

ORDINANCE NO. 214

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AN ORDINANCE PROVIDING FOR THE REMOVAL OF SNOW AND  
ICE ON SIDEWALKS, MOWING OR CUTTING OF GRASS, WEEDS  
AND VEGETATION, THE TRIMMING OF TREES AND THE COLLEC-  
TION AND STORAGE OF GARBAGE AND REFUSE WITHIN THE  
BOROUGH OF BERLIN

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WHEREAS, the Borough of Berlin, by Ordinance No. 136, as amended by Ordinances Nos. 182 and 199, provided for the removal of snow and ice from its sidewalks, the mowing or cutting of grass, weeds and vegetation, the trimming of trees and the collection and storage of garbage and refuse within the Borough of Berlin; and,

WHEREAS, the Borough of Berlin is desirous of repealing Ordinance No. 136 and its amendatory Ordinances Nos. 182 and 199 and enacting an Ordinance to comprehensively regulate and provide for said matters.

NOW THEREFORE, be it ordained and enacted by the Borough of Berlin and it is hereby ordained and enacted by the Authority of the same, as follows:

SECTION ONE - SNOW AND ICE.

(A) The owner, occupant or tenant of every property fronting upon or along any street in the Borough of Berlin upon which a sidewalk has been laid is hereby required to remove or cause to be removed from all sidewalks in front or along any such property all snow and ice thereon accumulated, within five (5) hours after the same shall have accumulated; provided, however, that snow or ice that has accumulated after 6:00 P.M. shall be removed not later than 10:00 A.M. of the following day.

(B) The owner of the property shall be responsible for compliance with this section where such property is occupied by the owner or is unoccupied or where the property is a multiple business or multiple dwelling property occupied by more than one tenant or occupant. In all other cases, the tenant or occupant shall be responsible for compliance with the provisions of this section.

(C) In any case where the party responsible as aforesaid shall fail, neglect or refuse to comply with the provisions of this section, the Borough may proceed immediately to remove all such snow and/or ice and to collect the expense thereof, with any additional amount allowed by law, from the party responsible hereunder, in addition to any fine or penalty imposed under this Ordinance.

SECTION TWO - GRASS, WEEDS AND VEGETATION.

(A) No person owning or occupying any property within the Borough shall permit any grass or weeds, or vegetation whatsoever, exclusive of trees, which is inedible or not otherwise specifically planted for some useful or ornamental purpose to grow or remain upon such premises in such a manner as to exceed a height of six (6) inches. All grass, weeds or vegetation as aforesaid shall be mowed or cut not less than twice between the dates of May 15 and September 15 of each year. Any such grass, weeds or vegetation in excess of a height of six (6) inches or creating or producing pollen or odors is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough.

(B) The owner of property shall be responsible for compliance with this section where such property is occupied by the owner or is unoccupied or where the property is a multiple business or multiple dwelling property occupied by more than one (1) tenant or occupant. In all other cases, the tenant or occupant shall be responsible for compliance herewith.

(C) In any case where the party responsible as aforesaid shall fail, neglect or refuse to comply with the provisions of this section,

the Borough may proceed immediately to mow or cut said grass, weeds or vegetation from time to time as may be reasonably necessary to comply with the provisions of this section and to collect the expenses thereof, with any additional amount allowed by law, from the party responsible hereunder, in addition to any fine or penalty imposed under this Ordinance.

SECTION THREE - TRIMMING TREES.

(A) The owner or occupant of every property upon or along which is situate any tree or trees shall keep the same trimmed at all times so the same shall not damage or interfere with any of the electric lines of the Borough.

(B) The owner of property shall be responsible for compliance with this section where such property is occupied by such owner or is unoccupied or where the property is a multiple business or multiple dwelling property occupied by more than one (1) tenant or occupant. In all other cases, the tenant or occupant shall be responsible for compliance herewith.

(C) In any case where the party responsible as aforesaid shall fail, neglect or refuse to comply with the provisions of this section, the Borough may, at its own cost and expense, trim any such trees to the extent reasonably necessary to prevent damage to or interference with Borough electric lines.

SECTION FOUR - GARBAGE AND REFUSE.

(A) No person owning or occupying any property within the Borough shall permit any accumulation of garbage or refuse thereon. Any such accumulation of garbage and refuse is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough.

(B) The owner of the property shall be responsible for compliance with this section where such property is occupied by such owner or is unoccupied or where the property is a multiple business or multiple dwelling property occupied by more than one tenant or occupant. In all other cases, the tenant or occupant shall be responsible for compliance herewith.

(C) In any case where the party responsible as aforesaid shall fail, neglect or refuse to comply with the provisions of this section, the Borough may proceed immediately to remove any such accumulation of garbage and refuse and to collect the expense thereof, with any additional amount allowed by law, from the party responsible hereunder, in addition to any fine or penalty imposed under this Ordinance.

SECTION FIVE - PENALTY.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine of not less than \$10.00 nor more than \$300.00, or undergo imprisonment for a period of time not in excess of ninety (90) days, or both.

SECTION SIX - SAVINGS CLAUSE.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared invalid, such a decision shall not effect the validity of the remaining portions hereof.

SECTION SEVEN - REPEALER.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed. Ordinances Nos. 136, 182 and 199 are also hereby repealed. In their entirety.

Adopted by council, this 14<sup>th</sup> day of SEPTEMBER, 1979.

ATTEST:

BOROUGH OF BERLIN

Lucy A. Claycomb  
Borough Secretary

By Andrew H. Docter  
President of Borough Council

(SEAL)

Approved this 14<sup>th</sup> day of SEPTEMBER, 1979.

R. Paul Taylor  
Mayor of the Borough of Berlin