

ORDINANCE NO. 2008-3

AN ORDINANCE OF THE TOWNSHIP OF EAST BETHLEHEM PROHIBITING NOXIOUS VEGETATION AND RESTRICTING HEIGHT OF VEGETATION GENERALLY: PROVIDING FOR ABATEMENT AS A NUISANCE; ESTABLISHING PROCEDURES FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Commissioners of East Bethlehem Township hereby ordains:

Section 1. . Vegetative Growth a Nuisance Under Certain Conditions. No person, firm or corporation, owning or occupying any property within the Township of East Bethlehem shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises as to exceed height of ten inches (10): nor shall any noxious weeds prohibited by the Noxious Weed Control Law (3 P.S. § 255~8) or by regulations of the Department of Agriculture be permitted to grow within the Township of East Bethlehem including;

1. Marihuana
2. Chicory, Succory or Blue Daisy
3. Canadian Thistle
4. Multiflora Rose
5. Johnson Grass

Any grass, weeds or other vegetation growing upon any premises in the Township of East Bethlehem in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township of East Bethlehem.

Section 2. Responsibility for Removing, Cutting or Trimming. The Owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of section 1.

Section 3. Notice to Remove, Trim, or Cut; Municipality May Do Work and Collect Cost and Additional Amount. The East Bethlehem Township Board of Commissioners, or any officer or employee of the Township of East Bethlehem designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 1 of this ordinance, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance, within five (5) days after Issuance of such notice. Whenever, in the judgment of the Enforcement Officer/ Inspector it shall appear to be impracticable to give notice as above provided, either because the owner or occupant. cannot readily be found or because a search for the owner or occupant would entail~ unreasonable delay, the East Bethlehem Township Board of Commissioners or any officer or employee of the Township of East Bethlehem designed thereby for that purpose, may give notice by

posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within five (5) days, In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the East Bethlehem Township Board of Commissioners may order the removal, trimming or cutting of such grass, weeds or vegetation, and cost thereof, together with a penalty of ten percent (10%) of the cost thereof shall be collected by the Township of East Bethlehem from such person, firm, or corporation, in the manner provided by law. One notice from the Township shall be sufficient for the entire calendar year.

Section 4. Penalties for Violation. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$30000) per offense, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues after notice shall constitute a separate offense.

Section 5. Repealer All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: East Bethlehem Township Ordinance No. 87-3

Section 6. Severability. 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. It is hereby declared as the intent of the East Bethlehem Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. Effective Date. This ordinance shall become effective on the 10th, September 2008.

(SEAL)

EAST BETHLEHEM TOWNSHIP
BOARD OF COMMISSIONERS



Maryann Kubacki
Maryann Kubacki, Secretary