

ORDINANCE NO. 1 of 2019

AN ORDINANCE REPEALING THE CURRENT CHAPTER 98 OF THE BUTLER TOWNSHIP CODE IN ITS ENTIRETY AND ENACTING A NEW ORDINANCE REGARDING GRASS, WEEDS, OTHER VEGETATION AND NOXIOUS WEEDS WITHIN BUTLER TOWNSHIP AND PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF

Section 1: Chapter 98 of the Butler Township Code, Adams County, is hereby repealed in its entirety.

I. Unlawful Growth of Grass, Weeds, and other Vegetation.

It shall be unlawful for any person firm or corporation owning or occupying any property within Butler Township to permit any weeds, grass or plants other than trees, bushes, flowers, or other ornamental plants, crops or vegetable plants grown for consumption to grow to a height exceeding ten (10) inches upon such property in Butler Township except as expressly exempted herein. Any such plant or weeds exceeding such height are hereby declared to be a nuisance and detrimental to health, safety and general welfare of the community.

- A. Agricultural Exemption – Any property of ten acres or greater used primarily for the cultivation of crops or the grazing or containment of livestock shall be exempt from this section, however, in the event that the property contains a dwelling unit that is located partially or wholly within 250 feet of the edge of a public cartway, the area between the cartway and the dwelling unit shall comply with this section.
- B. Large vacant lot exception – Any property of ten (10) acres or greater that does not house a current structure, but is unimproved, shall partially be exempt from this section; the property owner shall maintain a buffer in compliance with this ordinance twenty-five (25) feet wide along the front, side, and rear boundaries of the property. However, no less than once annually, the grass, weeds, and other vegetation on the entire property shall be cut to a height of ten inches or less.
- C. Wooded lot – A wooded lot shall mean a lot on which exists a continuous or near continuous forest canopy of mature trees.
 - i. A fully wooded lot which does not house a dwelling unit or business structure is exempt from this section.
 - ii. A partially wooded portion of a lot shall not be subject to this section, provided the partially wooded portion of the lot constitutes at least twenty-five percent (25%) of the lot coverage.

- D. Stormwater Management Areas – Grass, weeds or vegetation planted as part of a stormwater management plan in compliance with the Township’s Stormwater Management Ordinance (Chapter 81).

Section 2: The following text shall be hereinafter referred to as Chapter 98 of the Butler Township Code:

II. Noxious Weeds Declared a Nuisance.

It shall be unlawful for any person, firm or corporation owning or occupying any property within Butler Township to permit any weeds listed on the noxious weed control list set forth in Title 7, Chapter 110.1 of the Pennsylvania Code as amended from time to time, to grow or remain upon such property. Any such noxious weeds are hereby declared to be a nuisance.

III. Notice to Owners or Occupants.

In the event of a violation of the provisions of §10-101 or §10-102 the Township Code Enforcement Officer or other designated Township official, may serve a notice, either by personal service or by United States mail, to the owner or occupant of any premises on which plants or weeds are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance, and compliance with the provisions of this ordinance, within ten (10) days from the service of the notice.

IV. Violation of Provisions.

- A. Any person, firm, or corporation (“violator”) who shall violate any of the provisions of this ordinance or who shall knowingly or willfully fail to comply therewith, shall upon conviction thereof before any District Magistrate having jurisdiction, be sentenced to pay a fine of not less than One Hundred Fifty (\$150.00) Dollars and not more than Two Hundred Fifty (\$250.00) Dollars, together with costs of prosecution and attorneys’ fees. In the event of default of payment of such fine and costs, the violator may be imprisoned for not more than five (5) days.
- B. Notwithstanding Subsection A above, the code official or his designee(s) are hereby duly authorized to issue a ticket in a form established by the Township to any person, firm, or corporation (“violator”) violating the provisions of this ordinance. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct the violator that if the violator reports to the Township Office and pays to the Township the sum of \$100.00 within ten (10) days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in the costs of prosecution and attorneys’ fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within ten (10) days of issuance, the code official or his designee(s) shall issue a citation to the violator. Notwithstanding the foregoing, the code official or his designee(s) shall have the sole and absolute discretion to issue a citation in accordance with Subsection A without first issuing a ticket as provided for herein.

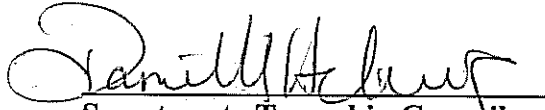
C. Each day during which a violation continues shall be deemed a separate offense.

ENACTED, ORDAINED AND APPROVED this 11th day of MARCH, 2019.

BUTLER TOWNSHIP


Chairman of the Board of Supervisors

Attest:


Secretary to Township Council
