

NORTH NEWTON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 93-1

AN ORDINANCE REQUIRING WEEDS AND OTHER VEGETATION TO BE MAINTAINED AT CERTAIN HEIGHTS AND UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE FOR NOTICE OF VIOLATIONS; TO PROVIDE FOR THE PROSECUTION AND PENALTIES FOR THOSE PERSONS WHO VIOLATE THIS ORDINANCE.

WHEREAS, the Board of Supervisors of North Newton Township feel that it is in the best interests of the Township that weeds and other vegetation be kept or limited to a certain height; and,

WHEREAS, this Ordinance and the objections leading to its enactment are authorized by "The Second Class Township Code", Act of May 1, 1933, P.L. 103; Act of July 10, 1947, P.L. 1481 (53 P.S. § 65101, et seq. and 53 P.S. § 65712); it is therefore enacted and ordained by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as "The North Newton Township Weed and Vegetation Control Ordinance".

SECTION 2: DEFINITIONS

The following terms shall be construed in this Ordinance to have the following meanings, except in those instances where the context clearly indicates otherwise:

A. The word "Person" shall mean any natural person, association, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

B. The word "Vegetation" shall mean, but not be limited to, grass, weeds,

vines and similar growths, jimson, burdock, ragweed, thistle, cocklebur, chicory and those weeds defined and appearing on the noxious weed control list as authorized and defined under the Noxious Weed Control Law, Act No. 1982-74, P.L. 228 (P.S. § 255.1 et seq.). 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.

### SECTION 3: DECLARATION OF NUISANCE

Vegetation growing to a height exceeding twelve (12) inches on any lot or tract of ground in North Newton Township is hereby declared to be a nuisance detrimental to the health, safety, welfare and comfort of the residents of North Newton Township and abatable as such.

### SECTION 4: CONDITIONS CONSTITUTING A NUISANCE

It shall be unlawful for any person owning, leasing or having a present interest in any real estate located in whole or in part in North Newton Township to permit vegetation as defined herein to grow to a height exceeding twelve (12) inches.

All vegetation on any premises growing to a height exceeding twelve (12) inches shall be cut by the person, owner, lessee or other individual having a present interest in the said real estate. Failure to comply herewith shall constitute a violation of this Ordinance.

### SECTION 5: NOTICE OF VIOLATIONS

It shall be the duty of the Township Supervisors, or any other party or parties designated by the Board of Supervisors of North Newton Township, upon complaint of citizens or property owners or otherwise, to investigate an alleged violation of this

Ordinance and if a violation exists, to notify the person allegedly in violation of the following:

- A. The belief of the Township that a violation exists for which the person is responsible.
- B. A description of the location and nature of the alleged violation;
- C. That the violation must be abated or removed by the said person within five (5) days of receipt of notice;
- D. Each five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense which will not require the Township to provide additional or subsequent notification of said violations;
- E. Failure to comply with the directions of the Township may result in the abatement or removal of the nuisance by the Township or its authorized representative and the cost of said removal or abatement shall be assessed against the violator together with the additional amount of ten (10) percent of such cost, to be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a complaint. Provided, however, the imposition of such cost and additional amount may be in addition to any other penalty provided for in this Ordinance.

#### SECTION 6: PENALTY FOR VIOLATION

Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction for the first offense and upon summary conviction for each subsequent offense, to a fine not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the costs of prosecution, in each case. Each

five (5) day continuance of a violation of the provisions of this Ordinance shall constitute a separate offense and shall be punishable as such. The fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgment upon any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

#### SECTION 7: ACTIONS IN EQUITY AUTHORIZED

In the exercise of the powers herein conferred, the Board of Supervisors of North Newton Township may institute proceedings in courts of equity.

#### SECTION 8: CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any other Ordinance.

#### SECTION 9: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

#### SECTION 10: SEVERABILITY

In the event that any provisions, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances

affected by this Ordinance, it being the intent of North Newton Township that such remainder shall be and shall remain in full force and effect.

SECTION 11:      RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED this 5<sup>th</sup> day of April, 1993.

ATTEST:

NORTH NEWTON TOWNSHIP  
BOARD OF SUPERVISORS

Bonnie L. Myers

Harold J. Hamilton  
Robert E. Smith  
J. Glenn Thomas