

SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 94-06

AN ORDINANCE TO PROVIDE FOR THE CUTTING OF GRASS, WEEDS AND OTHER OBJECTIONABLE VEGETATION AND DECLARING SAME TO BE A NUISANCE UNDER CERTAIN CONDITIONS; PROVIDING FOR PENALTIES FOR PERMITTING VEGETATION TO GROW TO UNLAWFUL HEIGHT; PROVIDING OPTION FOR CUTTING BY THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATION.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS.

Vegetation - As used herein, includes but is not limited to grass, weeds, vines, and similar growths, and includes jimson, burdock, ragweed, thistle, cocklebur, chicory, and other like weeds, not edible or planted for some useful, agricultural, or ornamental purpose.

Person - As used herein, includes but is not limited to individuals, corporations, partnerships, trusts, and other unincorporated associations.

SECTION 2.

All such vegetation growing to a height exceeding twelve (12) inches on any lot or tract of ground in the Township are hereby declared to be nuisances and detrimental to the health, safety, welfare and comfort of the inhabitants of the Township.

SECTION 3.

It shall be unlawful for any person owning, leasing, occupying or otherwise having a present possessory interest in any real estate in South Middleton Township to permit vegetation on said premises to grow to a height exceeding twelve (12) inches.

SECTION 4.

Township may, in addition to taking action for violations of this Ordinance, require said vegetation growing to a height in excess of twelve (12) inches to be cut within ten (10) days after notification thereof by the Township, said notice to be given by personal service or certified mail upon the owner, lessee, or other person having a present interest therein, said notice shall state the possible penalties imposed by the Township for non-compliance therewith. Where notice cannot be served in the above manner, notice may be served by posting a copy thereof in at least one conspicuous place on

said premises at least ten (10) days prior to taking further action. If said vegetation remains in excess of 12 inches beyond ten (10) days from service of the aforesaid notice, there shall be a violation of this Ordinance, the Township may; at its option, cut or direct a third party to cut said vegetation. The costs thereof to be paid by the party violating this Ordinance

The Township or any persons acting under its direction, is hereby authorized to enter upon the premises for such purposes.

SECTION 5.

Any person who violates the requirements of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Two Hundred Fifty (\$250.00) Dollars and costs of prosecution for the first offense. If the vegetation remains in excess of 12 inches beyond 10 days from service of the first citation, an additional fine of not more than Fifty (\$50.00) Dollars and costs shall be levied each day thereafter, and shall constitute separate offenses. Additional notices are not required of the subsequent offenses; and in default of payment of such fine or penalty and other costs, including the aforesaid costs incurred by the Township or third parties acting on its direction in cutting said vegetation, there shall be imposed imprisonment for not more than 72 hours. The Board of Supervisors may, from time to time, change the fines set forth herein by resolution of the Board of Supervisors.

SECTION 6. SEVERABILITY.

If any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision or the court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective immediately.

SECTION 8. REPEALER .

All other ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed; including Ordinance No. 77-5 relating to such vegetation which is hereby expressly repealed.

ENACTED AND ORDAINED this 30th day of June, 1994.

BOARD OF SUPERVISORS

R. DUFF MANWEILER, Chairman

ATTEST:

BARBARA WILSON, Secretary