

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 589-2011**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER
159, PROPERTY MAINTENANCE, OF THE FRANKLIN PARK CODE
TO ESTABLISH REGULATIONS FOR GRASS AND WEEDS**

WHEREAS, the Borough of Franklin Park is concerned with protecting the quality of life for all its residents, and;

WHEREAS, the Borough is specifically empowered by Section 1202(5) of the Borough Code to prohibit and remove any nuisance, or to require the removal of any such nuisance by the owner or occupier of such grounds, in default of which the Borough may cause the same to be done, and collect the cost thereof, together with a penalty of ten percent of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by bill in equity, and;

WHEREAS, the Borough is specifically empowered by Section 1202(6) of the Borough Code to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough, and;

WHEREAS, the Borough Council has determined that weeds, grass and other vegetation are a nuisance if they are not edible or maintained for some useful or ornamental purpose, exceed a height of ten (10) inches, throw off any unpleasant or noxious odor, conceal any filthy deposit, or create or produce pollen.

NOW, THEREFORE, be it ordained and enacted by Borough Council of the Borough of Franklin Park as follows:

SECTION 1. Chapter 159, Property Maintenance, of the Franklin Park Code is hereby amended to include in ARTICLE I General Provisions, a new section entitled "§ 159-3.2. Grass and Weeds," as follows:

§ 159-3.2. Grass and Weeds.

- A. Grass, Weeds and Certain Other Vegetation Prohibited and Declared a Nuisance Under Certain Conditions.

No person, firm or corporation owning or occupying any property containing a structure within the Borough shall permit any grass, weeds or any vegetation whatsoever, not edible or maintained for some useful or ornamental purpose, to grow or remain upon such property so as to exceed a height of ten (10) inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, or to create or produce pollen. No person, firm or corporation owning any property within the Borough shall permit any grass, weeds or other vegetation included on the Noxious Weed List contained within the Noxious Weed Control Law (3 P.S. §§ 255.1 – 255.11), as amended, to grow or remain upon any property. Any such conduct is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

- B. Responsibility for Removal or Cutting.

The owner or occupant, as the case may be, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such property in violation of the provisions of subsection (A) of this Section.

- C. Notice of Violation.

The Code Enforcement Officer is hereby authorized to give notice by personal service or by certified mail to the owner of any property whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this Section, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Section within five (5) days after issuance of said notice. If the structure on the property is vacant, service of such notice shall be made by posting a copy thereof in a conspicuous place on the structure and mailing a copy of such notice by certified mail to the owner of such property at the owner's last known post office address.

D. Borough May Do Work in Case of Noncompliance.

In the case any person, firm or corporation shall neglect, fail or refuse to comply with such notice, the Borough or its agents may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten percent (10%) thereof, may be collected by the Borough from such person, firm or corporation in the manner provided by law. The Borough may also pursue the fines and penalties authorized in Section 159-4 or as set forth in Article II of this Chapter.

E. Applicability of Provisions

Except for any property in violation of the Noxious Weed Control Law (3 P.S. §§ 255.1 – 255.11), as amended, the ten (10) inch height limitation of subsection (A) of this Section shall not apply to property, or any portion thereof, which exhibits one or more of the following characteristics:

- (1) Property devoted to agricultural use or otherwise actively cultivated.
- (2) Floodplain or wetlands.
- (3) Any undeveloped property, undisturbed open space, or conservation area.
- (4) Areas of any property which, by reason of slope, steepness or terrain or other geographic features, render the property inaccessible. The Code Enforcement Officer shall make the initial determination of inaccessibility subject to review by the Borough Council.
- (5) Areas of any property undergoing a directed process of natural succession. The Code Enforcement Officer shall make the initial determination of natural succession subject to review by the Borough Council.

SECTION 2. Should any part or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 3. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania at its meeting held on the ____ day of _____, 2011.

ATTEST:

BOROUGH OF FRANKLIN PARK

Secretary

By: _____
President

Approved by me this _____ day of _____, 2011.

Mayor