

ORDINANCE 836-2022

An Ordinance Amending The Code Of Ordinances Of The Township Of East Pennsboro, Adopted By Ordinance No. 738-2007 And Thereafter Amending Chapter 5 (Code Enforcement) By Adding Part 4 And Establishing The High Grass & Weed Control Ordinance Separate From Provisions Of The Exterior Weed Enforcement Contained In The International Property Maintenance Code ® Previously Adopted By Township And Establishing Limitations Of Height Of Grass And Weeds Within The Township Of East Pennsboro And Providing For Issuance Of Notice Of Violations, Allowing For Period Of Abatement Of Violations And Enforcement With Penalties And Fines For Violations, Severability, And Repealing Inconsistent Ordinances And An Effective Date.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Commissioners of East Pennsboro Township, Cumberland County, Pennsylvania, that the Zoning Ordinance shall be amended as follows:

Section 1. Part 4 [High Grass & Weed Control] of Chapter 5 [Code Enforcement] is hereby established and created as follows:

§ 5-401. Short Title. This ordinance shall be known as the “East Pennsboro Township High Grass & Weed Control Ordinance”

§ 5-402. Purpose. Because a neighborhood with excessive high grass and weeds affects the self-image of a community as well as the impression neighboring communities and visitors have about the area and responsible property owners may shy away from neighborhoods that look unkempt with high grass and weeds. The purpose of this ordinance is to provide requirements to maintain a minimum level of safety and sanitation for the general public and to deter infestations of insects, rodent, or other pests which are harbored or nest in high grass and weeds and as a result, property values decrease. Conversely, an area that is free of high grass and weeds attracts owners and occupants who are willing to keep the area attractive to protect their own interests and maintain property values.

§ 5-403. Definitions. The followings terms, when used in this Part, shall have the meanings ascribed to them in this section except where the context clearly indicates or requires a different meaning:

ANNUAL GRASS GROWING SEASON - The period from April 15th through October 31st of each year.

PERSON -- Every natural person, individual, partnership, corporation, association, unincorporated association, firm, enterprise, or other entity whatsoever.

OCCUPANT -- any natural person, individual, partnership, corporation, association, unincorporated association, firm, enterprise, or other entity whatsoever or tenant having supervision or control of any lot, tract, parcel of land or portion thereof, occupied, or unoccupied, improved, or unimproved

OWNER - Any person, agent, operator, firm, partnership, legal entity, or corporation having a legal or equitable interest in real property, or recorded in the official records of the Commonwealth, County or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the trustee, executor or administrator of the estate of such person if authorized by law to take possession of real property, or if ordered or authorized to take possession of real property by a court of competent jurisdiction.

NOXIOUS WEEDS-- all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens.

TOWNSHIP—Township of East Pennsboro, Cumberland County, Commonwealth of Pennsylvania.

REAL PROPERTY -- any lot, tract, parcel of land or portion thereof, occupied, or unoccupied, improved or unimproved, within East Pennsboro Township, Cumberland County, Commonwealth of Pennsylvania.

RESPONSIBLE PARTY – shall mean the following:

1. The owner of real estate his/her/its duly registered agent of real property; or
2. The occupant of real estate where the record owner can prove that the tenant is legally responsible through a valid lease or other enforceable writing; or
3. Where the owner of real estate is not known or available, the equitable owner of the real property shall be deemed to be the Responsible Party; or
4. Other person otherwise assigned or responsible agent of the Responsible party.

WEEDS—all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers or gardens.

§ 5-404. Restrictions. It shall be unlawful for any owner or responsible party having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within East Pennsboro Township to suffer or permit grass, plant growth, noxious weeds or brush that is uncultivated to grow to a greater height than **ten (10) inches** on any lot, tract, parcel or land within East Pennsboro Township, unless exempted by **§ 5-406** of this Ordinance.

§ 5-405. Responsibility. The responsible party or owner of any such premises, whether occupied by the owner or not, shall have the duty to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance.

§ 5-406. Exceptions. This Part shall not be enforced with respect to weeds, grass or similar vegetation as heretofore defined when they are located in the following areas:

- A. On tract a of land containing Three (3) or more acres and is more than One Hundred (100) feet from any dedicated public way within East Pennsboro Township or any improved lot that is occupied by a residence or business; or
- B. On lands which are being actively used for farming operations; or
- C. On forested lands; or
- D. On other non-agricultural lands located more than Five Hundred (500) feet from the nearest occupied residence or business.

§ 5-407. Notice of violation. Where any real property is found to be in violation of the terms of this Ordinance, East Pennsboro Township Code Enforcement Officer shall provide written notice to abate the violation to the owner. Notice shall be served upon the Responsible Party in the following manner:

1. By posting the notice at a conspicuous location upon the property; or
2. By personally serving to the Responsible Party; or
3. By personally serving at the residence of the Responsible Party, to an adult member of the family with which he/she resides, but if no adult member of the family is found then to an adult person in charge of such residence; or
4. By personally serving at any office or usual place of business of the Responsible Party his/her/its agent or to the adult person for the time being in charge thereof; or
5. By mailing the Notice of Violation to the last known address of the Responsible Party by certified mail, return receipt requested and if returned as unclaimed to be sent first class mail; or
6. Other method permitted by relevant Pennsylvania law or Township ordinance.

§ 5-408. Failure to Abate Upon Service of Notice of Violation. Any Responsible Party who fails to abate a violation of this Ordinance within **seven (7) weekdays** of service of a written Notice of Violation shall be issued a non-traffic summary citation and upon conviction thereof shall be sentenced to pay a fine of **not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000) and reasonable attorney fees and costs.** Each day the real property continues in violation beyond Notice of Violation abatement period, shall constitute a separate offense and fine to be imposed.

§ 5-409. Action by East Pennsboro Township. Following conviction or entry of guilty plea of summary offense per § 5-408 of this Ordinance, East Pennsboro Township may, but is not required to, enter upon any property found in continuation of the underlying Notice of Violation which resulted in summary offense conviction, and mow the offending grass and weeds at **thirty (30) day** intervals during such annual grass growing season in the event the responsible party fails to mow same.

§ 5-410. Assessment of expenses. Expenses incident to the action taken by the Township to enforce compliance with the Notice of Violation of this Part and §5-409, which includes attorney fees and costs, administrative costs, and mowing service fees plus a penalty charge of **ten (10 %) percent**, shall be assessed against the owners of the lot or parcel of land involved. The Township shall mail an itemized bill of such costs to each such owner or responsible party at the last known address of record with the Township. The Township shall, from time to time, establish the administrative costs and mowing service fees by way of a fee resolution adopted by the Board of Commissioners.

§ 5-411 Lien on property. If the bill for the Township Assessment expenses in correcting any condition coming under the provisions of this article, including the legals fee and costs, administrative and penalty charges, shall remain unpaid for a period of Thirty (30) days after the date of the mailing, a municipal lien to secure the assessment or any part thereof remaining due may be entered, in due course, in the Prothonotary's Office of the County of Cumberland.

Section 2. Repealed Regulations. Pursuant to the authority granted in Section 3105-A of the First Class Township Code of Pennsylvania, the East Pennsboro Township Code, Section 5-201 [Additions, Insertions and Charges] of Part 2 [Property Maintenance Code] of Chapter 5 [Code Enforcement] is hereby amended to vacate, repeal and rescind Section 302.4 [Weeds] of Section 302 [Exterior Property Areas] of Chapter 3 [General Requirements] of the Township's previously adopted version of the International Property Maintenance Code ® in so much as the ordinance enacted and adopted herein shall establish the overall restrictions or height of Grasses and Weeds in the Township of East Pennsboro and the enforcement of same.

Section 3. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the ones declared to be unconstitutional, illegal, or invalid.

Section 4. All Ordinances which are inconsistent or less stringent herewith are hereby repealed.

Section 5. In all other respects, Chapter 5 [Code Enforcement] of the Code of Ordinances of the East Pennsboro Township shall remain as heretofore enacted, ordained, and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

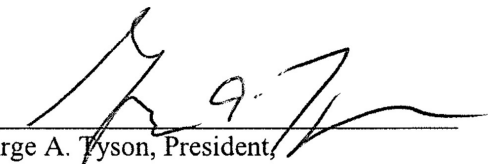
ENACTED AND ORDAINED this 6th day of July, 2022

ATTEST:



A John Pietropaoli, Secretary

EAST PENNSBORO TOWNSHIP

By: 
George A. Tyson, President,
Board of Commissioners