

WEST NANTMEAL TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 118

AN ORDINANCE OF WEST NANTMEAL TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 31 ADOPTED ON OCTOBER 12, 1987 AND ADOPTING A NEW ORDINANCE TITLED "THE WEST NANTMEAL TOWNSHIP WEED CONTROL ORDINANCE."

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by authority of the Board of Supervisors of West Nantmeal Township, Chester County, Pennsylvania as follows:

**SECTION 1.** The Board hereby adopts the following Ordinance known as the "West Nantmeal Township Weed Control Ordinance":

**§ 1. Title.**

This Ordinance shall be referred to as the "West Nantmeal Township Weed Control Ordinance."

**§ 2. Unlawful Growth.**

It shall be unlawful for any landowner or occupant of property to allow any noxious plants to grow, remain or exist on a property, at a height in excess of twelve (12) inches, or otherwise in such an offensive, unsafe or threatening manner or condition as to constitute a public nuisance. For purposes of this section, a noxious plant shall be defined to include all plants identified as noxious, and injurious to the public health, crops, livestock, agricultural land or other property pursuant to the Pennsylvania Noxious Weed Control Law, 3 P.S. § 255.1 *et seq.*, as amended from time to time, and the regulations promulgated pursuant to the authority in such law.

**§ 3. Notice.**

Whenever any noxious plants are permitted to grow, remain or exist at a height in excess of twelve (12) inches, or otherwise in such manner as to be in violation of §2 hereof, the Township shall cause notice in writing to be given to the owner or occupant of such property. The notice shall specify the type and location of the offending growth and require the removal or cutting of such noxious plants, or the taking of some other remedial action within five (5) days of the date of notice. Such notice shall be sent by registered or certified mail to the address listed in the tax records for

the property. Failure of the owner or occupant to comply with the requirements of such notice within five (5) days after receipt of the notice shall constitute a violation of this Ordinance.

**§ 4. Removal.**

In the event the owner or occupant fails after proper notice to comply with the notice and with the terms of this Ordinance, the Township may, at its own option, mow, destroy, dispose of, otherwise act to abate the nuisance created by such noxious plants in such fashion as the Township shall see fit. Such action by the Township shall not relieve the owner or occupant of penalties for violation of this Ordinance. The Township may assess against the owner or occupant, the costs that the Township incurred to remove the noxious plants from the property and bringing the property into compliance with the provisions of this Ordinance. Such costs may be recovered by proceeding against the owner or occupant in a civil action, or by any other manner of proceeding available to the Township at law or equity.

**§ 5. Violations and Penalties.**

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction hereof, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars, together with the costs of prosecution and, in default of same, be imprisoned for term not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate offense which is punishable by a separate fine.

**SECTION II. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

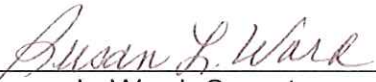
**SECTION III. Repealer.** Ordinance No. 31 adopted on October 12, 1987 and all Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION III. Effective Date.** This Ordinance shall become effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED, the 10<sup>th</sup> day of November, 2014.

ATTEST:

**WEST NANTMEAL TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Susan L. Ward, Secretary

  
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Gary C. Elston, Chairman

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David L. Mast, Vice Chairman

  
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Nelson R. Beam, Member