

**BOROUGH OF CARROLL VALLEY
PLANNING COMMISSION MEETING**

**Tuesday, September 6, 2022 – 7:00 P.M.
Borough Office**

A G E N D A

- A. Approval of Meeting Minutes**
 - A. Minutes of the June 6, 2022 meeting
- B. Open to the Public**
- C. New Business**
 - A. New Zoning Ordinance Concerns
- D. Old Business**
 - A. Property Maintenance
- E. Adjournment**

INTEROFFICE MEMORANDUM



TO: PLANNING COMMISSION
FROM: DAVID HAZLETT, BOROUGH MANAGER
SUBJECT: CHAPTER 27 CONCERNS
DATE: 07/29/2022
CC: FILE

Attached please find a memorandum that was discussed at the July 12, 2022 Borough Council meeting addressing concerns that I have regarding the newly passed Zoning Ordinance. Council reviewed the concerns and determined that they have merit and have directed Planning Commission to conduct their own review and recommend amendments to address the concerns.

Discussion from Council included:

- Recommendation of Borough Solicitor, Zach Rice to allow Vacation Rentals as a Permitted Use by Right and have the Zoning Officer/Official be responsible for guaranteeing that a property owner has met all of the criteria.
- Recommended that the term “vehicle” be more clearly defined.
- Re-evaluate the one (1) trailer rule.

MEMORANDUM



TO: BOROUGH COUNCIL; MAYOR
FROM: DAVID HAZLETT, BOROUGH MANAGER
SUBJECT: NEW ZONING ORDINANCE CONCERNS
DATE: 9/2/2022
CC: GAYLE MARTHERS

I have 2 concerns to bring to your attention:

1. Vacation Rentals are only permitted as a special exception in several zoning districts. As such, everyone who wants to have a short-term rental must have a hearing before the Zoning Hearing Board. I would ask the council to direct staff to prepare a revision to the ordinance to reclassify this use as a "Conditional Use", which would require a hearing before the Borough Council, thereby eliminating the loss of \$1,000's each time we hold a zoning hearing. The current language reads as follows:

C. Special Exception Uses: The following uses are permitted by Special Exception in the R2 District in accordance with the following standards and criteria, any reasonable conditions that the Zoning Hearing Board may deem necessary, and in accordance with the procedures set forth in Section 1908 of this Ordinance.

1. Group Home, in accordance with Section 1501.N.

2. Vacation Rental, in accordance with Section 1501.HH.

3. Wireless Communication Facility – Tower Based – Inside Public Right-of-Way, proposed as either a stand-alone facility or as part of a DAS, in accordance with Section 1501.LL.

4. Uses not expressly permitted elsewhere in this Ordinance, and that exhibit the same general character of the uses listed in Section 601, when authorized as a Special Exception by the Zoning Hearing Board in accordance with Section 1501.GG and 1908.

2. The requirements for trailer ownership may be a bit strict. The rules, as included in the new Ordinance, state the following:

Recreational vehicles, travel trailers, truck tractors, boats and trailers may be parked on a property in accordance with the following requirements:

a. The storage of one (1) such vehicle shall be permitted. Such vehicle is permitted to be parked in any yard as long as no portion of the vehicle (including tongue) is located within any public right-of-way, on or above any public sidewalk or easement, or within a distance of five (5) feet from adjoining property lines.

b. The storage of a second vehicle shall be permitted if the gross lot size is equal to or greater than two (2) acres, as derived from a recorded deed and/ or recorded subdivision plan. The second vehicle shall be permitted only in the side/rear yard, and no portion of the vehicle (including tongue) shall be located within any public right-of-way, on or above any public sidewalk or easement, or within a distance of five (5) feet from an adjoining property.

c. All areas used for storage shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. Storage of such vehicle shall not exempt the property owner from any property maintenance requirement of this Ordinance or any other Borough ordinance.

d. All vehicles shall maintain valid registration and inspection, and prevent the leakage of fuels and/or lubricants into the ground

Was it our intention to limit our homeowners to only own **one** of the following? Recreational vehicles, travel trailers, truck tractors, boats, and trailers. Not one of each, but one total?

AN ORDINANCE REPEALING THE CURRENT CHAPTER 10 OF THE BOROUGH OF CARROLL VALLEY, ADAMS COUNTY, PENNSYLVANIA CODE IN ITS ENTIRETY AND ENACTING A NEW ORDINANCE REGARDING NUISANCES WITHIN THE BOROUGH OF CARROLL VALLEY AND PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, Section 1202(4) of the Borough and Incorporated Towns Code, 8 Pa.C.S. § 1202(4) permits the Borough to prohibit and remove any nuisance; and

WHEREAS, the same section allows the Borough to remove the nuisance or structure and collect the cost of the removal, together with a penalty; and

WHEREAS, Section 1202(5) of the Borough and Incorporated Towns Code, 8 Pa.C.S. § 1202(5) allows the Borough to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough; and

WHEREAS, the Council of the Borough of Carroll Valley, Adams County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens, residents and visitors of the Borough to amend Chapter 10 in its entirety regulating nuisances within the Borough and providing for the enforcement of the Ordinance and penalties for the violation thereof.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Chapter 10 of the Borough of Carroll Valley Code, is hereby repealed in its entirety.

SECTION 2: The following text shall be hereinafter referred to as Chapter 10 of the Borough of Carroll Valley Code:

CHAPTER 10

Personal Property Nuisances

§ 10-201. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the masculine include the feminine, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural.

APPLIANCE – A stove, refrigerator, television set, furnace, air conditioner, water heater, water softener, washer, dryer, microwave or any household article used to perform any of the necessary domestic work in a household. The term “appliance” shall also mean any article used in business to increase production or to speed, ease, or eliminate work, including but not limited to the specific items aforementioned.

ATTRACTIVE NUISANCE – A nuisance that is dangerous or hazardous to young children below the age of thirteen (13) because of their inability to appreciate the possibility of suffering harm or injury ~~peril~~ and may reasonably be expected to attract them to personal or real property.

BOROUGH – The Borough of Carroll Valley, Adams County, Pennsylvania.

BOROUGH COUNCIL – The Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

BUILDING – A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

DANGEROUS STRUCTURE – Any building or structure which is in such a dilapidated condition that it is unfit for human habitation or kept in such an unsanitary condition that it is a menace to the health of persons residing in the vicinity thereof, or is in a condition that presents a fire hazard.

DEBRIS – The remains of something broken down or destroyed; something discarded.

DISCARDED – Any item resting for ~~forty-eight (48) hours~~ more than six (6) days outdoors, or in an area that is not fully enclosed, which is not designed for outdoor use or which is not being used outdoors for its intended purpose.

FIRE HAZARD – (1) Any building containing electrical wiring or appliances in a dangerous and defective condition likely to cause fire. Electrical wiring and appliances installed or in use that are not in compliance with the provisions of any ordinance of the borough regarding wiring and appliances and the installation thereof.

(2) Any building containing gas plumbing or appliances in a dangerous and defective condition likely to cause fire. Gas plumbing or appliances installed or in use that are not in compliance with the provisions of any ordinance of the borough regulating plumbing and appliances and the installation thereof.

(3) Any wooden frame building a substantial portion of which is in a state of dilapidation and in an advanced stage of rot and the deteriorated condition of the building renders its occupancy extremely hazardous to human life due to the increased likelihood of the occurrence of fire and the increased danger of its rapid and violent spread.

(4) Any building wherein there exists a dangerous, defective and hazardous condition the nature of which renders the occupancy of the building an extreme risk to human life and the continued existence of which will, under all probabilities, result in a loss of human life.

HOUSEHOLD FURNISHINGS – All items normally found and used inside a home or residence.

JUNK - all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

JUNKED – Inoperable, obsolete, or abandoned items that are, being stripped of components, being used or sold for parts, to be sold for scrap, or not being used for their intended purpose.

NOXIOUS WEED – A plant that is determined to be injurious to public health, crops, livestock, agricultural land, and other properties.

NUISANCE – The unreasonable, unwarranted, or unlawful use of public or private property which causes or could cause injury, damage, hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of person or property including, but not limited to:

- A. The presence of junk, trash or debris including but not limited to all waste, refuse and discarded materials having only a junk or salvage value, and garbage or waste not contained in a safe sanitary and orderly manner in a proper container for collection.
- B. The presence of abandoned, discarded or unused: equipment, appliances, household furnishings, or other objects.
- C. Outdoor storage of containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.
- D. Maintaining or causing to be maintained upon any unenclosed porch or exterior attachment, furniture, other than furniture designed for exterior use, which is commonly intended for use inside a dwelling including but not limited to upholstered sofas, chairs, davenport, beds, divans and similar items.
- E. Maintaining or allowing any dangerous structures, including but not limited to abandoned, occupied, or unoccupied buildings or parts of buildings.
- F. Maintaining or allowing any building to be unsecured.
- G. Maintaining or causing accumulation of trash, garbage, junk, or any debris that would constitute a fire hazard.
- H. The growth of trees, grass, weeds, and other vegetation as described in § 10-204 of this Chapter. ~~Permitting the growth of noxious weeds as defined in Chapter 25 of the Carroll Valley Borough Code or Ordinances~~
- I. ~~Trees, shrubs, hedges, bushes of whatsoever kind or nature within five (5') from the edge of any road surface.~~
- J. ~~Trees, shrubs, hedges or other vegetation overhanging sidewalks or other pedestrian walkways or within five (5') from the edge of any road surface at a height less than eight (8') feet.~~
- K. ~~Trees, shrubs, or other vegetation overhanging a road right of way at a height of less than twelve (12') feet measured from the street surface at the curb.~~
- L. ~~Maintaining, permitting or allowing grass, weeds and other vegetation, not edible or planted for some useful or ornamental purpose, to grow on improved properties, including the public right of way, to exceed a height of twelve (12") inches.~~
- I. Garbage, garbage containers, trash, recycle containers or yard waste containers, placed in the public right-of-way, or within sight from the road fronting the property, except for the twenty-four (24) hours immediately prior to the regularly scheduled collection of trash.

Under no circumstance shall loose or bagged trash be permitted in the public right of way or front yard of a property.

- J. Maintaining or allowing the improper disposal of sewage and wastewater in a manner that does not conform to Chapter 18 of this code, other local ordinance or regulation, or state or federal law.
- K. Maintaining or allowing an untagged, unregistered, uninspected, and/or uninsured motor vehicle, wheeled camper, ~~boat~~, or trailer upon the private grounds of any person, owner or lessee within the Borough of Carroll Valley, unless stored indoors.
- L. Maintaining or allowing outside storage, for more than thirty (30) days, of any motor vehicle upon the private grounds of any person owner or lessee within the Borough of Carroll Valley subject to one or more of the following defects:
 - 1. Broken windshields, mirrors or other glass with sharp edges.
 - 2. One or more flat or open tires or tubes that could permit animal or vermin harborage or other infestation.
 - 3. Missing door, window, hood, trunk, or other body parts which could facilitate animal or vermin harborage or other infestation.
 - 4. Any body parts with sharp edges, including holes resulting from rust.
 - 5. Missing tires resulting in unsafe suspension of the motor vehicle.
 - 6. Upholstery that is torn or open which could permit animal or vermin harborage or other infestation.
 - 7. Broken headlamps or taillamps with sharp edges.
 - 8. Disassembled chassis parts apart from the motor vehicle stored in an unsafe or disorderly fashion or loose, in or on the vehicle.
 - 9. Protruding sharp objects from the chassis.
 - 10. Broken vehicle frame suspended from the ground in an unstable manner.
 - 11. Leaking or damaged oil pan or gas tank that could cause fire or explosion.
 - 12. Exposed battery containing acid.
 - 13. Inoperable locking mechanism for doors or trunk or hood.
 - 14. Open or damaged floorboards, including trunk and firewall.
 - 15. Damaged bumpers pulled away from the perimeter of vehicle to an extent that the vehicle would fail inspection.
 - 16. Broken grill with protruding edges.
 - 17. Loose or damaged metal trim and clips; broken communications equipment and antenna.
 - 18. Suspended on unstable supports.
 - 19. Such other defects that may threaten the health, safety and welfare of the citizens of the Borough.
- M. The emission of noxious fumes, gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
- N. ~~Maintaining any animal outside other than chickens, as provided for in Chapter 2, or dogs.~~ Maintaining, permitting or allowing the storage of scrap materials. See also § 10-203. Scrap Materials.
- O. The accumulation of, or improper disposal of animal waste.
- P. All disagreeable and obnoxious odors or stenches, as well as the conditions which give rise to the omission or generation of said odor and stenches.

- Q. The improper disposal of the carcasses of animal or fowl.
- R. ~~Dead or dying trees or other vegetation that may cause a hazardous situation if they fall.~~ Creating, maintaining or allowing a salvage yard or junkyard.
- S. Any accumulation of stagnant water.
- T. An attractive nuisance.

OWNER – Any individual, firm, corporation, trust, association, partnership, or other legal entity which alone, or jointly or severally with others, holds legal or equitable title to the rental unit (the plural use indicates each and every Owner).

PERSON – A natural person, firm, partnership, company, association, trust, corporation, or other legal entity. The singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter, whatever appropriate.

PORCH or EXTERIOR ATTACHMENT – Any area attached to or appended to a building regularly used for dwelling.

PUBLIC RIGHT-OF-WAY – The total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

SALVAGE YARD or JUNKYARD – Any land, building or other places used and/or maintained for the collection, storage, keeping, abandonment, demolition, or dismantling of scrap and discarded materials that no longer function as the use for which they were designed and/or manufactured. The scrap and discarded materials include, but are not limited to, vehicles, machinery, plumbing fixtures and electrical appliances.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TRASH –

UNFIT FOR HUMAN HABITATION – A dwelling that is dangerous or detrimental to life or health because of any of the following: (1) Want of repair; (2) Defects in the drainage, plumbing, lighting, ventilation, or construction; (3) Infection with contagious disease; or (4) The existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.

UNSANITARY CONDITION – Such conditions or circumstances as might contaminate with dirt or filth, or lead to injury or health problems.

VEGETATION – Plant life in general.

WEEDS – All vegetation, other than trees, shrubs, grass and cultivated flowers and gardens.

§ 10-202. Nuisances prohibited.

It shall be unlawful for any person to create, maintain or allow any condition which is a nuisance. ~~Except that:~~

- ~~1. This prohibition shall not apply to a maximum of one nuisance vehicle, as described in paragraph O above, stored indoors or on a driveway completely covered by a cover designed for covering motor vehicles~~
- ~~2. This prohibition shall not apply to a maximum of one nuisance vehicle, as described in paragraph P above, stored indoors.~~

§ 10-203. Scrap Materials.

It is further declared unlawful to store, accumulate or keep on any property (unless fully enclosed within a building) within the limits of the Borough any scrap material of any kind, any scrapped or used appliances, fixtures, automobile parts, household furnishings, machinery, and machinery parts or other similar material or any other form of discarded or unused or unusable materials (including but not limited to building materials)

§ 10-204. Growth of Trees, Grass, Weeds and Other Vegetation.

It is declared unlawful to keep or allow to be kept any grass, weeds or other vegetation; and trees, hedges, bushes or shrubbery of whatsoever kind or nature under the following nuisance instances:

1. **Encroachment Upon Adjoining Rights-of-Way.** No person, firm or corporation owning or occupying any property within the Borough shall keep or allow to be kept any trees, hedges, bushes or shrubbery of whatsoever kind or nature, exceeding 12 inches in height, to grow or remain in the right-of-way within five feet from the edge of the road surface. Further, such growth is prohibited on any property if, by encroaching upon adjoining rights-of-way, it interferes with pedestrian or vehicular traffic using said rights-of-way, or hampers proper drainage of the roadway. All such vegetation is hereby declared to be detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.
2. **Damaging or Dangerous Growth.** No person, firm or corporation owning or occupying any property within the Borough shall keep or allow to be kept any grass, weeds or other vegetation included on the Noxious Weed List contained within the Pennsylvania Noxious Weed Control Law (3 P.S. §§ 255.1 - 255.11), as amended, to grow or remain upon any property. Any such conduct is hereby declared to be detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.
3. **Control of Grass, Weeds and Other Vegetation on Improved Properties.** No person, firm or corporation owning or occupying any property within the Borough improved with a structure, whether for residential or commercial purposes (with the exception of large recreational or agricultural tracts), shall keep or allow to be kept any grass or weeds or vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain on such property, including any portion of the property within the street or right-of-way, so as to exceed a height of 12 inches. All such vegetation is hereby declared to be detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

§ 10-204. Abatement.

- A. **Abatement of nuisance by Owner, occupant, or person responsible.** Whenever a nuisance is found to exist the Owner or occupant of the property upon which such nuisance exists or the person causing or maintaining the nuisance shall be provided with written notice as provided for herein to abate the nuisance. The nuisance shall be abated by the Owner, occupant, or person causing the nuisance, as applicable, within the time required in the notice.
- B. **Abatement of nuisance by Borough.** In the event the Owner, occupant, or person causing the nuisance, as applicable, shall fail to abate said nuisance, the Borough shall take such actions as it deems necessary to abate said nuisance without liability for damage that may result from the abatement. The actual costs of abating said nuisance, including but not limited to actual labor charges, equipment, rental charges, administrative overhead, postage, plus a penalty of ten (10%) percent of the costs and attorney's fees, shall be collected from the Owner of the property either by an action in assumpsit or by the filing of a municipal claim or lien against the said real property. In addition to the above, the Borough may, at its sole discretion, by an action in equity, compel the Owner to comply with this Ordinance or seek other relief as a court may order.

§ 10-205. Notice; Enforcement; Compliance.

- A. Whenever a condition constituting a nuisance is permitted or maintained in the Borough, the Borough Manager, the Code Enforcement Official, Chief of Police, or other designee shall issue a *Notice of Violation*, in writing:
1. Describing the real property sufficient for identification, upon which the nuisance exists;
 2. Stating the condition or conditions that constitute a nuisance, with reference to the applicable Code of Ordinances, and the penalties for not abating or removing the nuisance;
 3. Providing a correction order specifying the maximum timeframe to abate or remove the nuisance, and/or appeal the correction order; and
 4. Informing the Owner that if it becomes necessary for the Borough to abate the nuisance, the Borough may file a municipal lien against the applicable real property in accordance with the Municipal Claims Act, 53 P.S. §7101 *et seq.*
- B. The *Notice of Violation* shall be served in one of the following manners:
1. Personal delivery to the owner, occupant, or person causing the nuisance, as applicable;
 2. Leaving the notice with an adult upon real property upon which the nuisance exists;
 3. Posting a copy of the notice on a door at the entrance of any building and/or structure located on real property upon which the nuisance exists; or
 4. Mailing, by certified mail, the notice to the last known address of the Owner.

- C. Notwithstanding the foregoing, if the violator has not abated or removed the nuisance within the time period for the abatement or removal set forth in the *Notice of Violation*, the Code Enforcement Officer may initiate proceedings against such violator in the office of the local Magisterial District Justice.

- D. In lieu of proceeding as described in paragraph C of this part, the Code Enforcement Officer or designee are hereby duly authorized to issue up to two (2) tickets in a form established by the Borough. Such ticket shall be issued to any Owner violating the provisions of this Ordinance. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an Owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct the violator that if the violator abates the nuisance and reports to the Borough Office and pays to the Borough the sum of \$100.00 within ten (10) days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation. The ticket shall also advise the violator that prosecution may result in court costs and attorney fees being assessed against the violator in addition to a fine. The ticket shall also advise the violator of their appeal rights. In any event, the nuisance is not abated, and the ticket is not paid in full within ten (10) days of issuance, the code official or his designee(s) may issue a second ticket with double the fine. If the nuisance is not abated or removed and/or the tickets are not paid the borough shall issue a citation to the violator and refer the matter to the local Magisterial District Justice for prosecution. Notwithstanding the foregoing, the code official or his designee(s) shall have the sole and absolute discretion to issue a citation without first issuing a first or second ticket as provided for herein.

§ 10-206. Violations and penalties.

- A. Any person violating any provision of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not less than \$500 nor more than \$1,000 for each violation plus costs of prosecution, including but not limited to reasonable attorney fees and restitution (in the event that the Borough has abated the nuisance), or upon default of payment of fines, costs and/or restitution, by imprisonment for a period not to exceed ten (10) days.

- B. Each day shall constitute a new and separate violation of this Ordinance.

§ 10-207. Appeal.

1. Any person receiving an initial *Notice of violation* under this Ordinance may appeal that notice in writing. The appeal must be addressed to the Borough Manager and filed within five (5) days of service. The appeal must set forth a statement of the grounds for the appeal. The appeal will be heard before a three-member panel of the Borough Council not later than five (5) business days after the date on which the appeal was filed unless postponed for sufficient cause.

2. After hearing the appeal, the three-member panel of the Borough Council shall sustain, modify or overrule the action of the Code Enforcement Officer or designee.

§ 10-208. Remedies; Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Ordinance and/or any other remedy, at law and/or in equity, available to the Borough under the laws of the Commonwealth of Pennsylvania shall not be deemed mutually exclusive but rather each remedy may be employed simultaneously or consecutively at the sole discretion of the Borough.

SECTION 3. Repealer.

All provisions of previous ordinances of the Borough of Carroll Valley, which are contrary to this ordinance, are expressly repealed insofar as same affects this Ordinance; except any ordinance or parts of ordinances that authorize greater remedies than this Ordinance are preserved.

SECTION 4. Savings Clause.

In all other respects, the Code of the Borough of Carroll Valley shall remain as previously enacted and ordained.

SECTION 5. Severability.

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses or sentences of the same.

SECTION 6. Effective Date.

This ordinance shall take effect immediately.

ENACTED, ORDAINED AND APPROVED this ____ day of _____, 2020.

BOROUGH OF CARROLL VALLEY, Adams County, Pennsylvania

ATTEST:

Gayle R. Marthers,
Borough Secretary

Richard H. Mathews,
Borough Council President

Ronald J. Harris,
Mayor of the Borough of Carroll Valley

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing ordinance was advertised in the Gettysburg Times, a newspaper of general circulation in the municipality, on _____, and was duly enacted and approved as set forth at a regular meeting of the Borough Council of the Borough of Carroll Valley on _____.

Gayle R. Marthers, Borough Secretary

§ 25-201. Unlawful Vegetation Prohibited. [Ord. 2-82, 3/8/1982, § 5-2003; as amended by Ord. 2-88, 2/8/1988; by Ord. 3-93, 6/14/1993; by Ord. 14-96, -/-/1996; by Ord. 2-97, 3/10/1997; and by Ord. 1-2014, 1/14/2014]

§ 25-202. Clearing of Nuisances. [Ord. 2-82, 3/8/1982, § 5-2004; as amended by Ord. 3-93, 6/14/1993]

The owner of any property, whether undeveloped, vacant, or occupied by the owner, or the occupant of developed property when said occupant is other than the owner, shall be responsible for complying with the provisions of this Part.

§ 25-203. Enforcement. [Ord. 2-82, 3/8/1982, § 5-2007; as amended by Ord. 2-88, 2/8/1988; by Ord. 3-93, 6/14/1993]

1. Procedures when cutting or clearing or replacement of trees is required by the Borough:
 - A. The Borough Manager or any officer, employee, or other official he designates 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 property in violation of the provisions of this chapter, directing such owner or occupant to remove, trim, or cut weeds or other vegetation, or trees, hedges, bushes or shrubbery, or to replace trees as necessary, so as to conform with the requirements of this chapter.
 - B. Compliance shall be required as follows:
 - (1) Compliance shall be within 20 days after the issuance of such notice when a violation under this Part of this chapter has been cited.
 - (2) Compliance shall be within 30 days after the issuance of such notice when a violation of § 25-201, Subsection 1A, has been cited.
 - (3) Compliance shall be within 10 days after the issuance of such notice when a violation of § 25-201, Subsection 1B or C, has

been cited.

- (4) Allowances will be made for conditions which make compliance within the required time frame excessively difficult (such as weather). However, a written agreement outlining how and when the violations are to be resolved must be submitted and accepted by the Borough.

- C. In case any person shall neglect, fail or refuse to comply within the stated time period when any cutting or clearing is required, the Borough authorities may remove, trim or cut such weeds, vegetation, trees, bushes, hedges or shrubbery and/or take such action is necessary to abate said nuisance without liability for damage to the property. The actual cost thereof, including actual labor charges, equipment rental charges, postage, and any reasonable professional fees related to the abatement, plus a penalty of 10% of the costs, shall be collected from the owner of the property either by an action in

12/1/2018

25:6

assumpsit or civil action, or by the filing of a municipal claim or lien against the said real property. Interest at 10% per annum shall be collectible from the date of the completion of the work in accordance with the Municipal Claims and Tax Liens 53 P.S. § 7143. In addition to the above, the Borough may, by an action in equity, compel the owner to comply with this chapter or take such other relief as a court may order. **[Amended by Ord. No. 3-2016, 11/15/2016]**

- D. Occupancy permits, where applicable, shall not be issued until all outstanding violations are rectified.

§ 25-204. Penalties. [Ord. 2-82, 3/8/1982, § 5-2008; as amended by Ord. 5-92, 6/8/1992; and by Ord. 1-2008, 3/11/2008]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

DRAFT