

ORDINANCE NO. 2022 - 359

AN ORDINANCE OF MIDDLEBURG BOROUGH, SNYDER COUNTY, PENNSYLVANIA, REGULATING VEGETATION AT INTERSECTIONS IN THE BOROUGH OF MIDDLEBURG AND IMPOSING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the Borough of Middleburg Ordinance 208 was adopted on July 8, 1985 to regulate prohibited vegetation in the Borough;

WHEREAS, Ordinance 208 was codified in the Borough Code under Chapter 10, Part 101, *et seq.*

WHEREAS, Ordinance 208 was repealed on November 9, 2021 by Ordinance 2021-354, which regulates weeds under the 2018 International Property Maintenance Code; and

WHEREAS, the Borough desires to regulate all vegetation, even if it is not a weed or other noxious plant species, that limits visibility at intersections in the Borough of Middleburg.

WHEREAS, this ordinance shall replace prior Ordinance 208 and shall be codified in its place at Chapter 10, Part 101, *et seq.*

SECTION 1. BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, as follows:

Part 1. Prohibited Vegetation at Intersections. [Codified §10-101]

No person, firm or corporation owning or occupying any property within the Borough of Middleburg shall permit any vegetation to interfere with the visibility at a road intersection nor shall any vegetation exceed thirty-six (36) inches in height above the center line of the road when placed at a road intersection.

Part 2. Owner to Cut or Remove Vegetation. [Codified §10-102]

The owner of any premises, in the case of vacant premises or premises occupied by the owner, and the occupant of premises in the case of premises occupied by other than the owner thereof, shall remove, trim or cut all vegetation growing or remaining upon such premises in violation of the provision of the first section of this Part.

Part 3. Notice to Remove, Removal by Borough. [Codified §10-103]

1. The Borough Administrator, Borough Zoning Officer, Middleburg Borough Police Department, or any officer or employee 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 vegetation is growing or remaining in violation of the provisions of the first section of this Part, directing and requiring such occupant or owner to remove, trim or cut such vegetation so as to conform to the requirements of this Part within five (5) days after issuance of such notice.
2. In case any firm, person 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 vegetation, and the costs thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm or corporation in the manner provided by law.

Part 4. Enforcement. [Codified §10-104]

This Ordinance shall be enforced by the Borough Administrator, Borough Zoning Officer, or the Middleburg Borough Police Department. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

SECTION 2. Repealer. All provisions of any code, ordinance or other regulation in the Borough which are inconsistent with this Ordinance are repealed to the extent of such inconsistency.

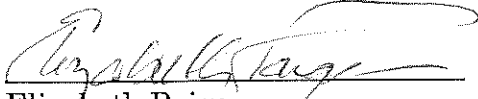
SECTION 3. Severability. If any provision, sentence, clause, section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections 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 provision, sentence, clause, section or part thereof not been included herein.

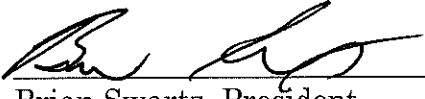
SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its enactment.

DULY ENACTED AND ORDAINED this 12th day of July, 2022, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after receiving public comment thereon and following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:


BOROUGH OF MIDDLEBURG:


Elizabeth Paige
Administrator/Secretary

BY: 
Brian Swartz, President

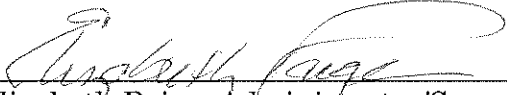
(Middleburg Borough Seal)

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,
SNYDER COUNTY, PENNSYLVANIA, THIS 12th DAY OF JULY, 2022.


Heidi Potter, Mayor

CERTIFICATE OF ADOPTION

AND NOW, this 12th day of July, 2022, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on July 12, 2022, at which time a quorum was present.



Elizabeth Paige, Administrator/Secretary

(Middleburg Borough Seal)

CERTIFICATE OF PREPARATION

AND NOW, this 12th day of July, 2022, I hereby certify that I prepared the foregoing Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and properly advertised meeting held on July 12, 2022.



Beau A. Hoffman, Solicitor