

ORDINANCE NO. 4-75

AN ORDINANCE REQUIRING PERSONS, FIRMS, CORPORATIONS, TO CUT OR DESTROY WEEDS, GRASS OR UNHEALTHFUL GROWTHS OR OTHER NOXIOUS MATTER GROWING OR LOCATED ON ANY LOT, PLACE OR AREA WITHIN THE TOWNSHIP OF PERRY; MAKING IT UNLAWFUL TO FAIL, NEGLECT OR REFUSE TO DO SO; IMPOSING DUTIES ON PUBLIC OFFICERS; FIXING PENALTIES; PROVIDING FOR THE ESTABLISHMENT OF LIENS AGAINST PROPERTY FOR THE COSTS OF CUTTING SUCH MATERIAL; PROVIDING FOR THE ENFORCEMENT OF SUCH LIENS; AND PROVIDING CERTAIN PENALTIES.

THE SUPERVISORS OF PERRY TOWNSHIP, BERKS COUNTY, HEREBY ENACT AS FOLLOWS:

SECTION 1. No owner of any lot, place or area within the Township of Perry, nor the agent of any such owner, shall permit on such lot, place or area, or upon the sidewalk abutting the same, any weeds, grass or deleterious, unhealthful growths, or other noxious matter than may be growing, laying or located thereon.

SECTION 2. For the purpose of this ordinance, the following definitions shall apply:

(a) "Owner" shall mean any individual, corporation, partnership, association or agent, tenant, employee, servant, or representative thereof.

(b) "Weeds" shall include, among other things, burdock, chicory, crab grass, garlic or wild onion, golden rod, horst nettle, milkweed, morning-glory, mullen, perennial thistle, (including Canada, Russian, sow, bull, and other thistles), poison ivy, quack grass, ragweed, summac, wild carrot, wild lettuce, wild mustard, wild parsnip and wild snap-dragon, and all other types of weeds and grasses (other than in bona fide agricultural plantings) which have attained a height in excess of ten (10) inches.

SECTION 3. From and after the effective date of this ordinance, it shall be the duty of every owner of any lot, place or area within any developed section in the Township of Perry to cut or destroy any and all weeds so as to prevent the creation of a health menace and to maintain such lot, place or area so that the weeds shall not attain a height in excess of 10" and so that the same shall not ripen to the point of flowering or going to seed; provided, however, that the owner of any lot, place or area in an undeveloped section of the Township of Perry shall not be required to so cut or destroy weeds growing a distance in excess of one hundred feet from any occupied dwelling or building.

SECTION 4. The Secretary of the Township of Perry is hereby authorized and empowered to notify prior to June 15 and

August 15, the owner of any such lot, place or area within the Township of Perry to cut, destroy or remove such weeds from growing, laying or locating on the owner's property, or upon the sidewalk abutting the same. Such notice shall be in writing by mail addressed to the owner at his last known address or by posting written notice thereof upon the land, place or area involved.

SECTION 5. Upon the failure, neglect or refusal of any owner so notified to cut, destroy or remove the weeds growing, laying or located upon the owner's property, or upon the sidewalk abutting the same on or before June 15 and August 15 of each year, and at such other times within ten days of written notice mailed to the owner or posting upon the land, the Health Officer or such other person as may be designated by the Supervisors of Perry Township is hereby authorized to cause the weeds to be cut, destroyed or removed and to pay for the same. On the first day of each calendar month, the Health Officer or such other designated person shall prepare and deliver to the Secretary of Perry Township statements for all work performed under the provisions of this ordinance during the preceding month, indicating a description of the property, the owner thereof, and the costs of cutting, destroying or removal of weeds which shall thereafter constitute a charge and lien against the property affected, and such lien shall continue in force until the full amount thereof, together with interest at the rate of 6% per annum is paid in full.

SECTION 6. The Township Secretary shall make collections of the amounts of said bills and said bills shall be due and payable with the next township taxes and all provisions of the law concerning rebates, penalties and interest applicable to township taxes shall also apply to the liens provided for in this ordinance. The Township Secretary shall provide a suitable record book entitled "Charges and Liens for Cutting or Destroying Weeds", in which shall be entered the description of the respective parcels of property whereon said weeds have been cut or destroyed, the date said work was performed, the expenses thereof, the name of the title holder if known (if such title holder is unknown the word "unknown" shall be substituted for the name of the title holder), the date of payment of said charge or lien and the penalty and interest for delinquency in payment thereof. In case of default of payment of said charge or lien for a period of six (6) months after the same shall become due and payable, the Township Solicitor shall proceed to enforce payment under the provisions of laws creating and regulating municipal liens and proceedings thereon.

SECTION 7. In addition to the lien provided for herein, any person who shall violate or fail to comply with the provisions of this Ordinance shall, upon conviction before the Magistrate of the Township of Perry, be sentenced to pay a fine not exceeding \$300.00 for each offense with costs, and in default of the payment of said fine and costs, said person shall be imprisoned in the Berks County prison for a period not exceeding ninety (90) days. All fines imposed and collected under the provisions of this ordinance shall be paid into the Treasury of the Township of Perry.

SECTION 8. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Enacted November 11, 1975.

PERRY TOWNSHIP SUPERVISORS

Harry M. Watterman

Richard D. Kline

ATTEST:

Miriam M. Kline
Secretary