

FAWN TOWNSHIP

ORDINANCE NO. 5-2004

**AN ORDINANCE AMENDING THE FAWN TOWNSHIP,
WEED CONTROL ORDINANCE, ORDINANCE NO. 1-1996
BY AMENDING THE MOWING REQUIREMENTS AND THE
DEFINITION OF RESIDENTIAL LOTS**

WHEREAS, Fawn Township (Township) is a second class township, and is governed by the Second Class Township Code; and

WHEREAS, the Second Class Township Code authorizes the Township to adopt ordinances for the public health and welfare; and

WHEREAS, pursuant to its authority, the Township adopted the Fawn Township Weed Control Ordinance, Ordinance No. 1-96 (Weed Control Ordinance); and

WHEREAS, the Township desires to amend the Weed Control Ordinance by changing the standards for mowing and modifying the definition of residential lots:

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1: Section 4 of the Weed Control Ordinance is amended by adding at the end, after the phrase “as amended” the following: “, and as reenacted by Ordinance 3-2002. For purposes of this Ordinance, all lots less than ten (10) acres in size shall be considered residential lots.”

SECTION 2: Section 5 of the Weed Control Ordinance shall be amended by deleting the title and text in its entirety, and replacing it with the following:

“Section 5. Regulations Applicable To Residential Lots.

- “A. No grass, weeds, or other planted or vegetative cover of any residential lot as defined in this Ordinance, as amended, shall be permitted at any time to exceed eight inches (8”) in length or height from the surface of the ground. It shall be the obligation of every owner to mow or cause to be mowed every portion of all grass, weeds, or other planted or vegetative cover before any portion of it reaches eight inches (8”) in length or height, subject to the exceptions in subsection B.
- “B. This mowing requirement shall not apply to: any residential lot or portion thereof which has been planted with an agricultural crop during the calendar year in question and which has been or will be harvested as an agricultural crop during such calendar year; any areas covered by appropriate ground cover (such as crown vetch) planted either for erosion or other control, or for decorative purposes; or any residential lot or portion thereof occupied by buildings or by woodlands. As used in this Ordinance, “woodlands” shall mean land which is covered by naturally occurring woods consisting of trees of a height and density to provide a canopy of shade during the summer months, and from which natural groundcover, including but not limited to leaves, pine needles, or vegetative growth, has not been cleared from the land or, if cleared, has remained in its natural vegetative state, without alteration by the landowner. Once cleared, if the cleared area is planted with grass or similar groundcover which is normally intended to be periodically mowed, then such area shall be subject to the requirements of this Ordinance. It shall be a defense to a violation notice of this Ordinance if, upon notice of violation, the landowner of unaltered woodlands notifies the Township of his or her intention to allow the woodlands to remain in its unaltered or natural state. Any alteration of the woodlands after such notice shall void such notice, and shall make the landowner subject to the requirements of this Ordinance.”

SECTION 3: Section 6 of the Weed Control Ordinance shall be amended by deleting in that Section wherever it appears the phrase “certified mail” and replacing it with the phrase “certified and first class mail”.

SECTION 4: Section 7 of the Weed Control Ordinance shall be amended by deleting, after the title, the entire text, and replacing it with the following:

“Every owner of a residential lot who fails to mow as required by the provisions of this Ordinance shall be charged with a summary offense, and, upon a finding of guilty by a District Justice of competent jurisdiction, shall be fined three hundred dollars (\$300.00) for the first offense, five hundred dollars (\$500.00) for the second offense, and seven hundred fifty dollars (\$750.00) for any subsequent offense. For purposes of grading the penalty


under this Section, an offense shall be defined as the filing of charges by the Township with the District Justice, and shall not require an adjudication by the District Justice, except that the acquittal of any owner by a District Justice of charges under this Ordinance shall not constitute an offense for grading purposes. Voluntary dismissal or withdrawal of any charges under this Ordinance by the Township shall not constitute an acquittal for grading purposes. Every day that a violation of any provision of this Ordinance occurs shall be considered a separate and distinct offense, and shall be subject to separate and distinct penalties, except that multiple days of violations may be brought by the Township in one charge or citation, so long as the citation is sufficiently specific as to the dates of such offenses. For purposes of grading under this section, citations from prior years shall be considered as prior offenses, so long as the Township can show evidence that such prior citations were filed against any owner.”

SECTION 5: This Ordinance shall be effective January 1, 2005.

ORDAINED AND ENACTED by the Board of Supervisors of Fawn Township, York County, Pennsylvania, on the 11th day of October, 2004.

ATTEST:

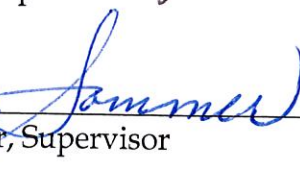
FAWN TOWNSHIP
BOARD OF SUPERVISORS


Secretary

By: 
Kevin F. Clark, Chairman

By: 
Robert E. Lloyd, Supervisor

(SEAL)

By: 
Henry M. Sommer, Supervisor

**ORDINANCE NO. 1-96
TOWNSHIP OF FAWN, YORK COUNTY, PENNSYLVANIA**

ORDINANCE OF THE TOWNSHIP OF FAWN, YORK COUNTY,
PENNSYLVANIA, REQUIRING THE MOWING OF LOTS USED FOR
RESIDENTIAL PURPOSES AND PRESCRIBING PENALTIES FOR
VIOLATIONS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, by the Board of Supervisors of Fawn Township, York County, Pennsylvania, that:

Section 1. *Name.* This ordinance shall be known as the Fawn Township Weed Control Ordinance.

Section 2. *Purpose.* It is hereby declared that the purpose and intent of this ordinance is to promote the general health, welfare and safety of residents of Fawn Township, York County, Pennsylvania by requiring the mowing of lots used for residential purposes within the Township so as to control the spread of pollen, the spread of noxious weed seed, the maintenance of a pleasing, aesthetic environment in areas with residential development and the control of rodents, snakes and other undesirable forms of life which develop in unattended or unmowed areas.

Section 3. *Findings of Fact.* The Fawn Township Board of Supervisors find as a fact that the unrestrained growth of grass, weeds and other vegetation (excluding woodland) on lots used for residential purposes constitutes a nuisance in the Township.

Section 4. *Residential Lots.* For purposes of this ordinance, the words and phrases "lots used for residential purposes" or "residential lots" shall mean and include all lots or parcels of land being used or to be used for residential purposes and/or approved by the Fawn Township Board of Supervisors for residential development pursuant to the "Fawn Township Subdivision and Land Development Ordinance" enacted on December 13, 1971, as amended.

Section 5. *Regulations Applicable to Lots Used for Residential Purposes.* Every owner of a lot or lots used for residential purposes in Fawn Township shall cause such lot to be completely mowed during the month of May and at least one other time between July 15 and August 15 of each year. This mowing requirement shall not apply to any lot approved for residential purposes or residentially zoned land or portion thereof which has been planted in an agricultural crop during the calendar year in question or which has been or will be harvested as an agricultural crop during such calendar year, nor shall it apply to any lot used for residential purposes or portion thereof occupied by woodland.

Section 6. *Notices of Violation; Failure to Comply.* In the event the owner or owners of a lot used for residential purposes shall fail to mow such lot, tract or parcel as required by Section 5 above, the Township is hereby authorized to give notice of the violation of the terms of this ordinance, by personal service or by United States certified

mail, return receipt requested, to the owner of the lot(s), tract(s) or parcel(s) of land whereon the violation occurs. The notice to the owner of the property shall direct the owner to remove, trim or cut the grass, weeds or vegetation so as to conform to the requirements and provisions of this ordinance. The notice shall require the owner to comply with the provisions of this ordinance within ten (10) days from the date of personal service, or if by mailing, within ten (10) days from the date of mailing by certified mail. In the event that any person shall neglect, fail or refuse to comply with the provisions of this ordinance within the time provided in the notice or shall thereafter permit any further violation of this ordinance, the Township shall have the right of entry onto such property and may remove, trim or cut the grass, weeds or vegetation in compliance with the provisions of this ordinance, without liability to the owner(s) for any damages which may occur to the property, and the cost of such entry and mowing, together with a penalty of ten (10%) percent of the amount of such cost together with reasonable attorney fees, may be collected by the Township from such person by the filing of a municipal lien or by an action in assumpsit or in any other manner as may be provided by law for the enforcement and collection of municipal claims. It is the intent of this ordinance that only one (1) notice of violation need be given to any person during the same growing season and that no additional notices shall be required before penalties for violation of the provisions of this ordinance may be imposed.

Section 7. *Violations and Penalties.* Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this ordinance shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) for each and every offense, together with costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each and every day that a violation of any provision of this ordinance occurs shall be considered a separate and distinct offense, and shall be subject to separate and distinct penalties therefor.

Section 8. *Effective Date.* This ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 12th day of February, 1996.

FAWN TOWNSHIP BOARD OF SUPERVISORS

Kim B. Clark
Chairman
Robert E. Lloyd
Supervisor
Henry M. Sommer
Supervisor

ATTEST:
LuAnn Marsteller
LuAnn Marsteller, Secretary
Board of Supervisors