

CHAPTER 5
CODE ENFORCEMENT

PART 1

RESERVED

PART 2

NUISSANCE STRUCTURES

- § 201. Duties and Powers of Code Official**
- § 202. Violations.**
- § 203. Notices and Orders**
- § 204. Nuisance or Dangerous Structure**
- § 205. Emergency Measures**
- § 206. Demolition**
- § 207. Means of Appeal**

PART 3

ABANDONED VEHICLES AND ACCUMULATION OF RUBBISH

- § 301. Definitions**
- § 302. Storage of Abandoned and/or Junked Automobiles and/or Motor Vehicles Declared to be Nuisances Under Certain Instances**
- § 303. Accumulation of Rubbish and Refuse Prohibited**
- § 304. Investigative Procedures**
- § 305. Hearing Procedure**
- § 306. Enforcement Procedures**
- §307. Penalties**

PART 4

WEEDS AND GRASS

§401	Title
§402	Purpose And Intent.
§403.	Definitions.
§404	Weeds And Grass
§405	Exceptions
§406	Unimproved Lots In Developments
§407	Plants Dangerous Due To Location
§408	Noxious Weeds And Bamboo
§409	Investigation
§410	Notices And Orders
§411	Violations.
§412	Conflicts.

PART 1
RESERVED

PART 2

NUISSANCE STRUCTURES

§ 201. Duties and Powers of Code Official

- A. General – The appointed code official of the Township of Robeson shall enforce the provisions of this Ordinance at the direction of the Board of Supervisors.
- B. Procedure-Making Authority – The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt procedures; to interpret and implement the provisions of this Ordinance; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of violating accepted engineering methods involving public safety.
- C. Inspections – The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Board of Supervisors.
- D. Right of Entry – The code official is authorized to enter the structure or 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 a search warrant.
- E. Identification – The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance.
- F. Notices and Orders – The code official shall issue all necessary notices or orders to ensure compliance with this Ordinance.
- G. Department Records – The code official shall make records of all business and activities specified in the provisions of this Ordinance. Such records shall be retained in the Township's official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

§ 202. Violations

- A. 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.

- B. Notice of Violation – The code official shall serve a notice of violation or order in accordance with Section 203.
- C. Prosecution of Violation – Any person failing to comply with a notice of violation or order served in accordance with Section 203 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 unlawful occupancy of the structure in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto. Any costs incurred by the Township to secure or remove a nuisance or dangerous structure, along with the penalty imposed by this Ordinance, shall be charged against the real estate upon which the structure is located and shall be filed as a municipal lien upon such real estate. The township may also collect such charges against the individual owner or owners of the real estate.
- D. 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.
- E. Abatement of Violation – The imposition of the penalties herein prescribed shall not preclude the Robeson Township Solicitor from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

§ 203. Notices and Orders

- A. 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. Notices for condemnation procedures shall also comply with Section 204, Paragraph 3.
- B. Form – Such notice prescribed in Paragraph 1 above shall be in accordance with all of the following:
 - 1. Be in writing.
 - 2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.
 4. 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.
 5. Inform the property owner of the right to appeal.
 6. Include a statement of the right to file a lien in accordance with Section 202, Paragraph 3.
- C. Method of Service – Such notice shall be deemed to be properly served if a copy thereof is:
1. Delivered personally;
 2. Sent by certified or first-class mail addressed to the last known address; or
 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- D. Penalties – Penalties for noncompliance with orders and notices shall be as set forth in Section 202, Paragraph 4.
- E. 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 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.

§ 204 Nuisance or Dangerous Structure

- A. General – When a structure is found by the code official to be dangerous, or when a structure is found to be a nuisance, such structure shall be condemned pursuant to the provisions of this code.

1. Dangerous Structure – A dangerous structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
 2. Unsafe Equipment – Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or with the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
 3. Nuisance Structure – A structure is a nuisance structure whenever the code official finds that such structure is unsafe, unlawful, or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Ordinance, or because the structure is unsecured due to broken doors or windows, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- B. Closing of Vacant Structures – If the structure is vacant and a nuisance structure, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be filed as a municipal lien upon such real estate and may be collected in the manner provided for the collection of municipal liens.
- C. Notice – Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 203, Paragraph 3. The notice shall be in the form prescribed in Section 203, Paragraph 2.
- D. Placarding – Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the

premises a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises or removing the placard.

1. Placard Removal – The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this Ordinance.
- E. Prohibited Occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this Ordinance.

§ 205 Emergency Measures

- A. Imminent Danger – When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure is unsafe and its occupancy has been prohibited by the Code Official”. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- B. Temporary Safeguards – Notwithstanding other provisions of this Ordinance, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
- C. Closing Streets – When necessary for public safety, the code official shall temporarily close structures and close, or order the Township or other authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

- D. Emergency Repairs – For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- E. Costs of Emergency Repairs – Costs incurred in the performance of emergency work shall be paid by Robeson Township. The legal counsel of Robeson Township shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- F. Hearing – Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Board of Supervisors, be afforded a hearing as described in this Ordinance.

§ 206 Demolition

- A. General – The code official shall order the owner of any premises upon which is located any structure, which in the code official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise a nuisance, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, to demolish and remove such structure.
- B. Notices and Orders - All notices and orders shall comply with Section 203.
- C. Failure to Comply – If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be filed as a municipal lien upon such real estate.
- D. Salvage Materials – When any structure has been ordered demolished and removed, the Board of Supervisors or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§ 207 Means of Appeal

- A. Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this Ordinance shall have the right to appeal to the Board of Supervisors, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Ordinance do not fully apply, or the requirements of this Ordinance are adequately satisfied by other means.
- B. Notice of Meeting. The Board of Supervisors shall meet upon notice from the chairman, within forty-five (45) days of the filing of an appeal.
- C. Open Hearing. All hearings before the Board of Supervisors shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
 - 1. Procedure. The Board of Supervisors shall adopt and make available to the public through the Township Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- D. Board of Supervisors' Decision. The Board of Supervisors shall modify or reverse the decision of the code official only by a vote of a majority of the members of the Board of Supervisors.
 - 1. Records and copies. The decision of the Board of Supervisors shall be issued in writing. Copies shall be furnished to the appellant and to the code official.
 - 2. Administration. The code official shall take immediate action in accordance with the decision of the Board of Supervisors.
- E. Court Review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the Berks County Court of Common Pleas for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the issuance of the written decision.
- F. Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Supervisors.

(Ordinance No. 11-04, 7/19/11)

PART 3

ABANDONED VEHICLES AND ACCUMULATION OF RUBBISH

§ 301. Definitions.

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

Abandoned and/or Junked Automobiles. Motor vehicles that are or are partially dismantled, unused, unusable, wrecked or disabled stored within the confines of Township at a location other than that of a junkyard currently licensed by Township which cannot safely or legally be operated on the streets or highways of the Township of Robeson.

Automobile. See Motor Vehicle.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Motor Vehicle. Any type of mechanical device propelled by motor, engine, or other power source, intended for or used for, the transporting of persons and/or property, including trailers, semi-trailers, or other wheeled devices drawn thereby.

Nuisance. Any condition or use of real property and/or any structure thereon, and any condition or use of any mechanical device, including motor vehicles, which shall constitute a hazard or threat, or a potential threat, to the health, safety or welfare to the residents of the Township of Robeson.

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 Robeson.

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

Refuse. Waste, rubbish, garbage, trash, or any material of any kind that has been discarded, rejected case aside or thrown away as worthless.

Rubbish. Combustible and non-combustible waste materials, except garbage, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastic, tin cans, metals, mineral matter, glass, crockery and other similar materials, scrap metal and other forms of scrap, salvaged or discarded furniture, salvaged or discharged large household appliances such as stoves, refrigerators, freezers, dishwashers, washing machines and/or dryers and commodes, salvaged and/or discarded building materials and salvaged or discarded machinery.

Township. The Township of Robeson, Berks County, Pennsylvania.

§ 302. Storage of Abandoned and/or Junked Automobiles and/or Motor Vehicles Declared to be Nuisances Under Certain Instances

- A. Prohibited Storage. Storage of two (2) or more Abandoned and/or Junked Automobiles and/or Motor Vehicles, as defined in Section 301 of this Ordinance, or motor vehicle accessories within the confines of Township which creates a nuisance is prohibited, where such storage is outside of an enclosed building on any private property or public street or highway within the Township for a period of more than ten (10) days following receipt of a notice requiring such removal, and it shall be further be prohibited for any person owning any private property in the Township or leasing any such property to store or to permit to be stored or remain two (2) or more Abandoned, Junked or Other Motor Vehicle as defined herein which creates a nuisance on his property outside of an enclosed building for more than ten (10) days following receipt of a notice requiring such removal. No person required to remove one or more Abandoned, Junked or Other Motor Vehicle pursuant hereto shall move any Abandoned, Junked or Other Motor Vehicle or motor vehicle accessories constituting a public nuisance from any private property from which said vehicles are required to be removed to any other private property upon which such storage is prohibited or onto any public highway or public property.
- B. Permitted Storage. One Abandoned or Junked Automobile or Motor Vehicle may be stored on private property in the Township of Robeson provided it does not create a hazard to the public health, safety and welfare. Abandoned or Junked Motor Vehicles in excess of one on a property shall be stored in an enclosed building. Abandoned or Junked Motor Vehicles may be stored on premises of businesses currently licensed and permitted and lawfully operating as junkyard or a business enterprise where the keeping or maintenance of such motor vehicles is necessary for the operation of the business.

§ 303. Accumulation of Rubbish and Refuse Prohibited

The accumulation of rubbish and refuse on private property, commercial institutions and in the streets and alleys increases the danger of fire and spread of diseases and shall constitute a public menace and nuisance which is hereby prohibited in the Township. Rodents discovered in or existing as a result of accumulation of rubbish and refuse shall be promptly exterminated through processes non injurious to human health.

§ 304. Investigative Procedures

Whenever it shall be reported to the Township by a Township resident who resides within one thousand (1,000) feet of the property which is the subject of the complaint, or by the owner of property located within one thousand (1,000) feet of the property which is the subject of the complaint, to the Board of Supervisors of Township that accumulations of Rubbish and/or the

prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles, as defined herein, exist within the confines of Township, the said Board of Supervisors shall immediately cause an investigation to be conducted by the Code Official as to whether the accumulations of Rubbish and/or the storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles does exist within the confines of Township. Upon the completion of such investigation, a written report thereof shall be submitted to the Board of Supervisors specifying the nature, description and location of the accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles together with the identity of the owner(s) thereof and of all Person(s) having an interest therein and of the owner(s) of the land whereon the same is located.

Should the said investigation reveal that the accumulation of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles, as defined herein, do(es) not exist within the confines of Township, a written report shall be submitted to the Board of Supervisors of Township setting forth, in detail, such determination.

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 an administrative search warrant.

§ 305. Hearing Procedure

The Board of Supervisors of Township shall:

- A. Upon receipt of the Report, referred to in Section 304, give written notice to the owner(s) of and to all other Person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles, to appear before the said Board of Supervisors on the date and at the time specified in the Notice to show cause why the owner(s) of and all other person(s) having an interest said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles should not promptly remove the same from Township in accordance with the statement of particulars set forth in such Notice as provided for herein.
- B. Hold a public hearing and hear such relevant testimony as officials of Township and the owner(s) of and all other Person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles shall offer.
- C. Make Findings of Fact from the relevant testimony offered pursuant to Paragraph B of this Section as to whether the accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles constitutes a nuisance, unsafe, unsanitary, or dangerous condition, thereby adversely affecting the health, morals, safety and/or general welfare of the residents of Township.

- D. Issue an Order based upon the aforesaid Findings of Fact ordering and directing the owner(s) of and all other Person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles to promptly remove the same from Township in accordance with the statement of particulars set forth in such Notice as provided for herein.

§ 306. Enforcement Procedures

- A. If any accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles, as defined herein, are deemed to exist by the Board of Supervisors of Township following the investigative procedures referred to herein, then the said Board of Supervisors shall forthwith cause a written Notice as provided for herein, to be served upon the owner(s) of and all other Person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles.
- B. Service of the written Notice referred to in Paragraph (a) shall be by personal service made upon the owner(s) Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles. If personal service, as required herein, cannot be obtained or if such owner(s) of and all other person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles reside outside the confines of Township, such Notice shall be sent to such owner(s) and/or interested Person(s) by United States certified mail, return receipt requested, at his/her last known addressee(s).
- C. Such Notice shall specify the identity, nature, description and location of the accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles together with the owner(s) thereof and all other Person(s) having an interest therein and on the owner(s) , of the land whereon the same is located.
- D. Such Notice shall require that the owner(s) of and all other person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked Vehicles and/or Motor Vehicles to remove the same from Township within thirty (30) days thereof; provided, however, the same can be removed to such locations within the confines of Township duly and currently licensed by the Department of Environmental Protection of the Commonwealth of Pennsylvania and/or Township to accept such accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles.

§ 307. Penalties.

- A. The owner(s) of and all other Person(s) having an interest in said accumulations of Rubbish and/or the prohibited storage of Abandoned and/or Junked vehicles and/or Motor Vehicles who shall fail to comply with any Notice or Order to remove accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles given by any person authorized by this Ordinance, or any regulation or order issued thereunder, shall, upon conviction before a District Magistrate, be subject to a fine not exceeding One Thousand Dollars (\$1,000.00), plus costs of prosecution, and, in default of payment of the fine and costs of prosecution, shall be subject to imprisonment in Berks County Prison for a period of time not exceeding ninety (90) days, provided, however, each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Ordinance are in addition to any other remedies provided by this Ordinance.
- B. If the owner(s) of and all other Person(s) having an interest in said accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles fails to comply with any Notice or Order to remove accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles within thirty (30) days, the Board of Supervisors of the Township is empowered to remove such accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles and to cause the costs of such removal, together with a penalty of ten percent (10%) to be charged against the land on which the accumulations of Rubbish and/or prohibited stored Abandoned and/or Junked Vehicles and/or Motor Vehicles is located as a municipal lien, provided, however, the owner of such land is the owner of or a person having an interest in, said accumulation(s) of Rubbish, and/or prohibited stored Abandoned and/or Junked Vehicles and/or Other Motor Vehicles or to recover such costs in a suit at law by an action of assumpsit without the filing of a municipal lien or by instituting proceedings in courts of equity.

(Ord. 13-01, 8/20/2013)

PART 4

WEEDS AND GRASS

§401 Title

This Ordinance shall be known and may be cited as the “Robeson Township Weed Ordinance”.

§402 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.

§403. 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 Robeson.

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 two (2) 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 two (2) acres or less, except Unimproved Residential Lots.

Township. The Township of Robeson, 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 two (2) acres or less, and for any Residential Lot with an area greater than two (2) 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.

§404 Weeds and Grass

The Yard Area of all Residential Lots shall be maintained free from weeds or plant growth in excess of six inches (6”).

§405 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.

§406 Unimproved Lots in Developments

Every owner or developer of an Unimproved Residential Lot upon which grass or weeds in excess of six inches (6”) 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.

§407 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:

- A. For intersections involving a minor street, the dimension of the clear sight triangle shall be established for a distance of seventy-five (75) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- B. For intersections involving a collector street, the dimension of the clear sight triangle shall be established for a distance of one hundred (100) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- C. For intersections involving an arterial street, the dimension of the clear sight triangle shall be established for a distance of one hundred and fifty (150) feet, 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 Robeson Township are identified within the Robeson Township Subdivision and Land Development Ordinance.

§408 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.

§409 Investigation

Except for enforcement of Section 407, 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 408.

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.

§410 Notices and Orders

- A. 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.
- B. Form – Such notice prescribed in Paragraph 1 above shall be in accordance with all of the following:
 - 1. Be in writing.
 - 2. Include a description of the real estate sufficient for identification.
 - 3. Include a statement of the violation or violations and why the notice is being issued.
 - 4. 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.
 - 5. Include a statement of the Township’s right to correct the violation and file a lien in accordance with Section 411, Paragraph 5.
- C. Method of Service – Such notice shall be deemed to be properly served if a copy thereof is:
 - 1. Delivered personally;
 - 2. Sent by certified or first-class mail addressed to the last known address; or
 - 3. Posted in a conspicuous place in or about the property affected by such notice.

- D. Penalties – Penalties for noncompliance with orders and notices shall be as set forth in Section 411, Paragraph 4.
- E. 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.

§411 Violations.

- A. 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.
- B. Notice of Violation – The code official shall serve a notice of violation or order in accordance with Section 410.
- C. Prosecution of Violation – Any person failing to comply with a notice of violation or order served in accordance with Section 410 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.
- D. 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.
- E. 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 410 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.

§412 Conflicts.

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

(Ordinance No. _____, _____)