

3. Section 3 is hereby amended by changing the minimum and maximum fines for subsequent offenses to \$100.00 and \$300.00, respectively, and by adding the following phrase to the end of the final sentence thereof: "although conviction may be obtained on any number of separate offenses cumulatively and simultaneously, and fines accumulated thereon."

4. The following shall be inserted as new Section 4:

"In the event that any person who has been convicted of a summary violation of Section 2 of this ordinance fails to remove the junked, abandoned or discarded vehicle, trailer, boat, appliance or household furnishing within fifteen (15) days from the date of said conviction, the Borough of New Buffalo shall have the right to remove the offending item of personal property, store it or dispose of it for scrap or any other purpose at public or private sale. Any proceeds received on the sale shall be applied by the Borough to cover any costs and expenses incurred by the Borough in moving, storage and sale, including reasonable charges for personnel services involved in the removal, storage, and sale. The excess of these costs and expenses over proceeds received shall constitute a municipal lien, which, along with all costs and attorney fees in all stages of the imposition of lien filing and processing the Writ of Scire Facias and Execution proceedings plus 10% interest per annum on said amount, constitutes a Municipal lien, against

ELLEN E. HENCH  
TORNEY AT LAW  
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567-3133

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117 N. 3RD STREET  
YSVILLE, PA 17047  
7-789-3847



any real estate owned by the person in violation of or on which the offending personal property, etc. was removed, regardless of who owned said premises, and may be filed and prosecuted as provided in the Pennsylvania Municipal Claim Act or otherwise as permitted by law."

5. Original, sections 4, 5, and 6 are hereby renumbered as Sections 5, 6, and 7, respectively.

AMENDED THIS 3rd DAY OF Sept, 1991.

*Gayle E. Fenton*  
Pres.

BOROUGH OF NEW BUFFALO,  
Perry County,  
Pennsylvania

*Phyllis Krueger*  
Sey/Treas.

ALLEN E. HENCH  
ATTORNEY AT LAW  
27 WALNUT STREET  
NEWPORT, PA 17074  
947-3129

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4th STREET  
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**Ordinance Notice**  
**New Buffalo Borough**

Notice is hereby given that the New Buffalo Borough will consider for formal adoption and enactment, at its meeting on August 6, 1991 at 7:30 p.m., the Amendment of Ordinance No. 79 prohibiting the accumulation or storage of junked, abandoned or discarded vehicles, trailers, boats, appliances or household furnishings, additional definitions, classification, as well as new and additional penalties.

A full copy of the ordinance is available from the Borough Secretary or Allen E. Hench Law Office, 224 Market Street, Newport.

Allen E. Hench, Esq.  
Borough Secretary  
New Buffalo Borough

7-25-91-00