

ORDINANCE NO. 3 OF 2019

AN ORDINANCE OF THE BOROUGH OF LARKSVILLE, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE PROVISIONS OF CHAPTER 139 OF THE CODE OF THE BOROUGH OF LARKSVILLE, ENTITLED "BRUSH, GRASS AND WEEDS, REVISING ITS NOTICE PROVISIONS, ADDING PROVISIONS FOR WORK TO BE PERFORMED BY THE BOROUGH AND FOR FILING MUNICIPAL LIEN CLAIMS, AND REPEALING INCONSISTENT PROVISIONS.

WHEREAS, Larksville Borough, through its duly enacted Code of Ordinances known as the Code of the Borough of Larksville (hereinafter the "Code") regulates, *inter alia*, certain conditions which may from time to time exist or arise on real property located within the Borough and which are detrimental to the health, safety and welfare of the Borough and its residents and property owners, by means of provisions appearing in Code Chapter 139, entitled "BRUSH, GRASS AND WEEDS"); and,

WHEREAS, the aforesaid Chapter 139 of the Code contains provisions relating to violations, penalties and enforcement actions and the manner in which Larksville Borough is required to proceed in order to obtain the remediation of the conditions giving rise to such violations, the manner by which the Borough's enforcement actions must proceed and the rights of the Borough to perform such remediation on its own and thereafter file municipal lien claims should the property owner(s) fail to do so; and,

WHEREAS, Larksville Borough Council, after consultation with its Code Enforcement Officers, has determined, and finds, that the provisions of the said Code Chapter 139, as presently written, in many cases fails to meet their objectives of bringing the real property into compliance; and,

WHEREAS, Larksville Borough Council has determined, and finds, that the failure to bring the real properties in violation of the provisions of the aforesaid Code Chapter 139 into compliance often results in very extended time periods during which the detriment to the health, safety and welfare of the Borough, its residents and property owners continues unabated; and,

WHEREAS, Larksville Borough Council has further determined, and finds, that it is necessary and advisable to amend the provisions of Code Chapter 139 in order to create a greater incentive for the owner(s) of properties in violation to bring such properties into compliance or, by their failure to do so, to permit the Borough to undertake the necessary work on its own and to recover the Borough's costs for doing so; and,

WHEREAS, Larksville Borough Council has also further determined, and finds, that the use of a more streamlined procedure for providing notice(s) of violations, citing of

from the date of sending of the notice provided for in §139-2, the same may be cut and removed by or under the direction of such person(s) or firm(s) as Council may designate, and the cost thereof, together with a penalty of 10% and interest, shall be a lien against the property, which lien shall be filed and recovery thereon made as provided by law for the collection of municipal claims or by civil action; provided that such removal shall not be made more often than twelve (12) times in any one calendar year beginning on January 1st and ending on December 31st.

SECTION 2. Savings Clause.

The provisions of this Ordinance are hereby declared to be severable. In the event that any one or more of the provisions of this Ordinance shall, for any reason, be held to be unconstitutional, invalid, illegal or unenforceable in any respect, such unconstitutionality, invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. It is the intention of Larksville Borough Council that this Ordinance would have been adopted had such unconstitutional, invalid, illegal or unenforceable provision or provisions not been included herein.

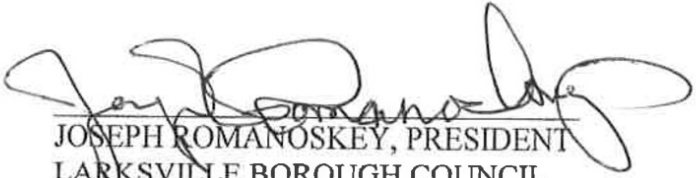
SECTION 3. Repealer.

Any and all prior Ordinances and/or Resolutions and/or any and all portions of prior Ordinances and/or Resolutions that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining provisions of such prior Ordinances and/ or Resolutions, not modified herein, shall be and remain in full force and effect.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its final advertisement, passage and enactment by Larksville Borough Council.

ORDAINED AND ENACTED by the Borough Council of the Borough of Larksville this 19 day of November, 2019.


JOSEPH ROMANOSKEY, PRESIDENT
LARKSVILLE BOROUGH COUNCIL

violators and, if necessary, remediation actions taken by the Borough together with a means of recovery of its costs in doing so, will assist the Borough's Code Enforcement Office and the owner(s) of properties in violation in complying with the Code provisions in a more coherent and timely manner;

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Larksville, Luzerne County, Pennsylvania, as follows:

SECTION 1. The existing provisions of Chapter 139 of the Code of the Borough of Larksville, entitled "BRUSH, GRASS AND WEEDS" shall be, and hereby is, amended to read as follows:

§ 139-1. (No change - this Section shall remain as presently stated.)

§ 139-2. Written notices of violations.

Prior to any action being taken by the Borough of Larksville under any section of this Chapter, a written notice shall be provided to the person(s), firm(s), or corporation(s) or any other entity however styled, owning the real property, of the violation of Section 139-1 and ordering the cutting and removal of such weeds, grass or other rank vegetation, or the accumulation of dead weeds, grass or brush to a height no greater than that permitted by this Chapter within seven (7) days from the providing of said notice. The notice provided for herein may be given personally, or if mailed, shall direct that the required action(s) be performed within seven (7) days from the mailing of the notice.

§ 139-3. Enforcement and penalties.

Any person(s), firm(s), or corporation(s) or any other entity however styled, violating the provisions of §139-1 shall, upon conviction in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not more than Three Hundred (\$300) Dollars and costs of prosecution and, in default of payment of such fine and costs, to be sentenced to imprisonment for not more than thirty (30) days. For the purpose of this Chapter, each day's violation of the provisions thereof, after the warning notice period of seven (7) days as set forth in §139-2, shall be deemed to be a separate offense.

§ 139-4. Cutting and/or removal by Larksville Borough.

In the event that all of such growth of weeds, grass or other rank vegetation, are not cut to a height less than the maximum permitted by §139.1, or the accumulation of dead weeds, grass or brush of like height are not removed from the real property contrary to the provisions of §139.1, within thirty (30) days

ATTEST:

Meissa Lewis
LARKSVILLE BOROUGH SECRETARY

APPROVED, as having been duly enacted and ordained this 19 day of
November, 2019.


JOSEPH ZAWADSKI, MAYOR
LARKSVILLE BOROUGH