ORDINANCE NO. 2011-06

AN ORDINANCE OF COUNCIL OF THE BOROUGH OF SOUTH GREENSBURG, WESTMORELAND COUNTY, PENNSYLVANIA, ADOPTING AN AMENDMENT TO THAT CERTAIN ORDINANCE ENACTED ON OCTOBER 8, 1979, AS AMENDED, IN ORDER TO PROVIDE FOR THE MAINTENANCE OF BRUSH, WEEDS, GRASS AND RELATED GROWTHS AND CONDITIONS.

WHEREAS, Council of the Borough of South Greensburg, Westmoreland County, Pennsylvania, has adopted a certain Ordinance, as amended, regulating the maintenance of brush, grass, weeds and related conditions;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Council of the Borough of South Greensburg, Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Chapter 57, paragraphs 57-1 through and including 57-4 of that certain Ordinance enacted October 8, 1979, is hereby amended in its entirety, and, as amended, shall read as follows:

§ 57-1. Short title.

This Chapter shall be known and cited as the "Borough of South Greensburg Ordinance on Brush, Grass, Weeds, Composting and Related Maintenance."

§ 57-2. Findings and Declaration of Policy.

It is hereby found and declared that, in the Borough of South Greensburg, there is or may be in the future objectionable growth of brush, weeds and grass and undesirable use of compost piles. Also, lack of maintenance of brush, weeds, grass, and unchecked composting, as well as related growths and conditions, can and will create a public nuisance that is detrimental to the health, safety and general welfare of the residents of the Borough.

§ 57-3. Purpose.

The purpose of this Chapter is to protect the public health, safety and welfare and to ensure the maintenance of property values by establishing standards governing the growth of brush, grass, weeds and related vegetation and other similar conditions, and regulating composting.

§ 57-4. Prohibited growths of vegetation.

No person, firm, corporation or other entity owning or occupying any property within the Borough of South Greensburg shall permit any grass, weeds or any vegetation to grow or remain upon such property so as to exceed a height of six (6) inches, to throw off any unpleasant or noxious odor or to produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

In addition, all premises shall be kept free of shrubs, brush or other vegetation planted for some useful (for example, edible) or ornamental purpose of more than six (6) feet in height.

Bushes, trees and other "living fences" along property lines or public ways shall be kept pruned and trimmed so they do not encroach on streets, sidewalks, alleys or neighboring property, obstruct vision or interfere with pedestrian or vehicle traffic. In no event shall such "living fences" exceed six (6) feet in height.

Dead and dying trees, bushes, weeds and grass are to be properly trimmed and maintained along curbs, houses, fences, sidewalks, right-of-ways and around all buildings on any premises.

Piles of grass, weeds or vegetation are not permitted. All trimmed or cut grass, weeds, leaves or vegetation are to be disposed of in a proper manner, and shall not be deposited in the public streets of the Borough or in any way detrimental or injurious to any public streets, passageways, lines or utilities.

§57-5. Composting.

A. *Findings and Declaration of Policy.* The Borough of South Greensburg hereby declares that unregulated composting poses a danger to the public health, safety and welfare of the citizens of the Borough, and erodes property values. Accordingly, the regulations in this section are intended to fulfill the legitimate policy of protecting the above.

B. *Definition.* As used herein, the term *composting* shall mean a controlled biological reduction of organic waste to humus.

C. *Maintenance.* All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

1. All compost piles shall be enclosed in a freestanding compost bin. No open piles of grass and/or vegetation shall be maintained. Each compost bin shall be no larger in volume than one hundred fifty (150) cubic feet for properties ten thousand (10,000) square feet and less in lot size, with an additional one hundred fifty (150) cubic feet permitted for each additional ten thousand (10,000) square feet of lot size. Compost bins shall be no taller than five (5) feet.

2. All compost piles shall be maintained so as to prevent the harborage of rodents and pests.

3. All compost piles shall be maintained so as to prevent unpleasant, rotten egg-like, putrefactive, sweet, sour or pungent odors.

4. Unless written permission has been granted by the adjoining property owner(s), no compost pile shall be located less than three (3) feet from the rear or side property line or within twenty (20) feet of any home, patio, pool or similar structure on the adjacent property. All compost piles shall be at least three (3) feet behind the front building setback line.

5. No compost pile shall be located where it will impede the natural free flow of storm water drainage.

6. Any vegetables, fruit and their remains, egg shells, fruit peels and rinds and hair must be composted in such a way that these materials are buried in the center of the pile at all times and so that none of these materials are exposed or visible.

D. *Ingredients*.

1. No compost pile shall contain any of the following:

a. Animal carcasses, fish, fowl, meat or other animal products;

b. Manure;

c. Used litter box remains;

d. Milk, cheese, sour cream or other dairy products;

e. Lard, oils, or oil-based foods;

f. Mayonnaise;

g. Salad dressing;

h. Whole grains (rice, wheat, barley, etc.);

i. Peanut butter;

j. Items not normally composted;

k. Items not biodegradable.

2. Permitted ingredients shall include:

a. Yard waste, including leaves, sod, and grass clippings;

b. Untreated wood, wood chips, and sawdust;

c. Paper;

d. Straw;

e. Vegetables, fruits and their remains, including peels and rinds;

f. Empty egg shells;

g. Aquatic weeds;

h. Coffee grounds and tea leaves;

i. Evergreen needles;

j. Hair;

k. Drier lint;

l. Vacuum cleaner dust;

m. Organic garden waste;

n. Commercial compost additives.

E. *Private use only*. Compost piles established in accordance with this section are for private use only. There shall not be commercial provision of material to be composted or commercial use of the product of such composting.

§57-8. Enforcement, Violations and Penalties.

The Borough of South Greensburg or any designated officer or employee of the Borough is hereby authorized to give notice, by personal service or by certified United States mail, return receipt requested, to the owner and/or occupant, as the case may be, of any premises of any violation of the provisions of this Chapter, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation, or conform their compost pile(s), so as to adhere to the requirements of this Chapter within seven (7) days after receipt of such notice. The notice shall specify the nature of the violation and the possible penalties for non-compliance. Where personal service or service by certified United States mail cannot be accomplished after reasonable and good faith effort on the part of the Borough, or if the owner or occupant fails to accept or retrieve the notice through certified United States mail, the Borough shall post said notice on said premises and in the Borough of South Greensburg Municipal Building for a period of seven (7) consecutive days. The seven (7) day conformance period shall begin on the first day following the seventh (7th) posted day.

Upon failure of the owner or owners, tenants, lessees, occupants or persons

otherwise responsible for the violation(s) described in this Chapter, to correct the same within the time specified in the notification by the Borough, the Borough may correct the violation(s) through use of its own Public Works personnel or a private contractor, as appropriate and reasonable.

The Borough of South Greensburg or any designated officer or employee of the Borough shall certify the cost of such correction(s) as reasonable in advance of the work to be performed. Said certification shall be provided by personal service, certified mail or posting no less than three (3) days prior to correction by the Borough.

A written invoice shall be presented to the owner or owners, tenants, lessees, occupants or other responsible individuals for the full amount of the correction(s) after the work is performed. The written invoice shall be delivered or posted in the same manner prescribed for giving notice in this Section. The responsible party or parties shall then have thirty (30) days to pay the invoice in full.

Any person, firm, corporation or other entity who violates or permits the violation of any provision of this Chapter shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be guilty of a summary offense, and be required to pay, if applicable, the amount of the invoice or the amount as molded by the District Justice, subject to the payment of a fine of not less than $25.00 and not more than $1,000.00, plus the costs of prosecution, including reasonable attorneys' fees. Each section of this Chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter is found to exist shall be punishable by a separate fine to be imposed by the District Justice. A conviction shall not ban further prosecutions for noncompliance with this Chapter subsequent to such conviction. To the extent the fine imposed by the District Justice is not paid within thirty (30) days of the decision by the District Justice, the Borough of South Greensburg shall impose a municipal charge on the property for the full amount due. When filed, the lien evidencing said charge shall be a valid lien on the real estate.

§57-7. Severability

The provisions of this Chapter are severable. If any sentence, clause or section of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Chapter. It is hereby declared to be the intent of the Borough of South Greensburg that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

§57-8. Responsibilities of Owners and Occupants.

A. Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premises which he/she occupies and/or controls in a safe, sound and/or sanitary condition.

B. Owners and occupants of property shall be jointly and severally liable for compliance with the provisions of this Chapter, and no owners shall be relieved from

any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant also is responsible therefore and in violation thereof, nor shall the occupant be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner is also responsible therefore and in violation thereof. The Borough of South Greensburg may, in its discretion, elect to prosecute either the owner, the occupant, or both.

C. The respective obligations and responsibilities of the owner and the occupant shall not be altered or affected by any agreement or contract by and between them.

§57-9. Owners Severally Responsible.

If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for any violation of this Chapter.

SECTION 2. This Amendment to that certain Ordinance enacted October 8, 1979 shall become effective on and from March 15, 2011.

SECTION 3. All part of ordinances inconsistent with this ordinance are hereby repealed.

ORDAINED AND ENACTED this 14th day of March, 2011.

ATTEST:

Secretary

BOROUGH OF SOUTH GREENSBURG

President of Council

Examined and approved this 14th day of March, 2011.

Mayor