

AVOCA BOROUGH

ORDINANCE NO. 6 OF 2000

AN ORDINANCE OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA, REGULATING THE CUTTING AND REMOVAL OF BRUSH, GRASS AND WEEDS WITHIN THE BOROUGH; PRESCRIBING THE DUTIES OF OWNER OR OCCUPANT REGARDING THE CUTTING AND REMOVAL OF BRUSH, GRASS AND WEEDS; REQUIRING NOTICE TO COMPLY; NONCOMPLIANCE; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

Enacted On:

Effective On:

WHEREAS, the Pennsylvania Borough Code, 53 Pa. C.S.A. Section 46202(6) authorizes the Borough Council of Avoca to enact any Ordinance to regulate the health, safety and general welfare of the Borough; and

WHEREAS, the Borough deems it necessary for the health, safety and general welfare of the Borough to regulate the cutting and removal of brush, grass and weeds within the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of Avoca, Luzerne County, Pennsylvania, as follows:

Section 1. This Ordinance shall be known and hereafter referred to as the Borough of Avoca Brush, Grass and Weeds Ordinance.

Section 2. Cutting and removal required; exemption.

- A. It shall be unlawful for any person owning or occupying any property within the Borough of Avoca to permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of twelve (12) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen, provided that the cutting of such grass, weeds or other vegetation twice a month in the months of May, June, July, August, and September and the removal of the grass, weeds or other vegetation so cut shall be deemed evidence that no violation of this section shall have been created.

- B. Excluded from application of this provision are wooded areas and open fields or acreage to within one hundred (100) feet of any building or structure.

**Section 3.** Duties of Owner or Occupant.

The Owner of any vacant premises or premises occupied by the owner and the occupant thereof, in the case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any of the provisions of Section 2.

**Section 4.** Notice to Comply; Noncompliance.

The Council of Avoca, or any officer of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States Mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of this Ordinance, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this Ordinance within five (5) days after the issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may cause such grass, weeds or other vegetation to be removed, trimmed or cut, and the cost thereof, with an additional charge of ten (10%) percent, shall be collected by the Borough from such person in default, in the manner provided by law.

**Section 5.** Violations and Penalties.

Any person who shall violate any provisions of this ordinance shall, upon conviction thereof for each violation, be subject to a fine of up to Three Hundred (\$300.00) Dollars, plus costs of prosecution. In default of payment of said fine and costs, such person shall be sentenced to the county jail for a period not exceeding ninety (90) days. Each day shall be a separate offense.

**Section 6.** This Ordinance shall replace any inconsistent Ordinances.

**Section 7.** This Ordinance shall become effective five (5) days after enacted by Council.

DULY ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF  
AVOCA BOROUGH this 8th day of June, 2000.

AVOCA BOROUGH COUNCIL

BY: Joseph Satkowski  
JOSEPH SATKOWSKI  
President of Council

ATTEST:

Ann Baclasky  
ANN BACLASKY, Secretary

(SEAL)

THE FOREGOING ORDINANCE is hereby approved by the Mayor of the Borough of  
Avoca, this 8th day of June, 2000.

BY: James L. Haddock  
JAMES L. HADDOCK, Mayor