

ORDINANCE NO. 2021-03
LOWER CHICHESTER TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

AN ORDINANCE OF LOWER CHICHESTER TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 692 WEEDS, GRASS AND PLANTS, SECTION 692.01(a) AND (b) TO SET A NEW HEIGHT FOR GRASS AND SET A NEW TIME LIMIT FOR CURE OF VIOLATION; AMENDING CHAPTER 692 WEEDS, GRASS AND PLANTS, SECTION 692.99 PENALTY TO SET A NEW PENALTY; AMENDING CHAPTER 1490 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 1490.04 AMENDMENTS TO AMEND THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 302.4 TO ADD A HEIGHT FOR GRASS; AND AMENDING CHAPTER 1490 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 1490.99 PENALTY TO SET A PENALTY (CODIFIED ORDINANCES OF LOWER CHICHESTER TOWNSHIP, 2011); PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, the Board of Commissioners desires to amend Chapter 692 Weeds, Grass And Plants, Section 692.01(a) and (b) Noxious Weeds or Plants; Duty to Cut Grass; Notice of the Codified Ordinances of Lower Chichester Township (2011) to set a new allowable height for grass and set a new time limit for cure of violation; and,

WHEREAS, the Board of Commissioners desires to amend Chapter 692 Weeds, Grass And Plants, Section 692.99 of the Codified Ordinances of Lower Chichester Township, 2011, to set a new penalty for violation of Chapter 692 – Weeds, Grass, and Plants; and,

WHEREAS, the Board of Commissioners desires to amend Chapter 1490 International Property Maintenance Code, Section 1490.4 Amendments of the Codified Ordinances of Lower Chichester Township (2011) to amend section 302.4 of the 2006 International Property Maintenance Code to add a height for grass; and,

WHEREAS, the Board of Commissioners desires to amend Chapter 1490 International Property Maintenance Code, Section 1490.99 Penalty of the Codified Ordinances of Lower Chichester Township (2011) to set a penalty.

NOW THEREFORE, the Board of Commissioners of Lower Chichester Township, County of Delaware, Commonwealth of Pennsylvania, do hereby ENACT and ORDAIN that:

SECTION 1. PART SIX - General Offenses Code, Chapter 692 Weeds, Grass And Plants, Section 692.01(a) Noxious Weeds or Plants; Duty to Cut Grass; Notice of the Codified Ordinances of Lower Chichester Township (2011) is hereby amended to repeal Section 692.01(a) in its entirety and replace it with the following:

692.01 NOXIOUS WEEDS OR PLANTS; DUTY TO CUT GRASS; NOTICE.

(a) No person in possession of any property located within the Township shall permit the exterior property area to contain species of weeds or plant growth which are noxious or detrimental to the public health, safety and welfare of the Township and/or permit grass to exceed a height of six inches.

(b) When the Health Officer of the Township determines that there exists a violation of this section, he or she shall serve written notice of such violation on the person or persons responsible therefor, which notice shall include a statement of the reasons why it is being issued, shall allow for a period of not less than three days from the date of said notice for the performance of any act required to cure the violation and shall be served upon the owner of the property and the possessor of the property or the occupant thereof, as the case may require. Such notice shall be sent by registered mail or certified mail to the last known address of the owner, possessor and/or occupant of the property.

SECTION 2. PART SIX - General Offenses Code, Chapter 692 Weeds, Grass And Plants, Section 692.99 Penalty, of the Codified Ordinances of Lower Chichester Township, 2011 is hereby amended to repeal Section 692.99 in its entirety and replace it with the following:

692.99 PENALTY.

For a violation of or noncompliance with this Chapter 692, the offender shall be fined: for their first offense three hundred dollars (\$300.00) plus the

costs and expenses of prosecution, including, but not limited to, attorney's fees; and, for their second offense six hundred dollars (\$600.00) plus the costs and expenses of prosecution, including, but not limited to, attorney's fees; and, for their third offense one thousand dollars (\$1,000.00) plus the costs and expenses of prosecution, including, but not limited to, attorney's fees.

SECTION 3. PART FOURTEEN - Building and Housing Code, Title Eight Housing Standards, Chapter 1490 – International Property Maintenance Code, 1490.04 Amendments of the Codified Ordinances of Lower Chichester Township (2011) is hereby amended to add a height for grass as follows:

Section 302.4

Insert: "six inches"

SECTION 4. PART FOURTEEN - Building and Housing Code, Title Eight Housing Standards, Chapter 1490 – International Property Maintenance Code, 1490.99 Penalty of the Codified Ordinances of Lower Chichester Township (2011) is hereby amended to add the following:

1490.99 PENALTY.

For a violation of or noncompliance with Section 302.4 of the International Property Maintenance Code, as adopted in Section 1490.01, the offender shall be fined: for their first offense three hundred dollars (\$300.00) plus the costs and expenses of prosecution, including, but not limited to, attorney's fees; and, for their second offense six hundred dollars (\$600.00) plus the costs and expenses of prosecution, including, but not limited to, attorney's fees; and, for their third offense one thousand dollars (\$1,000.00) plus the costs and expenses of prosecution, including, but not limited to, attorney's fees.

SECTION 5. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 6. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality,

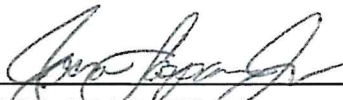
illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 7. This Ordinance shall become effective as provided by the Laws of the Commonwealth of Pennsylvania.

ENACTED and ORDAINED by the Board of Commissioners of Lower Chichester Township, 15th day of March, 2021.

LOWER CHICHESTER TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

(SEAL)



ROCCO GASPARI, JR.
President of the
Board of Commissioners

ATTEST

