

ORDINANCE NO. 1978 - 4

AN ORDINANCE OF THE TOWNSHIP OF ALBANY, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE REMOVAL, TRIMMING OR CUTTING OF GRASS, WEEDS AND OTHER VEGETATION BY THE OWNER OR OCCUPANT OF THE PREMISES WHERE THE SAME IS GROWING, UNDER CERTAIN CIRCUMSTANCES, OR BY THE TOWNSHIP AT THE EXPENSE OF SUCH OWNER OR OCCUPANT IN DEFAULT, AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID ORDINANCE

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Albany, situate in the County of Berks and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed where used in this Ordinance to have the following meanings:

(a) Township: shall mean the Township of Albany, Berks County, Pennsylvania;

(b) Person: shall mean any natural person, partnership, association, firm or corporation;

(c) Residential Area: shall mean any house or structure in a subdivision recorded or unrecorded of three or more houses or structures and shall also mean any cluster of houses or structures three or more in number all of which are used for residential, non-farm purposes.

(d) Noxious Weeds: shall mean all grass or weeds or any vegetation whatsoever not edible or planted for some

useful or ornamental purpose, including but not limited to any such vegetation which emits any unpleasant or noxious odor, conceals any filthy deposit, or creates or produces pollen.

For purposes of this Ordinance, the singular shall include the plural, the masculine the feminine and neuter, and in each instance, vice versa.

## SECTION 2. Residential Prohibition

Any person owning or occupying any real property within the residential area of the Township shall cut any or all noxious weeds which exceed a heighth of six inches (6") from the soil at any time during the course of the year.

## SECTION 3. Vacant Premises

The owner or occupier of any vacant real property within the Township shall remove, trim or cut all noxious weeds upon said premises, maintaining the heighth of said noxious weeds no higher than six inches (6") from the soil at any time during the course of the year.

## SECTION 4. Agricultural Areas

Any person, not living in a residential area, within the Township shall cut any or all noxious weeds on or before the first day of August of each year and, in addition thereto, shall cut such noxious weeds within ten (10) days of the appearance (generally of weed flowers on such non-residential property); provided that this section shall apply only to land with slope of less than fifteen percent (15%) and provided further, that

this section shall not apply to lands which are too wet to permit access by mowing machines during the time of said wetness.

#### SECTION 5. Notice

The Board of Supervisors, or any officer or employee of the Township is hereby authorized to give notice by personal service or by certified United States mail, return receipt requested, to the owner or occupant, as the case may be, of any real property upon which is growing noxious weeds in violation of any portion of this Ordinance, directing and requiring such occupant or owner to remove, trim or cut such noxious weeds so as to conform to the requirements of this Ordinance within five (5) days after issuance of such notice. Should any person fail or refuse to comply with such notice, within the period of time herein stated, the Township may remove, cut or trim such noxious weeds and the cost thereof, together with a ten percent (10%) penalty and any additional penalty authorized by the law, may be collected by the Township from such person in the manner provided by law.

#### SECTION 6. Declaration of Nuisance

All noxious weeds as hereinbefore defined growing on any real property in the Township in violation of the provisions of this Ordinance are hereby declared to be nuisance and detrimental to the health, safety, cleanliness, comfort and welfare of the inhabitants of the Township.

SECTION 7. Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance

shall, upon conviction thereof, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) and costs of prosecution; provided, that each day's violation shall constitute a separate offense and repeated notice to the continual offender shall not be required in order to prosecute for each day's violation.

SECTION 8. Severability

Should any article, section, sub-section, paragraph, clause, phrase or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the remainder of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 9. All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed, insofar, but only insofar, as the same are inconsistent herewith.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Albany, Berks County, Pennsylvania, in lawful session duly assembled, this 11<sup>th</sup> day of November, 1978.

BOARD OF SUPERVISORS OF THE TOWNSHIP  
OF ALBANY, BERKS COUNTY, PENNSYLVANIA

By Oscar Kleinsmith  
Chairman

*Terry B. Hendel*  
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Supervisor

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Supervisor

Attest:

*Leroy Schollenberger*  
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Secretary