

TOWNSHIP OF PERRY
FAYETTE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2010-1

**AN ORDINANCE OF PERRY TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA,
TO CONTROL GRASS, WEEDS AND OTHER NUISANCE VEGETATION BY
MANDATING THE CUTTING, TRIMMING OR REMOVAL BY THE OWNER OF
THE PROPERTY OR AT THE EXPENSE OF THE PROPERTY OWNER.**

WHEREAS, Perry Township believes that it is in the best interest of the citizens of Perry Township to have an Ordinance which controls the weeds, grass and other nuisance vegetation within Perry Township; and

WHEREAS, Perry Township believes that it is necessary for the health, welfare and safety of the citizens of Perry Township that there be an effective Ordinance to control weeds, grass and other nuisance vegetation.

NOW, THEREFORE, be it ordained and enacted by the Supervisors of Perry Township and it is hereby ordained and enacted by the authority of Pennsylvania Law under The Second Class Township Code as follows:

SECTION 1

- A. This Ordinance shall be known and may be cited as the “Perry Township Weed, Grass and Nuisance Vegetation Control Ordinance.”
- B. The provisions of this Ordinance shall apply to each and every lot, tract of ground, parcel of land, or any portion of property of the same, located within the geographical limits of Perry Township, except those specifically excluded by Section 1.C.
- C. This Ordinance shall not apply to:
 - 1. Farm land or any land used primarily for agricultural purposes or as pasture for livestock; or
 - 2. Land officially designated as a “Wild Life Refuge”; or
 - 3. Conservation areas; or
 - 4. Land areas owned and/or controlled by municipal government entities.
- D. The provisions of this Ordinance shall apply to the owner or owners of record (hereinafter “Owner”), of any lot, tract or parcel of ground, as described in Section 1.B. above, including by way of example, but not by way of limitation, individuals, corporations, business entities, partnerships or any

combination of associations, limited partnerships, limited liability corporations, or any other entity holding legal title to real estate within Perry Township, whether the same be physically located in Perry Township or the Owner is outside the geographical limits of Perry Township.

SECTION 2

A. The Owner of property in Perry Township subject to the provisions of this Ordinance shall not permit weeds, grass or other nuisance vegetation to grow to a height in excess of eight (8") inches on any lot, parcel, piece or tract of land as described herein unless specifically excluded by Section 1. C. 1. through 4.

B. The provisions of this Section shall not apply to vegetation planted solely for ornamental purposes unless such vegetation shall obstruct the view of users of an abutting road or highway or otherwise be detrimental to the public health, safety or general welfare of the residents of Perry Township.

C. Any grass, weeds, or other nuisance vegetation, permitted by a property Owner, to grow a height in excess of eight (8") inches in violation of the provisions of this Ordinance shall be considered a general nuisance and are further hereby declared to be detrimental to the public health, safety and general welfare of the residents of Perry Township.

SECTION 3

Each Owner of property is hereby declared to be and shall be responsible for the removal, trimming or cutting of all weeds, grass or other nuisance vegetation growing or existing on any lot(s) described in Section 1.B. The fact that any lot or tract of ground may be occupied or used or utilized by any person or entity or organization other than the Owner (by way of example but not by way of limitation, tenant or lessee), shall not relieve the Owner from compliance with the provisions of this Ordinance.

SECTION 4

A. The Code Enforcement Officer of Perry Township, any Supervisor of Perry Township or any person(s) specifically designated by Perry Township Supervisors, is hereby authorized to send written Notice to the Owner of any violation of this Ordinance.

B. The written Notice authorized by Section 4.A. above shall:

1. Direct and require the Owner of the property to remove, trim or cut any and all weeds, grass or nuisance vegetation to height necessary to conform with the provisions of this Ordinance within ten (10) days after the Notice has been postmarked and mailed to the Owner of record to the address listed on the tax duplicate, which is presumed to be the true, accurate and correct record address of the Owner of the property.
2. Notice shall be sent to the Owner or Owners by certified mail return receipt requested and by regular mail and it is specifically presumed that the Notice has been received when the regular mail has not been returned and/or the certified mail has been received

but rejected, declined or not accepted by the property Owner. Receipt by any Owner of the property is presumed to be receipt by all Owners of the property.

SECTION 5

A. If a property Owner fails, neglects, refuses or otherwise does not comply with the written Notice pursuant to the provisions of Section 4, within the time limits stated in the Notice, the Owner shall be deemed to be in violation of the provisions of this Ordinance and, upon conviction thereof before a Court of competent jurisdiction (including the District Judges), shall be sentenced to pay a fine of not less than One Hundred and 00/100 (\$100.00) Dollars for the first offense, One Hundred Fifty and 00/100 (\$150.00) Dollars for the second offense, Two Hundred and 00/100 (\$200.00) Dollars for the third offense and for each offense thereafter, the sum of Two Hundred and 00/100 (\$200.00) Dollars per day each day representing a separate offense, plus costs of prosecution for each offense; providing however, that starting with the seventeenth (17th) day after the Owner's receipt of written Notice required under this Ordinance, each and every additional day's violation of this Ordinance shall constitute a continuation of a first offense, a second offense, or a third offense as applicable and further written Notice to the Owner as would otherwise be required pursuant to this Ordinance shall not be required in order to constitute an offense under the provisions of this Ordinance such that each day shall constitute an individual and separate offense.

B. In case the Owner shall neglect, fail or otherwise fail to comply with the provisions of the written Notice, within the time frame specified by the Ordinance, the Supervisors of Perry Township are authorized to hire an independent contractor, individual, business entity or corporation to remove, trim or cut such weeds, grass or other nuisance vegetation with all costs thereof, including an administrative fee to the Township of One Hundred Fifty and 00/100 (\$150.00) Dollars plus costs incurred by the contractor and plus reasonable attorney's fees for attendance at the hearing shall be recovered by the Township from the property Owner in a proper manner provided by Pennsylvania Law, including, but not limited to provisions specifically authorizing the filing of a Municipal Lien and/or Municipal Claims against the property Owner with the recovery thereof to include all costs of filing and preparation.

SECTION 6

A. If any section of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole nor the constitutionality, legality or validity of any other section, provision or word of this Ordinance, other than the one so specifically declared to be unconstitutional, illegal or invalid.

B. Any and all existing Ordinances of Perry Township or portions thereof which are inconsistent with any provision of this Ordinance are hereby repealed.

C. The provisions of this Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED into law by the Board of Township Supervisors of Perry Township at a regular meeting held on the 6th day of July, 2010.

PERRY TOWNSHIP SUPERVISORS

BY: 

Andrew J. Boni, Chairman

BY: 

Clarence Johnson, Vice-Chairman


ATTEST:



Janet Galla, Secretary/Treasurer

(SEAL)

I hereby certify that the foregoing Ordinance was advertised in *The Herald Standard* on the 20th day of June, 2010, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Perry Township Supervisors held on the 6th day of July, 2010.



Janet Galla, Secretary

(SEAL)