

**MILL VILLAGE BOROUGH
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 - 2019

**AN ORDINANCE OF MILL VILLAGE BOROUGH
AMENDING BOROUGH ORDINANCE NO. 2-1967,
GENERALLY KNOWN AS THE GRASS, WEEDS, AND
OTHER VEGETATION ORDINANCE, AMENDING
SECTION I TO CLARIFY THE PROPER HEIGHT OF
GRASSES AND TO CLARIFY THE TYPES OF GRASSES
THAT MUST BE MAINTAINED, AMENDING SECTION III
TO CLARIFY LANGUAGE, AMENDING SECTION IV TO
CLARIFY LANGUAGE AND MODIFY PENALTY, AND
PROVIDING FOR A REPEALER, SEVERABILITY, AND
AN EFFECTIVE DATE.**

WHEREAS, on or about July 7, 1967, the Borough Council of the Mill Village Borough (the "Borough") adopted Ordinance No. 02-1967, colloquially known as the Mill Village Borough Grass, Weeds, and Other Vegetation Ordinance (the "Ordinance"); and

WHEREAS, the Ordinance currently requires all grass, weeds, and vegetation in the Borough to be kept at a length of six (6) inches and requires Borough residents to maintain said length lest they be fined by the Borough; and

WHEREAS, the Borough Council believes that this Ordinance is outdated given the rural nature of the majority of the Borough's property and is desirous of modifying the Ordinance to reflect the current nature of the Borough's properties; and

WHEREAS, the Borough Council wishes to address and clarify typographical errors that were made in the Ordinance when initially enacted; and

WHEREAS, the Borough Council wishes to remove the provisions that state that a citizen who violates this Ordinance may be committed to prison for failure to maintain the grass on their property; and

WHEREAS, the Borough Council believe that this Ordinance Amendment will be beneficial to the Borough and its citizens.

NOW THEREFORE, this 6th day of November 2019 be it enacted and ordained by the Borough Council of Mill Village Borough, Erie County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.
2. Amendment of Section I. That Section I of the Ordinance be amended in applicable part through the addition of the underlined terms below and the deletion of the terms struck out:

No person, firm, or corporation owning or occupying any property within the Borough of Mill Village, shall permit any grass or weeds or 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 ~~six (6)~~ eight (8) inches or to through off any unpleasant or noxious odor or to conceal any ~~filthy~~ harmful deposit or to create or produce pollen at an unreasonable level. This height restriction shall not apply to cultivated flowers, gardens, cultivated grasslands, grass planted for a useful or ornamental purpose, or to agricultural crops. Any grass, weeds, or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this section is declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.

3. Amendment of Section III. That Section III of the Ordinance be amended in applicable part through the addition of the underlined terms below and the deletion of the terms struck out:

The Borough Council, or any officer or employee of the Borough designated thereby for the purpose . . . In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim, or cut such grass, weeds or vegetation, and the

cost thereof, together with any additional penalty authorized by law, may be collected by the Borough ~~from~~ from such person, firm, or corporation, in the manner provided by law.

4. Amendment of Section IV. That Section IV of the Ordinance be amended in applicable part through the addition of the underlined terms below and the deletion of the terms struck out:

Any person, firm or ~~C~~orporation who or which shall violate or fail, neglect or refuse to comply with any of these provisions of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution. Provided; each day's violation shall constitute a separate offense and notice to the offender shall not ~~not~~ be necessary in order to constitute an offense, ~~and in default of payment of fine to be committed to the County Jail for a period not exceeding twenty-four (24) hours~~

5. Repealer. Any Ordinances, rules, or resolutions or parts of Ordinances in conflict herewith are hereby repealed.

6. Severability. The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part therefor not been included herein.

7. Effective Date. This Ordinance shall become effective immediately upon its proper execution by the Borough Mayor.

DULY ENACTED AND ORDAINED this 6th day of November, 2019, by the Borough Council of the Mill Village Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Catherine Wise

Catherine Wise, Secretary

Linda Falconer

Linda Falconer, Vice President

APPROVED

Brian Peters

Brian Peters, Mayor

I certify that the above is a true copy of the Mill Village Borough, Erie County, Pennsylvania, Ordinance No. 3-2019, adopted by the Mill Village Borough Council on November 6, 2019, and advertised in the Erie Times-News on OCTOBER 21, 2019.

Catherine Wise
Catherine Wise, Secretary

