

ORDINANCE NO. 366

AN ORDINANCE OF THE TOWNSHIP OF HARRIS, CENTRE COUNTY,  
PENNSYLVANIA AMENDING CHAPTER 5, ENTITLED "HEALTH AND SAFETY" BY  
AMENDING ARTICLE I, WEED REMOVAL.

Be it ENACTED AND ORDAINED by the Board of Supervisors of the Township of Harris, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1: Harris Township Code Chapter 5, Article 1, is hereby amended as follows:

ARTICLE I. Grass, Weeds, and other Vegetation.

5-1.1 Definitions. The following words and terms, when used in this section, shall have the meanings ascribed to them as follows:

FORESTED LANDS: large areas on which the dominant vegetative cover is trees and undergrowth.

MANAGED ALTERNATE PLANTING AREA (MAPA): a planned and maintained planting area of native or non-native grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, pollinators, and ornamental gardens and areas. Such areas shall be located outside of any public street right-of-way.

NOXIOUS VEGETATION: any grass, weeds, or herbaceous vegetation whatsoever, excluding edible plants and/or useful or ornamental plants that have been planted, cultivated, and maintained in an orderly manner.

OCCUPANT: any person living and/or sleeping in a dwelling or having possession of a space within a building.

OWNER: any person, agent, operator, firm, or corporation having an equitable interest in a property; or recorded in the official records of the 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 executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON: any individual, partnership, corporation, association, institution, cooperative enterprise, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PREMISES: a lot, plot, or parcel of land, whether improved or unimproved, including portions occupied by a street or alley and portions of land between sidewalks and streets.

TOWNSHIP: the Township of Harris, Centre County, Pennsylvania.

5-1.2 Unlawful growth of noxious vegetation. No person and no occupant or owner of premises within the Township shall permit any noxious vegetation to grow or remain on such premises, including any portion of the premises, so as to exceed a height of eight (8) inches, or to conceal any solid waste, or to create or to produce pollen. All such noxious vegetation is hereby declared to be a nuisance and to be detrimental to the health, safety, and welfare of the residents of the Township.

5-1.3 Exceptions. This article shall not be enforced with respect to weeds, grass, and other vegetation as herein defined under the following circumstances.

- A. In any zoning district on properties where legal agricultural uses, whether as permitted primary uses or as registered nonconforming uses, are performed.
- B. On forested lands.
- C. Within portions of properties developed as Managed Alternate Planting Areas, as herein defined.

5-1.4 Responsibility of persons. A person who is the owner and/or occupant of any premises shall remove, trim, or cut all such noxious vegetation growing or remaining upon such premises in violation of this article. Both the owner and the occupant shall be responsible for compliance with this article.

5-1.5 Managed Alternate Planting Area standards. Owners and occupants of premises who desire to dedicate a portion or portions of a premises to a Managed Alternate Planting Area (MAPA), as herein defined, shall first submit to the Township for approval a narrative and drawing showing the following information as a minimum.

- A. The narrative shall describe the purpose or purposes of the proposed MAPA, the amount of the premises to be dedicated to the proposed MAPA, the specific types of vegetation to be planted, the expected maintenance of such planted areas, and the methods to be employed to prevent the plantings in the MAPA from extending to and negatively affecting abutting properties and premises.
- B. The drawing for a proposed MAPA shall include, as a minimum, the following information:
  - (1) An accurate representation of the entire property/premise showing property lines and existing structures, driveways, etc. Compliance with the regulations for corner lots/street intersections in 12-2.6.H shall be demonstrated if applicable.
  - (2) A grass or nonliving landscape area of at least ten (10) feet in width between any MAPA and any neighboring property/premise.
  - (3) The general locations of any specific plantings described in the narrative as well as the expected heights, at maturity, of such plantings.
  - (4) A plan for removal and restoration of MAPA areas should the owner/occupant of the premises decide to eliminate any such planted area.

5-1.6 Notice to owners and occupants of premises. The Harris Township Ordinance Enforcement Officer is hereby authorized to give notice of violation by personal service, by United States mail, or, if the property is occupied, by posting the notice at a conspicuous place upon the

affected property or premises to the owner or occupant or both to remove, trim, or cut such grass, weeds, and/or other vegetation so as to conform to the requirements of this article within five (5) days of the date of the notice of violation.

5-1.7 Violations and penalties. Any occupant, owner, or person named in a violation notice who shall fail to comply with the requirements of this article within the time specified in the violation notice shall be deemed to be in violation of this article and enforcement shall be initiated at the office of the local Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. If convicted before such Magisterial District Judge, the occupant, owner, or person shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, be sentenced to a term of imprisonment not to exceed ten (10) days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

5-1.8 Legal proceedings to enforce compliance. In addition to the fines for violations, costs, and penalties provided for in this article, the Township may institute proceedings in courts of equity to require occupants and/or owners of real estate to comply with the provisions of this article.

5-1.9 Township removal of nuisance. In the event of the failure of the occupant and/or owner to comply with the requirements of this article within five (5) days of the date of the violation notice, the Township may have the grass, weeds, and other vegetation brought into compliance and bill the owner for the cost thereof plus a penalty of 10%. These costs and penalties shall be in addition to fines for violations. Penalties may be collected by summary proceedings or in the manner provided for collection of municipal claims or by an action in assumpsit without the filing of a claim or by any other procedure authorized by law.

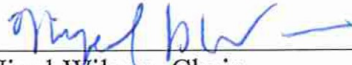
5-1.10 Penalties to be a lien. The cost of removal, fine, and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provisions of the law.


SECTION 2: Any Ordinance or parts of Ordinances of the Township of Harris, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this ordinance.

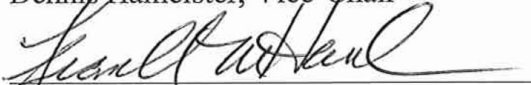
SECTION 3: The effective date of this Ordinance shall be five (5) days after the date of enactment thereof.


ENACTED AND ORDAINED this 10 day of June, 2024


HARRIS TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Nigel Wilson, Chair

  
\_\_\_\_\_  
Dennis Hameister, Vice-Chair

  
\_\_\_\_\_  
Franklin Harden, Supervisor

  
\_\_\_\_\_  
Bruce Lord, Supervisor

  
\_\_\_\_\_  
Tracey Moriarty, Supervisor

ATTEST:

  
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Mark Boeckel, Secretary