

ORDINANCE NO. 314

AN ORDINANCE OF CAERNARVON TOWNSHIP, BERKS COUNTY, PENNSYLVANIA TO PROVIDE FOR REGULATION OF BRUSH, GRASS AND WEEDS; AND TO REPEAL ORDINANCE NO. 30, ENTITLED NUISANCES IN ITS ENTIRETY.

WHEREAS, the uncontrolled growth of brush, grass and weeds is contrary to the health, safety and welfare of the residents of the Township and the continued vitality of the Township's agricultural operations; and

WHEREAS, the Board of Supervisors of Caernarvon Township desires to restrict the uncontrolled growth of brush, grass and weeds in accordance with its powers under the Second Class Township Code to regulate nuisances, 53 P.S. § 66529;

BE IT ORDAINED by the Board of Supervisors of Caernarvon Township, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the same, as follows:

Section 1. OVERGROWTH CONSIDERED A NUISANCE

Any weeds, including ragweed, thistle and other weeds of a like kind, and any grass or plants exceeding six (6") inches in height or length (except as hereafter excluded) growing on any lot in Caernarvon Township are hereby declared to be a nuisance, unless the same are growing within a wooded area, are at least, or on a lot of two (2) acres or more.

Section 2. HEIGHT LIMIT; CUTTING AND MOWING REQUIREMENTS

- A. It shall be unlawful for any person who owns, resides on or operates a commercial or industrial enterprise on any lot within Caernarvon Township to permit any weeds, grass or plants (other than trees, bushes, flowers, agricultural products, ornamental plants, or grasses or plants grown as part of a farming operation or golf courses) to grow to a height or length exceeding six (6) inches. Whenever any such weeds, grass or plants shall reach a height or length of six (6) inches, they shall be immediately cut or mowed.
- B. Furthermore, any such weeds, grass or plants shall be cut or mowed at least one time on or before June 1 of each year regardless of height or length, and at least one other time on or before August 15 of each year, regardless of height or length.

Section 3. ENFORCEMENT; ABATEMENT

- A. The Township Code Enforcement Officer is authorized to enforce the provisions of this chapter and is further authorized to serve notice or cause a notice to be served, upon the owner or occupant of any lot upon which weeds, grass or plants are observed to be growing in violation of the provisions of this chapter and to demand abatement of the nuisance within seven (7) days of the mailing of said notice.
- B. Furthermore, if the nuisance has not been abated within the seven-day time period

aforesaid, the Township shall have the right, upon order of a court of competent jurisdiction, to enter upon such lot and cut or mow the weeds, grass or plants growing in violation of the provisions of this chapter, and to collect the cost and expense of the abatement, which may include legal costs and the contract cost, or any wages and benefit expenses for time spent by Township employees, together with any administrative cost from the owner or occupier of the lot, in addition to any fine or penalty otherwise provided, in accordance with the provisions of the Second Class Township Code. Such fees shall constitute a municipal claim that may be liened per the Municipal Claim and Tax Lien Law, 53 Pa. Stat. § 7101, et seq.

Section 4. VIOLATIONS AND PENALTIES

Any person who shall violate any provision of this chapter, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, shall 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 separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

Section 5. WETLANDS PROPERTY

Nothing in this chapter shall affect in any way any wetlands regulations, and in the event of any such conflict, the wetlands regulations shall control. Should any party claim that the offending property is a wetlands property, that party shall produce evidence that the property has been formally classified as wetlands by an appropriate governmental agency.

Section 6. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. REPEALER

All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.


Ordinance No. 30, entitled Nuisances, is hereby repealed in its entirety.

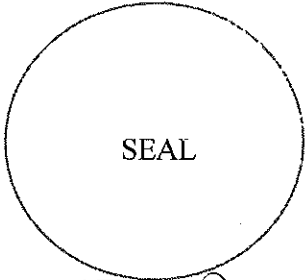
Section 8. EFFECTIVE DATE


That this Ordinance with take effect five (5) days after final passage.

ORDAINED and ENACTED by the Supervisors of the Caernarvon Township in lawful session duly assembled this 24th day of May, 2022.

CAERNARVON TOWNSHIP

BY: 
Sandra Styer, Chair



ATTEST: 
Joan Bair, Secretary