

BOROUGH OF \_\_\_\_\_, \_\_\_\_\_ County

ORINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION \_\_\_\_\_ OF THE \_\_\_\_\_ CODE; REGULATING THE DISPOSAL OF GRASS CLIPPINGS AND YARD WASTE ON THE BOROUGH STREETS; SETTING PROCEDURES FOR REDUCTION IN WASTE AND REMEDIATION; 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 \_\_\_\_\_, \_\_\_\_\_ 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 into the Borough's storm sewers; and
2. The Borough has recently made great expenses on storm water drainage and does not wish for its new infrastructure investment to be degraded by run-off of yard waste; 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; and
4. The current ordinances and procedures have failed to abate the dumping of waste into the streets; and
5. That a new ordinance is required to remediate the problems identified herein.

### **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 \_\_\_\_\_. 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 inadvertently is 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. No summons may be based upon hearsay.

**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 in the Borough's Schedule of Fines and Costs. 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 shall be a higher thereafter as set in the Borough's Schedule of Fines and Costs.

**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 according to the Borough's Schedule of Fines and Costs, or in default thereof, sentenced to the county jail for up to thirty (30) days.

**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 sixty (60) days.

**ENACTED AND ORDAINED as an Ordinance of the Borough of \_\_\_\_\_,**  
**\_\_\_\_\_ County, PA this \_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_.**

**BOROUGH OF**

\_\_\_\_\_

*Secretary*

\_\_\_\_\_

*President*

\_\_\_\_\_

*Mayor*

