

NORTH CORNWALL TOWNSHIP

ORDINANCE NO. #199

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PA, ESTABLISHING CONTROL MEASURES RELATED TO THE GROWTH OF VEGETATION ON PRIVATE PROPERTY OR PUBLIC RIGHTS-OF-WAY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMEDIATION THEREOF BY THE TOWNSHIP; ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE IN ORDER TO FURTHER AND PROTECT THE HEALTH, CLEANLINESS, COMFORT AND SAFETY OF THE TOWNSHIP'S CITIZENS AND RESIDENTS.

WHEREAS, the Board of Supervisors deems it to be in the best interest and general welfare of the citizens and the residents of this Township to regulate the height of vegetation in order to further and protect the health, cleanliness, comfort and safety of its citizens and residents; and

WHEREAS, the Second Class Township Code authorizes townships of the second class to regulate the height and location of vegetation within the Township in order to promote and protect the health, cleanliness, comfort and safety of its citizens and residents;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, by the Board of Supervisors of this Township as follows:

SECTION 1. DEFINITIONS: For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

- (1) "Township" is the Township of North Cornwall, Lebanon County, Pennsylvania.
- (2) "Board of Supervisors" is the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania.
- (3) "Compost" is a mixture of decaying organic matter used as fertilizer or soil conditioner.
- (4) "Compost Receptacle" is a specialized storage bin or confined area generally constructed of pre-treated lumber, vinyl material or wire type fence that is ventilated with the primary purpose of collecting and treating organic material for the future distribution as fertilizer for floral, or ornamental plants, or vegetable gardens. The size and placement of such facility shall be dependent on the zoning district in which it is located, comply with all zoning requirements, including permitting as necessary. In all cases such facility shall not exceed the dimensions of a ten feet by twenty feet by four feet in height (10'x20'x4'). Production of compost material shall be for private use and not produced for the purpose of sale unless otherwise approved.
- (5) "Domesticated Grass" is any residential lawn created by the intentional planting of seed or the placement of established sod requiring the regular mowing of such areas for proper maintenance.
- (6) "Dumping" as used herein shall include the unauthorized disposal of any type material upon public or private property, including the unauthorized use of containers designed for the disposal of such materials.
- (7) "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.
- (8) "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- (9) "Noxious Weeds" shall include, but not be limited to Canadian or other thistle, dandelion, ragweed, chicory, goldenrod, milkweed,

- wild grape or kudzu vine, sumac, plantain, poison ivy, poison oak, multi-flora rose or other wild growing weeds or shrubs.
- (10) "Nuisance" is the unreasonable, unwarrantable or unlawful use of public or private property, which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.
- (11) "Planting Beds" a land area where the owner prepares and plants ornamental or floral plants, shrubs, trees or bushes or any other type vegetation for the purpose of enhancing the appearance of his property.
- (12) "Residential Lawn" an area of ground planted with domesticated grass and mowed regularly, generally where occupied and non-occupied structures are located.
- (13) "Vegetation" is any grass, weed or growing plant whatsoever, which is not edible or planted for some useful, legal ornamental purpose.
- (14) "Vermin" is any variation of small animals or insects that are destructive, dangerous, or injurious to health or property.

SECTION 2. NUISANCES: Nuisances and activities which are contrary to the health, cleanliness, comfort and safety of the citizens and residents of the Township are hereby prohibited, including, by way of exposition but not limitation, the following:

- A. Storing, accumulating or dumping the following:
1. Vegetation;
 2. Tree trimmings (including but not limited to branches, brush, leaves, discarded holiday trees or evergreen ornaments, or similar material also including similar artificial material).
 3. Other material (including but not limited to yard and garden waste, mulch, grass clippings or any other material involving slow decay or decomposition resulting in obnoxious odors

from the decaying process or serving as a safe haven or breeding grounds for vermin, rodents or insects).

- B. Storing or accumulating compost material without a proper compost receptacle that is prefabricated, manufactured or man made in nature.
- C. The dumping of any items as described in Section A, § 1-3, above upon property, be it private or public, of any person, or roadway, alley or right-of-way belonging to another, including directing another to conduct this type of activity on your behalf.
- D. Refusing or failing to cut and/or destroy noxious weeds or other vegetation that has grown to an average height of ten (10") inches or more.
- E. Permitting, refusing or failing to maintain a residential lawn to the point where the domesticated grass is permitted to exceed a height of ten (10") inches or where the lack of maintenance creates a safe haven for vermin, inconveniencing any person in the legitimate enjoyment of his reasonable rights of person or property.
- F. Permitting, refusing or failing to maintain planting beds where ornamental plants, shrubs or bushes are permitted to grow in an unkempt fashion extending into streets, alley ways, right-of-ways, private or public property or areas where pedestrians are permitted to pass or by permitting noxious weeds, or other vegetation to grow without restriction to an average height exceeding ten (10") inches at any given point of the entire property, or more, within such designated planting beds.
- G. Obstructing the Inspector. Any person who shall obstruct the Township Inspector or other person as appointed or designated under this article in carrying out the provisions of this Ordinance, or who shall willfully or maliciously obstruct or molest the Township Inspector or designee in the enforcement of violation of this Ordinance, shall be liable, upon conviction thereof, under the penalties provided in this article.

SECTION 3. EXCEPTION: The provisions of Section 2, subsections A, B, & D Shall not apply to any property which is principally used for agricultural purposes. Section 2, subsections A & B shall not apply to any property which is principally used for nursery, yard and garden supply and similar business purposes.

SECTION 4. Responsibility for Remediation: In all cases of a violation under this Ordinance, the owner of record of the premises shall be primarily responsible for the remediation of violations and for the fines or other penalties herein. The Township may, but shall not be obligated to, pursue action against any occupant or tenant or former occupant or tenant.

SECTION 5. Written Notice to Violators Required: Whenever a condition constituting a condition contrary to the health, cleanliness, comfort and safety of its citizens as set forth herein is created or maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following ways:

1. By mailing a copy of the notice, return receipt requested, to the last known address of the owner, (and tenant if applicable) by certified mail;
2. By making personal delivery of the notice to the owner, (and tenant if applicable);
3. By handing a copy of the notice at the residence of the owner (and tenant if applicable) to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence;
4. By posting a copy of the notice to the door at the entrance of the premises in violation;
5. By publishing a copy of the notice in a local newspaper once a week for three successive weeks.

Such notice shall set forth in what respects such condition constitutes a violation, and whether removal is necessary and required by the Township, or whether the

condition can be corrected by repairs, alterations or by fencing or boarding in some way confining and limiting the violation. Such notice shall require the owner to commence action in accordance with the terms thereof within ten (10) days of such notice and thereafter to comply fully with its terms and with reasonable dispatch; all material to be supplied and work done at the owner's expense; provided however, that if the violation, due to its severe nature, requires immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof. Such notice, when issued shall be valid and effective for the calendar year in which issued and no further notices shall be made for the reoccurrence of such offense during that period. Each owner, (and tenant as applicable) shall be required to maintain his or her property in a continued manner as outlined in such notice as described upon receipt.

SECTION 6. PENALTY FOR VIOLATION: If the owner, after receiving due notice, refuses to comply with the terms thereof, or in the case of a violation where notice is not required:

1. He shall be guilty of a violation of this Ordinance, and shall upon conviction in a summary proceeding brought before the District Justice, shall be required to pay a fine of not less than fifty dollars (\$50.00) but not more than six hundred dollars (\$600.00), plus the costs of prosecution, and he shall be imprisoned for not more than thirty (30) days.
2. The Board of Supervisors may direct the removal, repairs, or alterations of the nuisance, or the protection of the public therefrom, as the case may be, to be done by the Township, or its designee, and the cost thereof, with a penalty of 10%, shall be collected from the owner of the premises by appropriate legal action or the filing of a municipal claim or lien therefore against the property.

3. The Township by means of appropriate legal action may compel the owner to comply with this Ordinance, and may seek such other relief as the court is empowered to afford.

SECTION 7. Administration: The Township shall be empowered by resolution to prepare and adopt such rules and regulations as may be necessary to implement the provisions of this Ordinance.

SECTION 8. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

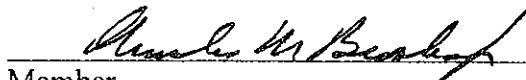
SECTION 9. Effective Date: This Ordinance shall become effective five (5) days after the adoption thereof.

Enacted and ordained this 9th day of July, 2001.

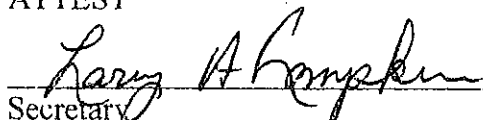
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Lebanon County, Pennsylvania


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