

Chapter 76

BRUSH, GRASS AND WEEDS

§ 76-1. Definitions.

§ 76-2. Vegetation over eight inches high constitutes nuisance.

§ 76-3. Unlawful to permit vegetation to exceed eight inches in height.

§ 76-4. Responsibility for cutting vegetation.

§ 76-5. Notice of violation.

§ 76-6. Township may cut vegetation upon failure to comply with notice.

§ 76-7. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 5-3-1979 as Ch. X, Part 1, of the 1979 Code of Ordinances; amended in its entirety 8-7-2008 by Ord. No. 2007-2. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 134.

§ 76-1. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

PERSON — Any natural person, firm, partnership, corporation or municipal corporation or body.

VEGETATION — Includes, but is not limited to, grass, weeds, vines and similar growths, jimson, burdock, ragweed, thistle, cocklebur and chicory. Vegetation may be considered a nuisance if it throws off any unpleasant or noxious odors, conceals any filthy deposit, produces pollen or is not planted for some useful, ornamental or agricultural purpose.

§ 76-2. Vegetation over eight inches high constitutes nuisance. ¹

Vegetation growing to a height exceeding eight inches on any lot or tract of ground in the Township located in the Low/Medium Density Residential Zone (R-1), the Medium/High Density Residential Zone (R-2) or any improved lot is hereby declared to be a nuisance.

§ 76-3. Unlawful to permit vegetation to exceed eight inches in height. ²

It shall be unlawful for any person owning, leasing or having a present interest in any real estate located in the Low/Medium Density Residential Zone (R-1), the Medium/High Density

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Residential Zone (R-2) or any residentially or commercially improved lot that does not comply in North Middleton Township to permit vegetation as defined in § 76-1 of this chapter to grow to a height exceeding eight inches, with the exception of real estate used for and/or actively being farmed.

§ 76-4. Responsibility for cutting vegetation. ³

All vegetation on any premises located in the Low/Medium Density Residential Zone (R-1), the Medium/High Density Residential Zone (R-2) or any residentially or commercially improved lot which does not comply with § 76-3 shall be cut by the owner, lessee, or person having a present interest in the real estate. Failure to comply herewith shall constitute a violation of this chapter.

§ 76-5. Notice of violation.

- A. The Township may, in addition to taking other action for violations of this chapter, require vegetation growing in violation hereof to be cut within 10 days after notification by the Township, said notice to be given by personal service or by mail upon the owner, lessee, or person having a present interest or upon an adult person in charge of any building on the premises or at the residence of such person.
- B. The notice shall direct and require such person to trim or cut such vegetation. 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 the premises at least 10 days prior to taking further action.

§ 76-6. Township may cut vegetation upon failure to comply with notice.

If vegetation in violation of this chapter remains uncut 10 days after service of notice, then the vegetation may be cut by or under the direction of the Board of Supervisors and the costs thereof, together with 10% additional, may be collected by the Township from such defaulting property owner, lessee, or person having a present interest by an action of assumpsit or a municipal lien, provided that such costs may be in addition to any other penalty provided in this chapter.

§ 76-7. Violations and penalties. ⁴

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

