

BOARD OF SUPERVISORS

LOWER GWYNEDD TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 520

“Brush, Weeds and Grass Ordinance”

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF LOWER GWYNEDD TOWNSHIP, PART SIX (GENERAL OFFENSE CODE), TO ADD A NEW CHAPTER 650 ENTITLED” BRUSH, WEEDS AND GRASS” IN ORDER TO ENSURE THAT BRUSH, WEEDS AND GRASS ARE SATISFACTORILY MAINTAINED WITHIN THE TOWNSHIP.**

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The Board of Supervisors of Lower Gwynedd Township does hereby **ENACT** and **ORDAIN** as follows:

**SECTION I. – Amendment to Code.**

The Code of Ordinances of Lower Gwynedd Township, Part 6 (General Offense Code) is hereby amended to add a new Chapter 650 entitled “Brush, Weeds and Grass”, as follows:

**Chapter 650**

**BRUSH, WEEDS AND GRASS**

**§650.01. Declaration of Nuisance.**

Any weeds, including but not limited to jimson, burdock, ragweed, thistle, cocklebur or other weeds of like kind, or any vines, grasses or other noxious or objectionable vegetation (including normal grass lawn areas) in excess of ten (10) inches in height, or any Bamboo growing on any lot or tract of ground in the Township, are hereby declared to be a public nuisance and health hazard. It is hereby declared to be unlawful for any property owner or occupant to permit any such weeds, vines, grasses or other objectionable vegetation to grow or remain on any lot or tract of ground in the Township

**§650.02. Exemptions; Noxious Vegetation Prohibited; Clear Sight.**

- (a) The following areas and vegetation shall be exempt from the requirements of Section 650.01:
  - (1) Woodlands, trees, shrubbery, ornamental grasses used for landscaping purposes, cultivated gardens, flower beds and vegetable gardens, wildflower gardens or meadows;

- (2) Steep slopes, wetlands, floodplains, riparian corridors, areas within 15 feet of a watercourse, pond or lake, and areas where stormwater management or conservation/wildlife management plans have been established, where such prohibition would be detrimental to the proper environmental functioning of said areas; and
  - (3) Land actively cultivated for crop production or actively utilized as pasture.
- (b) Noxious vegetation as defined in the Lower Gwynedd Township Subdivision and Land Development Ordinance [Chapter 1230] or the Pennsylvania Noxious Weed Control Law (3 Pa.C.S.A. §§1501, *et seq.*) is prohibited on any property in Lower Gwynedd Township.
  - (c) Notwithstanding any of the foregoing exemptions, no exempt areas or vegetation shall be in a condition or allowed to grow upon any property in the Township which would obstruct clear and safe sight distance along any public or private roadway within the Township.

**§650.03. Regulation of Bamboo.**

The following special regulations pertain to Bamboo, as herein defined, the purpose of which is to preserve and protect private and public property and indigenous plants from the damaging spread of these plants.

- (a) Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

BAMBOO – any monopodial (running) tropical or semitropical grasses from the genre Bambusa including, but not limited to, Bambusa, Phyllostachys, and Pseudosasa, as well as Common Bamboo, Golden Bamboo, and Arrow Bamboo.

- (b) Prohibition. Upon the effective date of this Chapter, the planting or growing of Bamboo shall be prohibited within the Township. Any person thereafter who plants or grows, or causes to be planted or grown, Bamboo within the Township shall be deemed in violation of this Chapter, and shall be subject to such penalties as are set forth herein.
- (c) Regulation. Any Bamboo that has been planted or otherwise permitted to grow on any lot or tract of ground within the Township prior to the effective date of this Chapter may remain on such lot or tract of ground, subject to compliance with the following:
  - (1) Bamboo shall not be planted, maintained, or otherwise permitted to exist within 40 feet of the edge of the pavement or traveled portion of a public or private road or sidewalk in the Township, within 40 feet of the property line of any Township/public property, or within 25 feet of the property line of an adjoining or neighboring property.

(2) Each property owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading the setbacks set forth in subsection (c)(1) above. Such measures shall include, but are not limited to, installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the property line or lines where the Bamboo is planted or is growing to prevent such growth or encroachment upon adjoining or neighboring properties.

(d) Removal from Township Property.

(1) In the event that Bamboo growing on a lot or tract of ground invades or spreads onto adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the property owner in writing that the Bamboo has invaded the Township property and that the property owner is responsible for the removal of such Bamboo from the Township property. This notice shall be sent via certified mail, return receipt requested and by regular mail to the latest address of the property owner on file with the Township and a copy of the notice shall also be posted at the property upon which Bamboo is growing or has spread.

(2) In the event that the owner of the property upon which Bamboo is growing does not remove or contract for the removal of the Bamboo from the Township property, or does not make an arrangement agreeable to the Township for removal of such Bamboo within 30 days from the date the Township first provided notice pursuant to the above, the Township, at its discretion, may remove or arrange for the removal of such Bamboo from the Township property. The owner of property upon which Bamboo is growing shall be liable and responsible to the Township for the cost incurred for removal of the Bamboo from the Township property. Such costs, if unpaid 30 days after the Township's written request for payment, shall constitute a lien on the property and may be collected in the manner provided by law for the collection of municipal claims.

(e) Replanting prohibited. Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Section may not be replanted or replaced once such Bamboo is or has become, for any reason, dead, destroyed, uprooted, or otherwise removed.

**§650.04. Notice of Violation; Abatement.**

(a) The Code Enforcement Officer, or any employee of the Township designated for this purpose, is hereby authorized to issue notices of violation to the owner or occupant of any such property whereon grass, weeds or other vegetation is growing or remains in violation of this Chapter 650. Notice shall be provided as follows:

- (1) By sending written notice of violation by personal service or by certified and first class mail to the last known address of the owner of the property or, for foreclosed properties, to the lending institution or its agent.
  - (2) If the certified mail and first class mail are returned as undeliverable or if, in the judgment of the Township, 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 may give notice by leaving written notice of violation on the premises where such nuisance exists either by handing such notice to an adult in charge of the premises or by affixing a copy of the notice to the premises at a conspicuous place thereon.
- (b) The notice shall specify the nature of the violation and shall direct and require such owner or occupant to remove, trim or cut such grass, weeds, Bamboo or vegetation and abate the violation so as to conform to the requirements of this Chapter, within ten (10) days after issuance of such notice.
  - (c) The owner/occupant of any property, or in the case of foreclosure the lending institution or its agent, shall receive one notice of violation of this section per season. Additional or ongoing violations during the same season shall be subject to the issuance of citations without further notice.

**§650.05. Failure to Abate; Work Performed by Township.**

- (a) In the event that any person shall refuse or neglect to abate such nuisance within the time set forth in §650.04 above (or as specified by a Court), the Township may cause such grass, weeds, noxious plants or Bamboo to be cut or removed and charge the owner of the property for the cost thereof, plus an administrative fee of the percent (10%). The property owner shall reimburse the Township for all such costs and expenses within 30 days of receipt of a written demand for payment by the Township. If the property owner fails to reimburse the Township as set forth herein, all such costs and expenses incurred by the Township for the trimming or removal of such grass, weeds, noxious plants or Bamboo shall be a lien upon the property, and the Township may file a municipal claim for such costs and expenses, including attorneys fees, together with a penalty of 10% thereon, in the manner provided by law for the filing and collection of municipal claims.

**§650.06. Violations and penalties.**

- (a) Failure of a property owner to abate any such nuisance in accordance with the requirements of the notice issued under §650.04 shall constitute a violation of this Chapter and such violator, in addition to payment of the costs and expense referred to in §650.05, including attorneys' fees, shall, for every such violation, upon conviction of a summary offense before a District Justice, be sentenced to pay a fine or penalty of not more than \$1,000, plus costs and any

attorneys' fees incurred in the prosecution of such violation. Each day's continuance of a violation of any provision of this Chapter, after the expiration of the period referred to in §650.04, shall constitute a separate violation punishable by a separate fine or penalty.

- (b) In addition to the penalty provisions hereinabove, the Township may institute proceedings in equity to compel compliance with this Chapter.

**SECTION II. – Severability.**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION III. – Failure to Enforce not a Waiver.**

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

**SECTION IV. – Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION V. – Repealer.**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

[Signature page to follow]

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Gwynedd Township,  
Montgomery County, Pennsylvania, this 23<sup>rd</sup> day of October, 2018.

**LOWER GWYNEDD TOWNSHIP**

By: \_\_\_\_\_

Kathleen A. Hunsicker  
**Kathleen A. Hunsicker**, Chair,  
Board of Supervisors

Attest: \_\_\_\_\_

Craig McAnally  
**Craig McAnally**, Secretary