

BOROUGH OF BROOKVILLE  
JEFFERSON COUNTY , PENNSYLVANIA

ORDINANCE NO. 1112

AN ORDINANCE PROHIBITING AND; REGULATING THE DISPOSAL OF GRASS CLIPPINGS AND YARD WASTE ON THE BOROUGH STREETS; PROVIDING FOR LIABILITY OF HOMEOWNERS; AND SETTING CIVIL AND CRIMINAL PENALTIES

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

SECTION 1. PREAMBLE

The Borough Council makes the following findings:

1. The deposit and accumulation of grass clippings, leaves and other yard waste upon and into the streets of the Borough have created a public problem by increasing the amount of waste and debris in the streets, making the Borough less visually attractive, and increasing pollution and run-off of debris into the Borough's storm sewers causing the storm sewers to clog; and

2. The deposit and accumulation of grass clippings, leaves and other yard waste upon and into the streets of the Borough can cause a hazardous conditions for motor vehicles and pedestrians by forcing the traveling public to swerve from their lane of travel to avoid the debris, cause a slippery street condition which is particularly dangerous for motorcycles and bicycles traveling on the street, or conceal the surface condition of the street from the traveling public; and

3. A significant portion of the run-off and debris in the streets results from persons intentionally dumping or placing grass clippings, leaves and yard waste in the Borough Streets.

SECTION 2. OFFENSE DEFINED

It shall be unlawful for any person to knowingly cause grass clippings, leaves, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads of the Borough of Brookville. A homeowner is responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this ordinance. Any grass or waste which is intentionally or inadvertently caused to enter the streets or alleys of the Borough shall be promptly removed; there is no "grace period" within which to remove grass or leaves.



### SECTION 3. ENFORCEMENT

A. This ordinance may be enforced by the Police Department or Code Enforcement Officer. A violation of this ordinance shall initially be sanctioned by the civil penalty method set forth in Section 4. The enforcing officer will use common sense and discretion in the enforcement of this Ordinance and shall consider means other than the issuance of a summons where appropriate.

B. There shall be a presumption that grass clippings, leaves or yard waste immediately adjacent to a property where caused to be placed there by property owner. This is a rebuttable presumption.

### SECTION 4. CIVIL PENALTY

A violation of this Ordinance shall constitute a civil penalty punishable by a fine set forth herein. A summons, similar in form to a parking summons, shall be tendered by the officer to the responsible party. The summons shall be paid at the Borough Office within seventy-two (72) hours. The fine for the first violation shall be \$50, and shall be increased by \$50 for each subsequent violation of this section of the ordinance committed within one year of the first violation. The civil penalty for any violation of this ordinance shall not exceed the sum of \$600.

### SECTION 5. CRIMINAL PENALTY

Any person who fails to pay a civil penalty set under Section 4 within thirty (30) days commits a summary offense under the Borough Code and shall be issued a citation to appear before the District Justice. Upon conviction, a Defendant shall be fined as determined by the District Justice, in an amount not less than \$100 nor more than \$1000, or in default thereof, sentenced to the county jail for up to thirty (30) days. The District Justice may also make an assessment for fines and costs and reasonable attorney fees incurred by the Borough in the enforcement of this ordinance.

### SECTION 6. SEVERABILITY


Should any portion of this Ordinance be determined to be unlawful or unconstitutional, then the remainder of the Ordinance shall be not affected and shall remain in full force and effect.

### SECTION 7. EFFECTIVE DATE

This ordinance shall be effective in thirty (30) days.

ORDAINED AND ENACTED at a regular meeting of the Council of the Borough of Brookville, Jefferson County, Pennsylvania, the 2nd day of May, 2023.

BOROUGH OF BROOKVILLE

By:   
Phil Hynes, President

Attest:

  
Dana Rooney, Secretary

AND NOW, May 2, 2023, the foregoing Ordinance is hereby approved.

  
Richard Beck, Mayor