

ORDINANCE 1998 - 8

AN ORDINANCE RELATING TO THE GROWTH OF GRASS, WEEDS AND OTHER VEGETATION IN RAPHO TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, REQUIRING THE REMOVAL, TRIMMING OR CUTTING THEREOF UNDER CERTAIN CIRCUMSTANCES, BY THE OWNER OR OCCUPANT OF THE PREMISES WHERE THE SAME ARE GROWING OR BY THE TOWNSHIP AT THE EXPENSE OF SUCH OWNER OR OCCUPANT IN DEFAULT; AND PRESCRIBING PENALTIES FOR VIOLATION

BE , AND IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, as follows:

SECTION 1: This Ordinance shall be known as and may be cited as the “Rapho Township Weed Ordinance:.

SECTION 2: The Board of Supervisors of Rapho Township finds that the failure to cut and mow grass and weeds creates a nuisance; is harmful to the health and well-being of residents of Rapho Township and is contrary to the general welfare of the residents of the Township.

SECTION 3: The following words, as used in this Ordinance, shall have the meanings hereby respectively ascribed thereto:

- A. “PERSON” – Any natural person, partnership, association, firm or corporation.
- B. “WEED” – Any Canadian or Russian thistle, chickory, burdock, nettle, poison ivy, sumac, goldenrod, wild lettuce, wild mustard, wild parsley, ragweed, milkweed or any other plant or vegetation whatsoever, not customarily planted or maintained for food purposes or for ornamental or agricultural purpose.

SECTION 4. No person, owning or occupying any premises within Rapho Township, Lancaster County, Pennsylvania shall permit any grass or weeds to grow or remain on such premises so as to exceed a height of eight (8) inches, or to throw off any unpleasant or noxious odor or to conceal any filthy deposit. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township. In addition, all such grass or weeds on properties located in the Rural Residential, Residential 1 & 2, Neighborhood Commercial, Interchange Commercial, Highway Commercial and Industrial Zones shall be mowed a minimum of three time per year; once by Memorial Day, second by July 4 and third by Labor Day. The owner of the premises, in the case of vacant premises or premises occupied by the owner thereof, and the occupant of the premises, in the case of premises occupied by other than the owner thereof, shall comply with the requirements of this section.

SECTION 5: Except with respect to noxious weeds, as that term is defined by the Pennsylvania Noxious Weed Control Law, this ordinance shall not be applicable with respect to weeds and grass located in the following areas:

- a. On lands with the Agriculture Zoning District as defined in the Rapho Township Zoning Ordinance last approved and as amended, except for tracts of land primarily

occupied by commercial or industrial uses and tracts of land of two acres or less occupied by residential uses.

- b. Wetlands in developed and undeveloped areas
- c. Public rights of way and easements
- d. Public parks
- e. Public utilities property approved by Township permit
- f. Other government owned lands

SECTION 6: The Township Zoning Officer, upon direction of the Board of Supervisors, shall give written notice, by personal service or by United States First Class Mail, to the owner or occupant of any property whereon grass or weeds are growing or remaining in violation of the provisions of this Ordinance, directing and requiring such owner or occupant, as the case may be, to cut or remove all such grass or weeds, so as to conform to the requirements of this Ordinance, within seven (7) days after the date of such notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may cause such grass or weeds to be removed or cut, and the cost thereof, together with any penalty authorized by law, may be collected from such person, in the manner provided by law. The cost of removal, fine and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provision of law for the enforcement and collection of municipal claims.

SECTION 7: Any person who shall fail, neglect or refuse to comply with any of the provisions of this Ordinance shall, upon conviction thereof before any Justice of the Peace, be sentenced to pay a fine or penalty of not less than \$250 and not more than \$1,000 plus all court costs, including reasonable attorney fees, incurred by Rapho Township. If the defendant neither pays nor timely appeals the judgement, Rapho Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day of violation shall constitute a separate offense.

SECTION 8: Any Ordinance or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed insofar as the same affects this ordinance. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

SECTION 9: This Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED THIS 17th DAY OF SEPTEMBER 1998.

**SUPERVISORS OF RAPHO TOWNSHIP
LANCASTER COUNTY PENNSYLVANIA**

BY: _____
JERE SWARR, CHAIRMAN