

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-01

**AN ORDINANCE REGULATING THE GROWTH OF WEEDS, GRASS OR SIMILAR
VEGETATION, NOT GROWN FOR AGRICULTURAL PURPOSES, ESTABLISHING
PROCEDURES FOR VIOLATION AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF.**

NOW, THEREFORE, be it ordained and enacted and it is hereby ordained and enacted as follows:

Section 1. Definitions. As used in the Ordinance, the following terms shall have the meanings indicated:

- A. Borough – the Borough of Felton, which is located within York County, Pennsylvania.
- B. Owner – a person owning, leasing, occupying or having charge of any Property.
- C. Person – any individual, partnership, firm, company, association, or society, corporation for profit or not for profit group.
- D. Property – is any plot, tracts, premises or parcel of land, with or without improvements thereto, owned or occupied within the Borough.
- E. Weed - a plant that is not valued where it is growing and is usually of vigorous growth, especially one that tends to overgrow or choke out more desirable plants, including but not limited to:
 - 1. Cannabis sativa, commonly known as Marijuana;
 - 2. Cirsium arvense, commonly known as Canadian Thistle;
 - 3. Rosa multiflora, commonly known as Multiflora Rose;
 - 4. Sorghum halepense, commonly known as Johnson Grass;
 - 5. Polygonum perfoliatum, commonly known as Mile-a-minute;

6. *Pueraria lobata*, commonly known as Kudzu-vine;
7. *Cirsium vulgare*, commonly known as Bull or Spear Thistle;
8. *Carduus nutans*, commonly known as Musk or Nodding Thistle;
9. *Sorghum bicolor*, commonly known as Shattercane;
10. *Datura stramonium*, commonly known as Jimsonweed;
11. *Lythrum salicaria*, commonly known as Purple Loosestrife, including all cultivars;
12. *Heracleum mantegazzianum*, commonly known as Giant Hogweed;
13. *Galega officinalis*, commonly known as Goatsrue

Section 2. Purpose. That from and after the passage of this Ordinance, it shall be unlawful for any Person owning any Property in Felton Borough, York County, Pennsylvania, to permit grass, Weeds or similar vegetation, which are not grown for agricultural purposes, edible or planted for some useful or ornamental purpose, to grow to a height greater than six (6) inches or remain on the Property; and all such grass, Weeds and similar vegetation are hereby declared to be nuisances and detrimental to the health, safety and welfare to the residents of the Borough.

Section 3. Responsibility. It shall be the responsibility of any Person owning or having a present interest in any Property within the Borough abutting on a public road to cut and remove any grass, Weeds and similar vegetation existing in violation of Section 1 hereof upon that part of his Property within the legal right-of-way limit of said public road.

Section 4. Violation.

a. Upon the receipt of a written complaint setting forth the existence of grass, Weeds and similar vegetation exceeding six (6) inches in height in violation of this Ordinance, the Borough Secretary, Zoning Officer, Code Enforcement Officer or other representative that may be authorized by Borough Council shall cause written notice to be given either by personal service or registered or certified mail to the Owner of the Property upon which the violation exists, to cut and remove said grass, Weeds or similar vegetation within a reasonable time, not less than twenty-four (24) hours or more than five (5) days of the date of such notice.

b. The Owner shall not be entitled to written notice pursuant to Section 4(a) for any subsequent or similar violations of Section 2 of this Ordinance that occur within 180 days of the

service of the first notice. The first notice shall be deemed ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

b. Upon failure of such Owner to cut and remove said grass or similar vegetation as directed in said notice, the proper Borough officials or the Borough Solicitor may appear on behalf of the Borough and initiate proceedings to enforce the provisions of this Ordinance before a District Magistrate. In the alternative, the proper Borough officials or their agents may remove said grass, Weeds or similar vegetation from the Property. In such case, the cost for the service of removing said grass, Weeds, or similar vegetation, as well as any other costs appurtenant thereto including an administrative fee, of not less than \$25.00 or 10% of the removal cost, whichever is greater, attorney's fees, and filing fees, shall be considered and filed as a lien against the Property pursuant to the Pennsylvania Municipal Claim Liens Act, as amended, and collectible thereunder.

c. Each day's continuance of violation of this Ordinance shall constitute a separate offense.

Section 5. Penalties. Any Person who or Persons who shall violate any provision of this Ordinance, upon conviction thereof in a summary proceeding before any District Magistrate or Justice of the Peace of York County, be sentenced to pay a fine of not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00), together with costs of prosecution for each and every day said violation continues. And in default of said fine be imprisoned in the York County Jail for a period of not more than thirty (30) days. Any violation of this Ordinance shall be deemed a separate offense for each and every day such violation shall continue and shall be subject to the penalties imposed for each and every separate offense.

Section 6. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

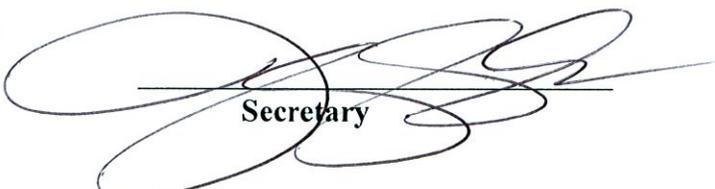
Section 7. Severability. The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Council of Felton Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

Section 8. Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

ENACTED AND ORDAINED this 7th day of April 2008.

Attest:

**BOROUGH COUNCIL OF THE
BOROUGH OF FELTON**



Secretary

By: Anna O'Berry
VICE President

Approved this 7th day of April 2008.

By: Jamie Jackson
Mayor