

CHAPTER 10
HEALTH AND SAFETY

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Part 1
Regulating Vegetation

§101. Purpose. The purpose of this Part is to control the growth within the Township of all types of vegetation which may impact upon the health, safety, cleanliness and welfare of residents of West Nottingham Township. The Township hereby recognizes the need to control noxious weeds and other types of vegetation which may grow within the Township so as to be detrimental to the health, safety, cleanliness and welfare of Township residents. (Ord. 6-1999, 7/20/1999, §1)

§102. Definitions.

AGRICULTURAL CROPS - those kinds of vegetation, including grasses, cereal grains, corn, beans and other crop plants harvested at least annually. No type of plant growth or vegetation shall be considered an agricultural crop which is not mowed to a level less than six (6) inches at least once during every calendar year.

GRASS - any of the various plants with blade-like leaves that are sometimes eaten by grazing animals or are cultivated for lawns or pastures.

NOXIOUS WEEDS - this phrase shall have the meaning and content assigned to it as is more fully explained in the Pennsylvania Noxious Weed Control Law of April 7, 1982, P.L. 228, No. 74. At a minimum it shall include the following vegetative species:

| | <u>Scientific Name</u> | <u>Common Name</u> |
|----|------------------------|-------------------------|
| A. | Cirsium arvenge | Canada Thistle |
| B. | Rosa Multiflora | Multiflora Rose |
| C. | Sorghum halepense | Johnsongrass |
| D. | Canabis sativa | Marijuana |
| E. | Polygonum perfoliatum | Mile-a-minute |
| F. | Pueraria Lobata | Kudzu-vine |
| G. | Cirsium vulgare | Bull or Spear Thistle |
| H. | Carduus nutans | Musk or Nodding Thistle |
| I. | Sorghum bicolor | Shattercane |
| J. | Datura stramonium | Jimsonweed |
| K. | Lythrum salicaria | Purple Loosestrife |

VEGETATION - plant life in general, not including trees, ornamental shrubs or flowers.

(Ord. 6-1999, 7/20/1999, §1)

§103. Required Height and Cuttings. Except as hereinafter provided, no person, firm or corporation owning or occupying any property within the Township of West Nottingham shall permit any grass or vegetation of any kind to grow or remain upon such premises so as to exceed a height of eighteen (18) inches. All such grass, weeds or vegetation shall be cut no less often than twice a year, the first cutting to occur on or before the fifteenth of June of every year and the second cutting to occur on or before the first of September of every year but, in no event and at no time, shall any such growth exceed eighteen (18) inches. It is the specific intent of this provision that if more than two (2) cutting a year are required to maintain growth levels at under eighteen (18) inches, then more than two (2) cuttings are and shall be required. (Ord. 6-1999, 7/20/1999, §1)

§104. Violations Constitute Nuisance. Any grass, weeds or other vegetation growing upon any premises within the Township of West Nottingham in violation of any of the provisions of this Part is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and welfare of the inhabitants of West Nottingham Township. (Ord. 6-1999, 7/20/1999, §1)

§105. Owner of Land Responsible. Every owner of land within the Township of West Nottingham is hereby declared to be the responsible person for ensuring complete compliance with the provisions of Part. This shall be so regardless of whether the owner resides on the premises. In addition to responsibility by the owner, however, both owners and occupiers of land within the Township are responsible for compliance with this Part and occupiers shall be subject to prosecution for violation hereof in addition to or alternatively to the owners thereof. (Ord. 6-1999, 7/20/1999, §1)

§106. Exemptions.

1. Agricultural Plants. All agricultural land uses shall be exempt from the application of this Part 1. If in the interpretation of the Code Enforcement Officer the use of the land in question is an agricultural use, regardless of the current vegetative condition, the exemption shall apply. However, all agricultural land including land devoted to agricultural plants as defined herein shall comply in every respect with the Pennsylvania Noxious Weed Control Law.

2. Other Exemptions. Property owners may apply to the Board of Supervisors for exemption from application of this Part for the other types of land cover provided that they meet the following criteria:

A. The property to be exempted from this Part must be within the one of the following environmental resources identified in the West Nottingham Township Open, Space, Recreation and Environmental Resources Plan;

- (1) Woodlands.

- (2) Wetlands.
- (3) Hydric soils.
- (4) Floodplain.
- (5) Steep slopes.

B. Lands currently under a conservation easement (i.e., Brandywine Conservancy, Natural Land Trust or equivalent agency).

3. The following types of land do not qualify for an exemption:

- A. Strips of land less than fifteen (15) feet in width.
- B. Parcels of land of less than one half (1/2) acre in area.

C. Parcels of land situated at the intersection of public road where tall vegetation may interfere with sight distances.

4. The property owner shall make application to the Board of Supervisors for an exemption from this Part on a form provided by the Township. The application shall include the following information:

A. A parcel plan showing the following:

(1) Area to be covered under the exemption.

(2) Limit and nature of the environmental resources qualifying the parcel for the exemption.

(3) All manmade features (i.e., buildings, roads, stormwater facilities, etc.).

B. A completed application form.

C. Any fee established by resolution by the Board of Supervisors for filing the application.

5. In all cases, properties granted an exemption to this Part shall comply in every respect with the Pennsylvania Noxious Weed Control Law.

(Ord. 6-1999, 7/20/1999, §1)

§107. Enforcement. The Board of Supervisors of West Nottingham Township or any officer or employee of the Township designated by the Board of Supervisors is hereby authorized to take the appropriate actions to enforce compliance with the provisions of this Part. If at any time the Board of Supervisors becomes aware of a violation, the Board shall, through its designated representative, give notice by personal service or by the United States mail to the owner or occupant or both of any premises whereon grass or weeds or vegetation is growing or remaining in violation of the provisions of this Part. Such notice shall direct or require such occupant

or owner to bring that person's property into compliance with the provisions of this Part within twenty (20) days of the date of notification or to face prosecution hereunder. 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 West Nottingham Township Board of Supervisors may remove, trim or cut such grass, weeds or vegetation and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township from such person, firm or corporation in the manner provided by the law. (Ord. 6-1999, 7/20/1999, §1)

§108. Violations and Penalties. Any person who shall be convicted of a violation of any of the provisions of this Part shall be sentenced to pay a fine of not more the three hundred dollars (\$300.00) plus the costs of prosecution. Each day of violation shall constitute as separate offense. The Township reserves the right to mow the vegetation in the event that the property owner does not comply with this Part. The cost of mowing will be charged to the property owner. The property owner shall reimburse the Township for cost incurred to mow the property. Upon failure of the property owner to reimburse the Township for all cost incurred within thirty (30) days of the Township's demand for payment sent to the owner in writing, the Township may file and enforce a municipal lien against the property in accordance with Pennsylvania law governing municipal liens. (Ord. 6-1999, 7/20/1999, §1)

Part 2
Recyclables

§201. Illegal to Burn Recyclables. It shall hereafter be illegal and subject to penalty in West Nottingham Township to burn recyclables including, but not limited to: paper, plastic, leaves and grass. Such materials shall be recycled through programs instituted by the Township, Chester County or the State of Pennsylvania. (Ord. 4-2001, 12/31/2001)

§202. Penalties. Those persons, organizations, industries or institutions found to be disposing of recyclables by either burning, land filling or other nonrecycling method shall be found to be in violation of this Part and will be subject to such penalties as determined by the Board of Supervisors, County of Chester or State of Pennsylvania, whichever may hold precedent for each occurrence. (Ord. 4-2001, 12/31/2001)

