

BOROUGH OF ALEXANDRIA

ORDINANCE NO. 1 OF 2023

**AN ORDINANCE OF THE BOROUGH OF ALEXANDRIA,
PENNSYLVANIA, ESTABLISHING CERTAIN
STANDARDS FOR PROPERTY MAINTENANCE WITHIN
THE BOROUGH, INCLUDING CONSTRUCTION OF
FENCING, CONTROL OF VEGETATION, THE
ACCUMULATION OF JUNK, WASTE, AND RUBBISH;
AND THE MAINTENANCE OF SIDEWALKS.**

Article 1 – Fencing

Section 1 – Permit

Any resident wishing to construct, build, or erect a fence within the Borough shall first obtain a permit from Borough Council. Any request for a permit must be accompanied by a brief summary of the description of the fence to be constructed, built, or erected; including the height, width, length of the subject fence, as well as the materials to be used.

Section 2 – Certain Materials Prohibited

Under no circumstances will a fence be permitted to be constructed using barbed wire or any material designed to carry an electric current.

Section 3 – Minimum Set-Back

Fences constructed within the Borough of Alexandria shall be placed no closer than three (3) feet from the boundary line separating the property upon which the fence is to be built from the adjacent property or, in the case of a property bordered by a public street or alleyway, the public street or alleyway; with the exception that a fence may be constructed closer to a boundary line if the adjoining parcel owner(s) consent to the placement of a fence within the minimum set-back area; said consent to be made in a written exhibit attached to the application permit provided for in Section 1 herein.

Article 2 – Control of Vegetation

Section 1 – Mowing

All lawns and external property areas, including any greenway space separating a sidewalk from a public street, shall be maintained free from noxious vegetation in excess of six (6) inches in height. As used in this paragraph, noxious vegetation shall be defined as: any grass, weed or herbaceous vegetation whatsoever, but excluding edible plants and/or useful or ornamental plants that have been planted, cultivated, and maintained in an orderly manner. In addition, nothing here shall be construed so as to prohibit the cultivation of flowers or gardens.

No one trimming grass or vegetation shall be permitted to deposit or discharge any grass clipping or other vegetation trimmings onto any street or sidewalk located in the Borough.

Section 2 – Notice of Ordinance Violation

Upon the discovery of the initial violation of a provision of Section 1 herein, the official designated by the Borough Council for the issuance of violation notices, shall provide a written notice of warning to the owner of the property. The owner of the property shall then have 72 hours to abate such violation. After a period of no less than 72 hours after the issuance of the warning notice, the Borough's authorized agent may inspect the premises for compliance with this Ordinance. If, after the 72 hours' warning time, the Borough's authorized agent observes the premises to again be in violation, an Ordinance Violation Notice shall be issued to the owner either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Thereafter, each twenty-four (24) hour period shall constitute a separate violation of Section 1 and an Ordinance violation shall be deemed to have occurred every 24 hours until the property is brought into compliance.

Section 3 – Penalty for Violation

Any person, firm, partnership or corporation who or which shall violate the provisions of Section 1 herein, upon conviction thereof by the Magisterial District Judge, shall be sentenced to pay a fine not less than Fifty Dollars (\$50.00) and up to Five-Hundred Dollars (\$500.00) and costs of suit. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall receipt of the notice to the offender be necessary in order to constitute an offense. In default of payment of the penalty stated herein, such offender may be committed to the County Jail for a period of not exceeding ten (10) days.

Article 3 – Accumulation of Junk, Waste, and Rubbish

Section 1 – Municipal Waste

All properties within the Borough, including the exterior property and premises, and the interior of every structure, shall be free from any accumulation of municipal waste except in such limited quantities and for such limited periods of time as shall ensure that no annoyance, nuisance, health or fire hazard shall be created. The owner of every occupied premises shall supply containers for municipal waste, and the owner of the premises shall be responsible for the removal of municipal waste. All borough residents shall be required to contract with a licensed hauler for the disposal of municipal waste. The hauler must provide said service so that not more than fourteen (14) days of accumulation of municipal waste exist at any given time. Any unauthorized accumulation of municipal waste on any premises is hereby declared to be a nuisance and is prohibited. Accumulation of municipal waste in violation of this section shall be punishable according to Section 3 herein.

Section 2 – Junk

The exterior portions of any property located within the Borough, including open front and rear porch areas visible from the public street, shall be maintained in an orderly fashion; free and clear of any accumulated material including, but not limited to, scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, appliances (both functioning and non-functioning), furniture not specifically designed for outdoor use, paper, glass, and containers holding oil, paint, or chemicals of any type. Violation of this section shall be punishable according to Section 3 herein.

Section 3 – Notice of Ordinance Violation

Upon the discovery of the initial violation of a provision of either Section 1 or Section 2 herein, the official designated by the Borough Council for the issuance of violation notices, shall provide a written notice of warning to the owner of the property. The owner of the property shall then have 72 hours to abate such violation. After a period of no less than 72 hours after the issuance of the warning notice, the Borough's authorized agent may inspect the premises for compliance with this Ordinance. If, after the 72 hours' warning time, the Borough's authorized agent observes the premises to again be in violation, an Ordinance Violation Notice shall be issued to the owner either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Thereafter, each twenty-four (24) hour period shall constitute a separate violation of Section 1 or Section 2 and an Ordinance violation shall be deemed to have occurred every 24 hours until the property is brought into compliance.

Section 4 – Penalty for Violation

Any person, firm, partnership or corporation who or which shall violate the provisions of Section 1 or Section 2 herein, upon conviction thereof by the Magisterial District Judge, shall be sentenced to pay a fine not less than One-Hundred Dollars (\$100.00) nor more than Three-Hundred Dollars (\$300.00) and costs of suit, including any costs incurred in clearing the property. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall receipt of the notice to the offender be necessary in order to constitute an offense. In default of payment of the penalty stated herein, such offender may be committed to the County Jail for a period of not exceeding ten (10) days.

Article 4 – Sidewalk Snow Removal & Maintenance

Section 1 – Snow Removal & Restrictions Upon Placement of Snow

Every owner, every occupant and every tenant of every property fronting along or upon any of the streets in the Borough of Alexandria is hereby required to remove or cause to be removed from all of the sidewalks in front of or along side such property all snow and ice thereon fallen or formed, within ten (10) hours after the same shall have ceased to fall or to be formed. Provided: snow or ice that has ceased to fall or to be formed after six o'clock of any evening may be removed at any time before two o'clock of the following afternoon. Provided further: the owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner, is unoccupied or vacant, or is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier; the tenant or occupier of every single-unit property, occupied by such occupier or tenant shall be the responsible party for conforming to the requirements of this section.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this section of the ordinance within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk in front of or along side the property of the owner, occupant or tenant and to collect the expenses thereof from the owner, occupant or tenant, whomever shall be the responsible party as set forth in the section above.

In addition to the provisions set-forth above, it shall be considered a violation of this Article for any owner, occupant or tenant, or the agent of any owner, occupant or tenant to deposit snow into the travel lane of any street located in the Borough.

Penalty for Violation . Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by the first paragraph of this Article; or any owner, occupant or tenant, or the agent of any owner, occupant or tenant who violates the third paragraph of this Article; shall upon conviction thereof in a Summary Proceeding, be sentenced to pay a fine to the Borough of Alexandria of not more than One Hundred and 00/100 (\$100.00) Dollars, nor less than Twenty-Five and 00/100 (\$25.00) Dollars. In default of the payment of the fine, such person shall be liable to imprisonment for not more than ten (10) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this ordinance shall be paid over to the Borough of Alexandria whose ordinance has been violated.

Section 2 – Sidewalk Maintenance

Every owner of property in the Borough shall, upon receipt of a written notice from the Borough Council, repair the sidewalk in front or alongside such property, in the manner stipulated by the provided written notice in the time set-forth therein.

In the event a property owner who should fail to comply with the provisions of this Section, the Borough may, after thirty (30) days' written notice of its intent to do so, construct, reconstruct, or repair any sidewalk in front or alongside the property at the expense of the owner, and may collect the cost thereof, plus ten percent (10%), together with all charges and expenses, from such property owner and may file a municipal claim therefor or collect same by action at law.

Any property owner, upon his or her own initiative and without a notice from the Borough Council, may construct, reconstruct, or repair a sidewalk in front or alongside his or her property, provided the owner has obtained a proper building permit from the Borough Council where necessary.

Article 5 – Severability & Repealer

Section 1 – Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Alexandria that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.