

**This Ordinance # 228
has been repealed and
is no longer valid law
as per Township
Ordinance # 281**

ORDINANCE NO. 228

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA, DEFINING UNLAWFUL GROWTHS OF GRASS, WEEDS, OR SIMILAR VEGETATION AND DECLARING SUCH GROWTHS TO BE A NUISANCE; ESTABLISHING A CHRONIC OFFENDER POLICY; IDENTIFYING EXEMPTIONS; REGULATING THE CUTTING AND REMOVAL BY OWNER OR OCCUPANT, PROVIDING NOTICE TO COMPLY; AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE

The Board of Supervisors of the Township of Caernarvon, Berks County, Pennsylvania, hereby enacts the following Ordinance regulating the growth of grass, weeds, and similar vegetation within the Township, as follows:

Section 1. Unlawful Growths.

No person, firm, corporation, agent, servant, representative, or employee owning or occupying any real property within the Township of Caernarvon shall permit:

A. grass, weeds, or similar vegetation not planted for some useful or ornamental purpose to grow or remain upon any real property so as to:

- (1) exceed a height of eight (8") inches;
- (2) throw off any unpleasant or noxious odor;
- (3) conceal any filthy deposit; or
- (4) create or produce pollen.

B. poison ivy, ragweed, or other poisonous plants or plants detrimental to health to grow or remain upon any such real property in such a manner that they shall extend into or overhang any street, sidewalk, or public place.

Section 2. Declaration of Nuisance.

Any such grass, weeds, or similar vegetation, poison ivy, ragweed, or other poisonous plants, or plants detrimental to health growing upon any real property in the Township of Caernarvon in violation of any of the provisions of Section 1 is hereby declared to be a nuisance and detrimental to the health, safety, welfare, cleanliness, and comfort of the inhabitants of Caernarvon Township.

Section 3. Exceptions.

This Ordinance shall not apply to wooded areas or open fields except as follows:

- A. within one hundred feet (100') of a building or structure;
- B. within eight feet (8') of a street, sidewalk, or public place; and
- C. within eight feet (8') of the boundary line with an adjoining property unless the adjoining property consists of a wooded area or open field.

Section 4. Cutting and Removal Required by Owner or Occupant.

The owner and occupant of any real property shall trim, cut or remove all such grass, weeds, or similar vegetation, and all such poison ivy, ragweed, or other poisonous plants or plants detrimental to health growing or remaining upon such real property as often as may be necessary to bring such real property into compliance with the provisions of this Ordinance.

Section 5. Notice to Comply.

The Township Code Enforcement Officer or any other Township official so designated by the Board of Supervisors is hereby authorized to give written notice by personal service or by United States mail to the owner and/or occupant of any real property upon which a violation of this Ordinance is determined to have occurred or to be remaining, directing and requiring such owner and/or occupant to remove, trim, or cut such grass, weeds, similar vegetation, poison ivy, ragweed, or other poisonous plants or plants detrimental to health within five (5) days after issuance of such notice.

Section 6. Non-Compliance.

In the case any such person so notified of a violation of this Ordinance shall neglect, fail, or refuse to comply with such notice within the period of the time stated in the notice, the Township may cause such grass, weeds, similar vegetation, poison ivy, ragweed, or other poisonous plants or plants detrimental to health to be removed, trimmed, cut, destroyed or eradicated, and the cost thereof, including labor and equipment at rates to be established by resolution of the Board of Supervisors, together with the costs of enforcement, shall be collected from the owner and/or occupant in default of this Ordinance plus twenty (20%) percent for overhead in a civil claim. Such collection of costs and expenses incurred by the Township shall be in addition to any fines or penalties herein prescribed for violation of this Ordinance.

Section 7. Chronic Offender Policy.

A chronic offender under this Ordinance shall be the owner and/or occupant of any real property that has received two (2) or more prior notices of violation of this Ordinance within any twelve (12) month period. For any such chronic offender, no formal written notice of the violation shall be required, and no time period need be given in order to correct the violation. The Township shall send a notice of the violation but may immediately proceed pursuant to the Non-Compliance

section of this Ordinance and may immediately proceed to prosecute the violation without providing time to cure the violation.

Section 8. Penalty for Violation.

Any person, firm, corporation, agent, servant, representative, or employee who shall violate any provision of this Ordinance shall, upon conviction thereof, for each violation be subject to a fine of up to \$300.00, plus costs of prosecution. Every day that a violation shall continue after notice as provided in this Ordinance shall be considered a separate violation. In default of payment of any such fine or costs imposed, a person found in violation shall be sentenced to a term of imprisonment not to exceed thirty (30) days.

Section 9. Severance Clause.

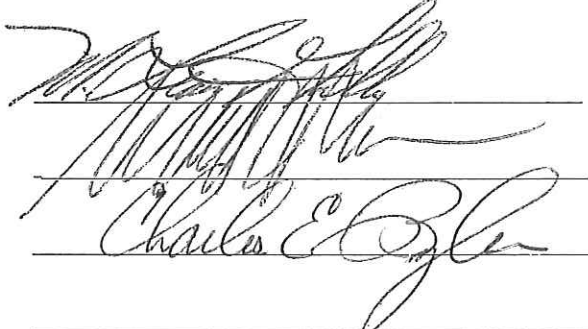
Should any section, paragraph, clause, or phrase of this Ordinance be declared unconstitutional or be determined to be invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.


Section 10. Repealer.

This Ordinance specifically repeals Sections 9A, B, and C of Ordinance No. 30 and the entirety of Ordinance No. 187. Any other ordinance or part of ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

ENACTED AND ORDAINED this 14th day of March, 2006.

BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP



This a true and correct copy of
Ordinance # 228 that was
adopted by the Caernarvon
Township Board of Supervisors on
March 14, 2006


Township Secretary