

ORDINANCE NO. 2022 - 638

AN ORDINANCE OF THE BOROUGH OF MARTINSBURG, BLAIR COUNTY, PENNSYLVANIA, FOR THE PROTECTION OF THE PUBLIC HEALTH; DEFINING NUISANCES AND DECLARING CERTAIN CONDITIONS, PLACES AND THINGS TO BE NUISANCES, AND PROHIBITING THE SAME; PROVIDING FOR THE ABATEMENT THEREOF; ESTABLISHING PENALTIES FOR VIOLATIONS; RATIFYING AND CONFIRMING PRIOR ORDINANCES; AND AMENDING SECTION 9 OF ORDINANCE NO. 2006-563

BE IT HEREBY ENACTED AND ORDAINED by the Borough of Martinsburg, Blair County, Pennsylvania, and it is hereby enacted and ordained as follows:

WHEREAS, the Borough of Martinsburg, Blair County, Pennsylvania has previously enacted ordinances defining nuisances and declaring certain conditions, places and things to be nuisances, and prohibiting the same, and providing for the abatement thereof; and

WHEREAS, Section 3 of Ordinance No. 2006 – 563 of the Borough of Martinsburg, Blair County, Pennsylvania provides that a nuisance shall be defined as, among other things, “[t]he allowance of grass, weeds or any type of plant growth which shall be left to grow in excess of six inches above the ground with the exception of trees, shrubs, bushes, flowering plants or vegetable plants which are properly trimmed and maintained”; and

WHEREAS, Section 9 of Ordinance No. 2006 – 563 of the Borough of Martinsburg, Blair County, Pennsylvania provides that “[t]he Borough of Martinsburg, or any officer or employee of the Borough of Martinsburg designated thereby for this 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 grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 3 of this Ordinance,

directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform for the requirements of this Ordinance, within seven (7) days after issuance of such notice"; and

WHEREAS, in the collective judgment of the members of Council of Martinsburg Borough, and based upon the recommendation of the Martinsburg Police Department, it has been determined that Section 9 of Ordinance No. 2006 – 563 should be amended so as to provide a progressive warning schedule to violators of Section 3 of said Ordinance; and

WHEREAS, the purpose of this Ordinance is to enact a progressive warning schedule to violators of Section 9 of Ordinance No. 2006 – 563.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of Martinsburg Borough, as follows:

1. Section 9 of Ordinance No. 2006 – 563 is hereby amended to include the following provision: "If, during a twelve (12) month period, an owner or occupant of premises is issued more than two (2) notices to abate a nuisance – specifically, a premises whereupon grass, weeds or other vegetation grows in excess of six (6) inches above the ground – any and all subsequent violations of Section 3(5) within said twelve (12) month period shall result in the immediate issuance and filing of a non-traffic citation against the owner or occupant violating Section 3(5) of Ordinance No. 2006 – 563."

2. All provisions of prior Ordinances of the Borough of Martinsburg relating to the subject matter of this Ordinance are hereby ratified and confirmed to the extent the same are not inconsistent with the terms and provisions of this Ordinance.

ENACTED AND ORDAINED this 6th day of September, 2022.

ATTEST:

BOROUGH OF MARTINSBURG

M. Jane Staily, Secretary

P. Robert Dickson, President

The above Ordinance is hereby approved this 6th day of September, 2022.

Rich Brantner, Sr., Mayor