

ORDINANCE NO. 2020-01  
DOUGLASS TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
DOUGLASS, CHAPTER 5, CODE ENFORCEMENT, TO AMEND PART  
2., PROPERTY MAINTENANCE CODE, AS TO WEEDS

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WHEREAS, the Board of Supervisors has met the procedural requirements of the Second Class Township Code, 53 P.S. § 65101, *et. seq.*, for the adoption of the proposed ordinance; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make and enact ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and health, safety and general welfare of the Township and its citizens; and

WHEREAS, the public health, safety and welfare of the Township and its residents will be best served by revising the Property Maintenance Code as to weeds.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Douglass Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1. CODE AMENDMENT.**

Chapter 5. Code Enforcement, Part 2. Property Maintenance Code, is hereby amended to add a new Section which shall read as follows:

§5-204. Additions, insertions and changes.

The following sections are hereby revised as follows:

A. Section 302.4 Weeds. to read as follows:

No person, firm, entity, or corporation owning or occupying any property of one acre or less within the Township 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 property so as to exceed a height of eight (8) inches.

No person, firm, entity, or corporation owning or occupying any property of more than one acre within the Township 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 property so as to exceed a height of ten (10) inches for a depth of 50 feet from every property line.

In addition, no person, firm, entity, or corporation owning or occupying any property of more than one acre within the Township 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 property so as to exceed a height of ten (10) inches in height for a radius of 100 feet around any building.

This restriction on grass, weeds and vegetation shall not apply to agricultural uses, approved retention/detention areas, reservoirs, and wooded lots when not practicable.

No noxious weeds prohibited by the Noxious Weed Control Law (3 P.S. § 255.8) or by regulations of the Department of Agriculture shall be permitted to grow on properties within the Township.

Any grass, weeds or other vegetation growing upon any property in the Township in violation of the provisions of this section is hereby declared a nuisance and detrimental to the health cleanliness and comfort of the inhabitants of the Township based on inter alia pollen, noxious odors and harborage for rodent infestation.

B. Add a new Section 302.4.1 to read as follows:

**302.4.1** The owner of any property, or the occupant of the property occupied by other than the owner, shall remove, trim or cut all grass, weeds, or other vegetation growing or remaining upon such property in violation of the provisions of Section 302.4.

C. Add a new Section 302.4.2. to read as follows:

**302.4.2** The Township, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States

mail, to the owner or occupant or any adult person in charge of the said premises, as the case may be, of any property wherein grass or other vegetation is growing or remaining in violation of Section 302.4, directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this chapter, within 10 days after issuance of such notice.

Whenever, in the judgment of the Township, or any officer or employee of the Township designated thereby for this purpose, 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 Township or any officer or employee of the Township designated 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 10 days.

In case any person, firm, entity, or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township may fine the property owner and/or the occupant of the property occupied by other than the owner, \$200.00 a day until the violation is corrected. In addition, the Township may itself, or it may hire someone, to remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Township from such person, firm, entity, or corporation, in the manner provided by law, and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

## **SECTION 2. REPEALER.**

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of such inconsistencies or conflicts, are hereby specifically repealed.

## **SECTION 3. REVISIONS.**

The Douglass Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after adoption.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of Douglass Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

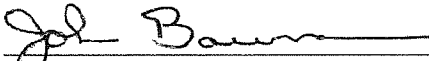
**ORDAINED AND ENACTED** by the Board of Supervisors for Douglass Township, Berks County, Pennsylvania, this 14 day of September, 2020.

ATTEST:

**DOUGLASS TOWNSHIP  
BOARD OF SUPERVISORS**

  
Kaleena Breitharth, Manager/Secretary

By:

  
John Bauman, Chairperson