

**NORTH HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_-2018**

**AN ORDINANCE OF NORTH HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA TO PROHIBIT THE GROWTH OF WEEDS AND GRASS IN EXCESS OF EIGHT INCHES ON RESIDENTIAL LOTS, PROVIDING EXCEPTIONS THEREFOR, REQUIRING SCHEDULED CUTTING OF GRASS AND WEEDS ON UNIMPROVED RESIDENTIAL LOTS, PROVIDING FOR SIGHT TRIANGLES TO BE CLEAR FROM PLANT GROWTH AND PROHIBITING BAMBOO AND NOXIOUS WEED GROWTH WITHIN THE SAID TOWNSHIP OF NORTH HEIDELBERG; AND PROVIDING FOR INVESTIGATION, ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the Township of North Heidelberg is a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, as a Second Class Township, North Heidelberg Township is governed by the Second Class Township Code of Pennsylvania, 53 P.S. §65101 et. seq.; and

**WHEREAS**, under 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

**WHEREAS**, Section 1517 of the Second Class Township Code, 53 P.S. §66517, authorizes the Board of Supervisors to enact ordinances to govern and regulate the maintenance and sanitation of land and to provide penalties for violation of such an ordinance and authorize proceedings at law or equity to prevent and restrain the violation; and

**WHEREAS**, the Board of Supervisors of North Heidelberg Township believe that weeds and grass on a residential property in excess of eight inches (8") in height is a lack of maintenance and sanitation of land and affects the health and welfare of the residents of the Township; and

**WHEREAS**, the Board of Supervisors of North Heidelberg Township desires to enact an ordinance under the authority of Sections 1506 and 1517 of the Second Class Township Code, 53 P.S. §66506 and §66517, to govern weed and grass growth in excess of eight inches (8") on residential lots in the Township and provide for penalties for violation of such ordinance and authorize proceedings at law or equity to prevent and restrain such violations.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of North Heidelberg Township, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED as follows:

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as the “North Heidelberg Township Noxious Weed Ordinance”.

SECTION 2. PURPOSE AND INTENT.

The Township’s Board of Supervisors have determined that unrestrained growth of grass, weeds and other vegetation on residential lots is a nuisance, and that it is necessary to regulate the mowing of residential lots in the Township in order to control the spread of pollen and noxious weed seeds, and to control rodents, snakes, pests and other undesirable forms of life which develop and live in unattended properties, and that such regulation shall promote the general health, safety and welfare of the residents of the Township.

SECTION 3. DEFINITIONS.

Unless otherwise expressly stated, the following words and phrases shall be construed, throughout this Ordinance, to the meanings herein indicated:

Owner: Any person having title, legal or equitable, whole or partial, whether by deed, mortgage, lease or other contract, to real estate within the Township of North Heidelberg.

Person: Any individual(s), partnership(s), association(s), firm(s) and/or corporation(s) or other group acting as a unit.

Residential Lot: Every residential lot with an area of four (4) acres or less and every residential lot, regardless of its area, within a residential subdivision which includes a lot or lots with an area of four (4) acres or less, except Unimproved Residential Lots.

Township: The Township of North Heidelberg, Berks County, Pennsylvania.

Unimproved Residential Lot: Every Residential Lot which has been approved on a subdivision and land development plan on which a residential dwelling is proposed to be placed but has not yet been placed.

Weeds: All grasses, annual plants and vegetation, other than trees, shrubs or ornamental grasses, provided, the term shall not include natural woodland plants, any cultivated flowers including wildflowers planted and maintained, gardens, or any agricultural crops.

Yard Area: The entire area of any Residential Lot with an area four (4) acres or less, and for any Residential Lot with an area greater than four (4) acres the portion of such lot surrounding the residential dwelling and structures accessory to the residential dwelling where vegetation including grass, shrubbery, and trees have been cultivated or planted and is intended to be managed.

#### SECTION 4. WEEDS AND GRASS

The Yard Area of all Residential Lots shall be maintained free from weeds or plant growth in excess of eight inches (8”).

#### SECTION 5. EXCEPTIONS

The requirement of this Ordinance that the Yard Area of all Residential Lots shall be maintained shall not apply to trees, land actively cultivated in crop production or engaged in farming, including pastures and tilled land, forest and woodland areas, shrubs, flower beds, gardens, cultivated and maintained wildflowers, wetlands and riparian buffers.

#### SECTION 6. UNIMPROVED LOTS IN DEVELOPMENTS

Every owner or developer of an Unimproved Residential Lot upon which grass or weeds in excess of eight inches (8”) are growing shall cut or remove such grass or weeds or cause the same to be cut or removed on or before June 15 and again on or before August 15 of each calendar year.

#### SECTION 7. PLANTS DANGEROUS DUE TO LOCATION

No vegetation including but not limited to weeds, grass, annual plants, vegetation, shrubs, trees, ornamental grasses, cultivated flowers, wildflowers, gardens or agricultural crops, shall exceed thirty inches (30”) within any clear sight triangle of all street intersections established as follows:

- (1) For intersections involving a minor street, the dimension of the clear sight triangle shall be established for a distance of seventy-five feet (75’), as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (2) For intersections involving a collector street, the dimension of the clear sight triangle shall be established for a distance of one-hundred feet (100’), as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (3) For intersections involving an arterial street, the dimension of the clear sight triangle shall be established for a distance of one-hundred fifty feet (150’), as

measured from the middle of the intersection or where the centerlines of the intersecting streets cross.

The functional classifications of all existing streets within North Heidelberg Township are identified within the North Heidelberg Township Subdivision and Land Development Ordinance.

#### SECTION 8. NOXIOUS WEEDS AND BAMBOO

No bamboo or any noxious weeds prohibited by the Noxious Weed Control Law, 3 P.S. §255.8, or by regulations of the Commonwealth of Pennsylvania Department of Agriculture shall be permitted to grow within the Township.

#### SECTION 9. INVESTIGATION

Except for enforcement of Section 7, which may be initiated by the Code Official without a Complaint, an investigation into a violation of this Ordinance shall only be commenced upon receipt of a Complaint of said violation by the Township; provided, however, only a Complaint by an adjacent property owner shall trigger an investigation for bamboo under Section 8.

The Code Official is authorized to enter upon the premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue the issuance of an administrative search warrant.

#### SECTION 10. NOTICES AND ORDERS

1. Notice to Person Responsible – Whenever the code official determines that there has been a violation of this Ordinance or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Paragraphs 2 and 3 below to the person or persons responsible for the violation as specified in this Ordinance.

2. Form – Such notice prescribed in Paragraph 1 above shall be in accordance with all of the following:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Include a statement of the violation or violations and why the notice is being issued.

D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Ordinance.

E. Include a statement of the Township's right to correct the violation and file a lien in accordance with Section 11, Paragraph 5.

3. Method of Service – Such notice shall be deemed to be properly served if a copy thereof is:

A. Delivered personally;

B. Sent by certified or first-class mail addressed to the last known address; or

C. Posted in a conspicuous place in or about the property affected by such notice.

4. Penalties – Penalties for noncompliance with orders and notices shall be as set forth in Section 11, Paragraph 4.

5. Transfer of Ownership – It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 11. VIOLATIONS

1. Unlawful Acts – It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Ordinance.

2. Notice of Violation – The code official shall serve a notice of violation or order in accordance with Section 10.

3. Prosecution of Violation – Any person failing to comply with a notice of violation or order served in accordance with Section 10 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the violation of the provisions of this Ordinance or of the order or

direction made pursuant thereto. The Township may also collect the charges it incurred for prosecution or abatement against the individual owner or owners of the real estate.

4. Violation Penalties – Any person who shall violate a provision of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted by action brought before a district justice. The district justice may impose criminal fines not to exceed One Thousand and 00/100 Dollars (\$1,000.00) per offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. Abatement of Violation – In addition to the other remedies provided herein, the Township may, at its election, abate the nuisance after notice as provided in Section 10 without instituting any proceeding at law or equity, and any costs incurred by the Township to abate the violation, including administrative, legal and filing costs, shall be charged against the real estate upon which the violation exists and shall be filed as a municipal lien upon such real estate.

#### SECTION 12. CONFLICTS

If a property or situation falls within more than one of the sections herein, the more restrictive regulation shall apply.

#### SECTION 13. REPEALER

Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

#### SECTION 14. SEVERABILITY

The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any Court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection or section had not been included therein.

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SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of North Heidelberg Township this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

BOARD OF SUPERVISORS OF NORTH  
HEIDELBERG TOWNSHIP

\_\_\_\_\_  
North Heidelberg Township Secretary

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Vice Chairman

By: \_\_\_\_\_  
Member

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. \_\_\_\_-2018, adopted by the Board of Supervisors of North Heidelberg Township, Berks County, Pennsylvania at a regular meeting held on \_\_\_\_\_, pursuant to notice as required by law.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
North Heidelberg Township Secretary