

86-1

LOWHILL TOWNSHIP WEED ORDINANCE NO. ~~85-~~

AN ORDINANCE OF LOWHILL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, RESTRICTING THE HEIGHT OF WEEDS AND SIMILAR GROWTH, PROVIDING FOR THE DATES OF JUNE 1 AND AUGUST 15, ANNUALLY, AS THE DATES FOR CUTTING WEEDS AND SIMILAR GROWTH WHICH EXCEED THE HEIGHT OF TWELVE (12) INCHES, DECLARING SUCH GROWTH EXCEEDING TWELVE (12) INCHES TO BE A PUBLIC NUISANCE, AUTHORIZING ABATEMENT OF SUCH NUISANCE, PROVIDING FOR EXEMPTIONS FOR CERTAIN DISTRICTS WITHIN THE TOWNSHIP, PROVIDING FOR RECOVERY OF COSTS OF ABATEMENT, AND PROVIDING FOR PENALTIES OF VIOLATION.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, in lawful session and duly assembled as follows:

Section 1. SHORT TITLE. This ordinance shall be known as the "Weed Control Ordinance of the Township of Lowhill."

Section 2. WEEDS AND OTHER GROWTH - A NUISANCE UNDER CERTAIN CONDITIONS.  
In the interest of health, safety and welfare of the inhabitants of Lowhill Township, no person, firm or corporation, owning, occupying, leasing, or having a present interest in any real estate within the Township of Lowhill shall permit any grass or weeds or any vegetation whatsoever, which is not edible, planted for some useful or ornamental purpose, or planted for agricultural purpose, to grow or remain upon such premises as to exceed a height of twelve (12) inches, or to throw off any unpleasant or noxious odor, or do conceal any filthy deposit, which would create or produce pollen. Any grass, weeds or other vegetation so described, growing upon any premises in Lowhill Township in violation of any of the provisions of this section, is hereby declared to be a public nuisance and detrimental to the health, safety, cleanliness and comfort of Lowhill Township.

Section 3. RESPONSIBILITY FOR REMOVING, CUTTING OR TRIMMING BY JUNE 1 AND BY AUGUST 15, ANNUALLY. 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 2 above, no later than June 1 and August 15 of each and every year hereafter.

COLLECT COST AND ADDITIONAL AMOUNT.

A. The Supervisors of Lowhill Township, or any officer or employee of Lowhill Township 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 as described aforementioned is growing or remaining in violation of the provisions of Section 2 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 fifteen (15) days after issuance of such notice.

B. Whenever, in the judgment of Lowhill Township, it shall appear to be impractical to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search of the owner or occupant would entail unreasonable delay, the Supervisors of Lowhill Township, or any other office or employee of Lowhill Township designated hereby for that purpose, shall 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 fifteen (15) days.

C. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated herein, the Supervisors of Lowhill Township may order the removal, trimming or cutting of such grass, weeds or other vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the cost thereof, shall be collected by Lowhill Township from such person, firm or corporation, in the manner provided by law.

Section 5. EXEMPTIONS FROM COMPLIANCE FOR CERTAIN DISTRICTS. Due to the unusual topography and structure of certain lands in Lowhill Township, the owners or occupants of those premises which are located in the Environmental Protection districts as that term is defined by Section 800 et seq of the Zoning Ordinance of Lowhill Township as amended and as delineated on the Official Zoning Map, shall be exempted from having to comply with the provisions of this Ordinance.

Section 6. 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 (\$300.00), and/or to undergo imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues after notice shall constitute a separate offense.

Section 7. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 8. SEVERABILITY. If any sentence, clause, section or other 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 Supervisors of Lowhill Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 9. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from the date of its adoption.

APPROVED by the Board of Supervisors of Lowhill Township, Lehigh County, Pennsylvania, and enacted into an Ordinance of Lowhill Township this 2<sup>nd</sup> day of April, 1986.

TOWNSHIP OF LOWHILL

Eugene R. Weimer  
EUGENE R. WEIMER, Chairman

Richard B. Hughes  
RICHARD HUGHES, Vice Chairman

Frank R. Dengler  
FRANK DENGLER

Attest:

Barbara Kressley  
BARBARA KRESSLEY, Secretary