

Chapter 113
GRASS AND WEEDS

§ 113-1. **Height and growth restrictions.**

§ 113-2. **Responsibility of owner.**

§ 113-3. **Service of notice of violation; correction by Borough; responsibility for costs.**

§ 113-4. **Violations and penalties.**

[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown 6-24-1998 by Ord. No. 1998-5. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 135.

Trees along streets and sidewalks — See Ch. 187, Art. X.

§ 113-1. Height and growth restrictions.

No person, firm or corporation, owning property within the Borough of McSherrystown (the "owner") shall permit any grass or weeds, or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of five inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to unreasonably create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and aesthetic comfort of the inhabitants of the Borough.

§ 113-2. Responsibility of owner.

The owner of any premises, whether such premises is vacant or occupied, shall be responsible for trimming, cutting or removing all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of § 113-1 of this chapter.

§ 113-3. Service of notice of violation; correction by Borough; responsibility for costs.

The Borough of McSherrystown, through its Council, or any officer or employee of the Borough designated thereby for this said purpose is hereby authorized to give notice, by personal service or by United States mail, first-class postage prepaid, to the owner of any premises whereon grass, weeds or other vegetation is growing and/or remains in violation of the provisions of § 113-1 of this chapter, directing and requiring such owner to trim, cut or remove such grass, weeds or vegetation, so as to conform to the requirements of this chapter, within five days after issuance of such notice. If the said owner shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may trim, cut or remove such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by law, may be treated as a municipal claim and collected by the Borough from such owner, in the manner provided by law.

§ 113-4. Violations and penalties.¹

Notwithstanding the remedy set forth in § 113-3 above, any owner who shall violate or fail, neglect or refuse to comply with any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 or imprisonment for a term not exceeding 30 days and the costs of prosecution; provided, however, each day's violation following the five-day notice set forth in § 113-3 above shall constitute a separate offense, and additional notice to the said owner shall not be necessary in order to constitute such separate offense.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).