

BOROUGH OF PENNINGTON
ORDINANCE NO. 2011-3

**AN ORDINANCE REGULATING THE MAINTENANCE OF PLANTS, SHRUBS
AND TREES ENCROACHING UPON SIDEWALKS AND AMENDING THE
CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Code of the Borough of Pennington requires the owner of every lot of land abutting upon any public street in the Borough to keep and maintain the abutting sidewalk(s) clear of all refuse, waste and debris;

WHEREAS, Borough Council seeks to amend and supplement the Code to require in addition that owners of land abutting a public street also keep the sidewalk(s) clear of plant and shrub overgrowth and trim trees on their land overhanging the sidewalk(s);

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, Mercer County, that:

1. Section 177-21 of Article III, Chapter 177 of the Code of the Borough of Pennington, is hereby amended to read as follows:¹

Section 177-21. "The owner of every lot of land abutting upon any public street in the borough shall keep and maintain the abutting sidewalk(s) clear of all refuse, waste, [and] debris, and plant and shrub overgrowth. Trees on the land abutting any sidewalk shall be trimmed by the owner to allow seven (7) feet of clearance above the sidewalk. Borough shade trees in the public right-of-way shall be trimmed by the Borough to allow seven (7) feet of clearance.

2. Section 177-23 of Article III, Chapter 177 of the Code, is hereby also amended as follows:.

Section 177-23. Whenever any person shall fail to comply with the provisions of Section 177-21 or Section 177-22 above in the manner therein prescribed, the Superintendent of the Department of Public Works is authorized and empowered to perform the obligation of the owner if at least three days before performing the work the Department notifies the owner in writing of its intent to perform the work if the owner does not, and the owner fails to perform the work within the period of the notice [remove or cause to be removed any grass or weeds. Notice shall be given to the owner at least three days prior to the intention to have the work performed, should the owner fail to comply with the provisions of Section 177-22 within the period of notice]. Upon completion of any such work [removal], the costs thereof shall be certified to the Mayor and Council of the borough, who shall examine the certificate, and if found to be correct, shall cause such costs to be charged against the abutting land [s]. The amounts so charged shall [thereupon] become a lien and tax upon such real estate and be added to and become a part of the taxes next to be levied and assessed thereon."

3. This ordinance shall take effect upon final passage and publication as provided by law.

Introduced: February 7, 2011

Advertised: February 17, 2011

Public Hearing: _____

Adoption: _____

Final Publication: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor

¹New language is underlined; deletions are bracketed.