

ORDINANCE NO. 352

AN ORDINANCE OF THE BOROUGH OF MILESBERG,
CENTRE COUNTY, PENNSYLVANIA REQUIRING
TRIMMING OF VEGETATION OBSTRUCTING
PUBLIC THOROUGHFARES, AND PROVIDING AUTHORITY
FOR MUNICIPALITY TO REMOVE OBSTRUCTIONS
AT THE EXPENSE OF THE PROPERTY OWNER.

NOW, THEREFORE, be it ordained and hereby enacted by the Borough of Milesburg, Centre County, Pennsylvania, by authority of same as follows:

Section One: **Applicability.**

The provisions of this Ordinance shall apply to public thoroughfares.

Section Two: **Definitions.**

BOROUGH - The Borough of Milesburg.

HIGHWAY – The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

PEDESTRIAN – A natural person afoot.

PERSON – Any natural person, partnership, association, firm or corporation. The singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

PUBLIC THOROUGHFARE – A route or way open to travel by the public, which includes highways, streets, alleys, sidewalks, walkways, and other rights-of-way that are open to vehicular, pedestrian or other traffic, or are otherwise traveled by the public.

SIDEWALK – That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

VEHICLE – Every device in, upon or by which any person or property is or may be transported or drawn upon a highway. For purposes of this Ordinance, the term includes self-propelled wheel chairs or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

VEGETATION – Includes any tree, bush, shrub, vine, grasses, flowers, or other plant.

Section Three: **Responsibility for Dangerous Condition.**

No person shall maintain or permit to be grown or growing along or over any public thoroughfare abutting the owner's property any vegetation which shall constitute a hazardous or dangerous condition involving, or otherwise create an impediment to, or conflict with, the safe and convenient use of the public thoroughfare or which shall impair the maintenance of the public thoroughfare.

Section Four: **Obstructions to be Removed By Property Owner.**

All property owners of premises adjoining any such public thoroughfares, shall immediately eliminate any obstructions due to vegetation projecting upon such public thoroughfares to a height of 14 feet above the traveling surface. Public thoroughfares subject only to pedestrian or other non-vehicular traffic shall have a clearance of no less than 8 feet above the traveling surface. Obstructions subject to this provision shall be deemed to include any obstructions from living or dead vegetation which project from such adjoining property over and/or upon, and within the limits of, such public thoroughfare.

Section Five: **Authority for Borough to Remove Obstructions.**

In the event that such property owner fails to comply with such written notice as provided in Section Six of this Ordinance, the Borough may retain a contractor to perform such trimming, removal or other work necessary to eliminate the violation, and the cost of such work, plus a 10 percent fee added for the Borough, shall be paid by such property owner to the Borough. Such charge or assessment, along with reasonable attorney fees, may be filed as a municipal lien against the premises as authorized by the Pennsylvania Municipal Claims and Tax Lien Act, Act of May 16, 1923, P.L. 207, as amended and supplemented, if not paid within 30 days by such property owner after billing by the Borough.

Section Six: **Notice of Violations.**

Upon the discovery of any violation under the terms of this Ordinance, the Borough shall, through its authorized agents, give notice to the property owner regarding a violation hereunder, either by personal delivery to such property owner by United States mail directed to the last known address of such person or persons, as shown on the real estate registry records of the Borough and/or Centre County, or by leaving the same on the premises where such violation occurs.

Such property owner shall, within seven (7) days after the delivery, mailing or leaving of such notice, eliminate the violating obstruction, or be subject to the provisions of Section Five of this Ordinance.

ENACTED AND ORDAINED this 9th day of November, 2015.

MILESBERG BOROUGH COUNCIL

By: Paul J. Bartley
Paul J. Bartley, President

ATTEST:

Paula J. Hall
Paula J. Hall, Manager/Sec.-Treas.

Ethel L. Kellerman
Ethel L. Kellerman, Mayor