

MIDDLESEX TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 - 2002

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA REQUIRING THE CUTTING, MOWING, TRIMMING AND REMOVAL OF CERTAIN GRASS, WEEDS AND VEGETATION, AUTHORIZING ABATEMENT, PRESCRIBING PENALTIES FOR VIOLATION THEREOF AND REPEALING ORDINANCE 22-73.

WHEREAS, Middlesex Township is a duly existing second class township with authority, through its Board of Supervisors, to prohibit various nuisances on private and public property pursuant to certain corporate powers conferred under the Second Class Township Code (Act of May 1, 1933, P.L. 103, No. 69, as amended [53 P.S. § 65101, et seq.]); and

WHEREAS, the Board of Supervisors deems it in the best interest of its residents to regulate the growth, trimming and removal of certain grass, weeds, plants and vegetation which are detrimental to the public health and welfare.

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania as follows:

SECTION 1: PREAMBLE AND POLICY

The foregoing paragraphs and preamble are incorporated herein as the background and policy of the Ordinance.

SECTION 2: DEFINITIONS

The following words used in this Ordinance shall have the meanings ascribed to them below:

"Person" shall mean and refer to any person, firm, entity or agency (whether public or private) owning, leasing (as a lessor or lessee), occupying or having any interest in land located in Middlesex Township, Cumberland County, Pennsylvania.

"Noxious weed": any plant identified on the noxious weed control list established from time to time by the Noxious Weed Control Committee created by the Noxious Weed Control Law (Act of April 7, 1982, P.L. 228, No. 74 [3 P.S. § 255.1, et seq.]) as amended, or any successor law or act.

SECTION 3: STANDARDS FOR GRASS, WEEDS, PLANTS AND VEGETATION.

Unless specifically exempted under Section 4 below, no person shall permit any grass, weeds (including, but not limited to, noxious weeds), plants or vegetation to grow or remain upon any land or premises at a height in excess of six (6) inches.

All persons shall at all times maintain such grass, weeds, plants and vegetation so that same shall not exceed a height of six (6) inches.

SECTION 4: EXEMPTIONS.

All portions of land: (1) used for the production of an agricultural commodity or products for human consumption; (2) used for ornamental trees, shrubs or plants; (3) containing forested areas; and/or (4) managed for recreation or wildlife habitat, shall be exempt from the standards set forth in Section 3 above, unless such land areas adversely impact the health, safety or welfare of any person by reason of grass, weeds, plants or vegetation existing on such land areas at a height in excess of six (6) inches.

SECTION 5: DECLARATION OF NUISANCE.

Any grass, weeds or vegetation growing or existing upon any land or premises in Middlesex Township in violation of this Ordinance is hereby declared to be a nuisance and

detrimental to the health, safety and welfare of the citizens of Middlesex Township.

SECTION 6: NOTICE OF VIOLATION; ENFORCEMENT.

a. Middlesex Township, through a police officer of the Township or the designated Zoning Officer, shall provide written notice to any person in violation of this Ordinance. Such written notice shall be given by certified mail, return receipt requested or by personal service, and shall direct and require such person to trim, mow, cut and remove all non-complying grass, weeds, plants and/or vegetation for purposes of complying with this Ordinance, within ten (10) days of receipt of the written notice.

b. If the person notified pursuant to Section 6.a., above, fails to comply with said notice, then Middlesex Township or its designated agent, may trim, cut, mow and remove such grass, weeds, plants and/or vegetation and all costs thereof, together with any additional penalties provided by law or equity may be collected by Middlesex Township from such person in any manner provided by law.

SECTION 7: PENALTY

Any person who shall fail to comply with the notice provided pursuant to Section 6.a., above, shall upon conviction before a District Justice, be subject to a fine not exceeding One Thousand Dollars (\$1,000) for each violation, plus costs, and in default of payment of such fine and cost, shall be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day's violation shall be a separate offense under this Ordinance.

SECTION 8: CUMULATIVE REMEDIES.

All remedies available to Middlesex Township due to a violation of this Ordinance whether or not specifically described herein, shall hereby be cumulative and may be exercised concurrently with or in addition to any other remedies provided by law.

SECTION 9: REPEALER.

Middlesex Township Ordinance No. 22-73 is specifically repealed hereby. All other ordinances or parts of ordinances expressly inconsistent herewith are also expressly repealed hereby.

SECTION 10. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 11: EFFECTIVE DATE.

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 6th day of February, 2002.

TOWNSHIP OF MIDDLESEX

By: Robert M. Eschen
Chairman, Board of Township
Supervisors

ATTEST:

Mary Jo Pratt
Township Secretary

(Township Seal)