

MARION TOWNSHIP ORDINANCE NO. 2001 - 42

AN ORDINANCE OF THE TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA, RESTRICTING THE HEIGHT OF VEGETATION; PROVIDING FOR ABATEMENT OF ANY SUCH VEGETATION AS A NUISANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

Be it enacted and ordained by the Township of Marion, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to limit the nuisance effects of vegetation growing out of control due to neglect by a person, firm, institution, organization, group, enterprise, industry, business or corporation. This Ordinance is intended to regulate the height of grass and weeds not planted or grown for a useful or ornamental purpose.

SECTION 2: GENERAL REGULATIONS

Height of grass and weeds not planted or grown for a useful or ornamental purpose must be controlled by the occupant of any residential property within the municipal limits of the Township of Marion that is less than three (3) acres in size and having three adjacent or contiguous lots all of which are less than three (3) acres in size. These regulations shall not apply to vegetation within wood lots as defined below.

No person, firm, institution, organization, group, enterprise, industry, business or corporation occupying property as described above shall permit any grass or weeds or any vegetation whatsoever, or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six (6) inches, or to throw off any unpleasant or noxious odor, or to create any sanitary hazard. Any grass, weeds, or other vegetation growing upon the above described premises in the Township of Marion in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health and safety of the residents of Marion Township.

SECTION 3: WOOD LOT EXEMPTION

Wood lot areas, regardless of lot size and adjoining lot size, shall be exempt from the provisions of this Ordinance. For purposes of this Ordinance, wood lots are defined to include treed areas where at least 80% of the ground area is shaded during months when leaves are green.

SECTION 4: RESPONSIBILITY FOR REMOVING, CUTTING, OR TRIMMING VEGETATION

The occupant of any premises in a location or zoning district covered by this Ordinance shall remove, trim, or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of this Ordinance.

SECTION 5: NOTICE TO REMOVE, TRIM, OR CUT; MUNICIPALITY MAY DO WORK, AND COLLECT COST AND ADDITIONAL AMOUNTS

The Township of Marion, the Zoning Enforcement Officer, or any other officer or employee of the Township designated for this purpose, is hereby authorized to give notice to the occupant of any premises whereon the length of grass, weeds, or vegetation is in violation of the provisions of this Ordinance, directing and requiring such occupant to remove, trim, or cut such grass, weeds, or vegetation, so as to conform to the requirements of this Ordinance within five (5) days after issuance of such notice.

Whenever, in the judgment of the Zoning Enforcement Officer, or authorized officer or employee of the Township, it shall appear to be impracticable to give notice to the occupant or owner of the property as above provided, either because the owner or occupant cannot readily be found or because a search for the occupant or owner is deemed to be too difficult or expensive, the Township may, at its discretion, and to the extent and with the methods deemed necessary by the Township or its authorized agent to bring the premises into conformity with the requirements of this Ordinance, direct an agent of the Township to perform the remedial removal, trimming, or cutting of the grass, weeds, or vegetation. In the case where such remedial action must be taken by the Township, the occupant or owner of the premises on which such remedial action was taken shall be responsible for reimbursement of all costs incurred by the Township to bring the premises into conformity with this Ordinance.

SECTION 6: PENALTIES FOR NON-CONFORMANCE TO THIS ORDINANCE

In addition to such costs as are incurred by the Township including mowing costs, attorney's fees, and court costs, the owner or occupant of the premises on which such remedial action is performed, shall be obligated to pay civil penalties of not less than \$50.00 and not to exceed \$1,000.00. For purposes of computing penalties, each day shall be counted as a separate offense.

SECTION 7: SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such finding shall not affect or impair any of the remaining sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had all the unconstitutional, illegal, or invalid sentences, clauses, sections, or parts hereof not been included herein.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective five (5) days after it is enacted.

ENACTED AND ORDAINED this 10th day of April, 2001