

**CUMBERLAND TOWNSHIP
ADAMS COUNTY, PA**

ORDINANCE NO. 2016-162

**AN ORDINANCE OF THE TOWNSHIP OF CUMBERLAND, ADAMS COUNTY,
PENNSYLVANIA AMENDING THE CODE OF THE TOWNSHIP OF CUMBERLAND BY
REPEALING CHAPTER 10, PART 1 ENTITLED “CUTTING OF GRASS, WEEDS, AND
OTHER VEGETATION” AND ENACTING A NEW ORDINANCE DECLARING GRASS,
WEEDS, OR OTHER VEGETATION GREATER THAN TEN (10) INCHES IN HEIGHT TO
BE A NUISANCE, PROVIDING FOR ABATEMENT OF NUISANCE AND PROVIDING
PENALTIES FOR VIOLATION OF ORDINANCE**

WHEREAS, the Board of Supervisors of Cumberland Township, Adams County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to repeal Chapter 10, Part 1 entitled “Cutting of Grass, Weeds and other Vegetation” of the Code of the Township of Cumberland and enact a new ordinance declaring grass, weeds or other vegetation greater than ten inches in height to be a nuisance and providing the penalties for violation of the ordinance.

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

SECTION 1. Chapter 10, Part 1 entitled “Cutting of Grass, Weeds and other Vegetation” of the Code of the Township of Cumberland is hereby repealed in its entirety.

SECTION 2. Chapter 10, Part 1, of the Code of the Township of Cumberland shall be entitled “Cutting of Grass, Weeds and other Vegetation” and shall contain the following:

§10-101. Unlawful Growth of Weeds, Grass, and other Vegetation.

It shall be unlawful for any person firm or corporation owning or occupying any property within Cumberland Township to permit any weeds, grass or plants other than trees, bushes, flowers, or other ornamental plants, crops or vegetable plants grown for consumption to grow to a height exceeding ten (10) inches upon such property in Cumberland Township except as expressly exempted herein. Any such plant or weeds exceeding such height are hereby declared to be a nuisance and detrimental to health, safety and general welfare of the community.

- A. Agricultural Exemption – Any property of ten acres or greater used primarily for the cultivation of the crops of the grazing or containment of livestock shall be exempt from this Section, however, in the event that the property contains a dwelling unit that is located partially or wholly within 250 feet of the edge of a public cartway, the area between the cartway and the dwelling unit shall comply with this section.

- B. Large vacant lot exception – Any property of ten (10) acres or greater that does not house a current structure, but is unapproved shall partially be exempted from this section; the property owner shall maintain a buffer twenty- five (25) feet along the front, side, and rear yards of the property.
- C. Wooded lot – A wooded lot shall mean a lot on which exists a continuous or near continuous forest canopy of mature trees.
 - i. A fully wooded lot which does not house a dwelling unit or business structure is exempt from this section.
 - ii. A partially wooded portion of a lot shall not be subject to this section, provided the partially wooded portion of the lot constitutes at least twenty-five percent (25%) of the lot coverage.

§10-102. Noxious Weeds Declared a Nuisance.

It shall be unlawful for any person, firm or corporation owning or occupying any property within Cumberland Township to permit any weeds listed on the noxious weed control list set forth in Title 7, Chapter 110.1 of the Pennsylvania Code as amended from time to time to group or remain upon such property. Any such noxious weeds are hereby declared to be a nuisance.

§10-103. Notice to Owners or Occupants.

In the event of a violation of the provisions of §10-101 or §10-102 the Township Code Enforcement Officer or other designated Township official may serve a notice either by personal service or by United States mail to the owner or occupant of any premises on which plants or weeds are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance and compliance with the provisions of this ordinance within ten (10) days from the service of the notice.

§10-104. Violation of Provisions.

- A. Any person, firm, or corporation (“violator”) who shall violate any of the provisions of this Ordinance or who shall knowingly or willfully fail to comply therewith, shall upon conviction thereof before any District Magistrate having jurisdiction, be sentenced to pay a fine of not less than One Hundred Fifty (\$150.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars, together with costs of prosecution and attorneys’ fees. In the event of default of payment of such fine and costs, the violator may be imprisoned for not more than five (5) days.
- B. Notwithstanding Subsection A above, the code official or his designee(s) are hereby duly authorized to issue a ticket in a form established by the Township to any person, firm, or corporation (“violator”) violating the provisions of this Ordinance. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall

instruct the violator that if the violator reports to the Township Office and pays to the Township the sum of \$100.00 within ten (10) days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in the costs of prosecution and attorneys' fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within ten (10) days of issuance, the code official or his designee(s) shall issue a citation to the violator. Notwithstanding the foregoing, the code official or his designee(s) shall have the sole and absolute discretion to issue a citation in accordance with Subsection A without first issuing a ticket as provided for herein.

C. Each day during which a violation continues shall be deemed a separate offense.

SECTION 3. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 4. Savings Clause. In all other respects, the Code of the Township of Cumberland shall remain as previously enacted and ordained.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 28th day of June, 2016.

ATTEST:

Carol Merryman
Carol Merryman, Secretary

Cumberland Township
Board of Supervisors
Adams County, Pennsylvania

Bessie H. Wood
Chairperson

Don D. Smith
Member

David P. Wray
Member

Mr. P. Hall
Member

Member