

**EAST COVENTRY  
BOARD OF SUPERVISORS**

**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2017-219**

**“Brush, Grass and Weeds Ordinance”**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, CHAPTER 5 (CODE ENFORCEMENT), PART 1 (BUILDING CODES), SECTION 5-111 (AMENDMENTS TO BUILDING CODES), TO ADD A NEW PARAGRAPH 2 AMENDING THE FOLLOWING SECTIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE: TO AMEND SECTION 103.5 (FEES) TO CLARIFY THAT FEES ARE SET FORTH IN THE FEE SCHEDULE ADOPTED BY THE BOARD OF SUPERVISORS FROM TIME TO TIME; TO DELETE SECTION 302.4 (WEEDS) IN ITS ENTIRETY; TO AMEND SECTION 304.14 (INSECT SCREENS) TO REQUIRE INSECT SCREENS BE UTILIZED FROM MAY 15 TO OCTOBER 15 EACH YEAR; TO AMEND SECTION 602.3 (HEAT SUPPLY) TO REQUIRE HEAT BE SUPPLIED TO DWELLINGS FROM OCTOBER 1 TO MAY 1 EACH YEAR; TO AMEND SECTION 602.4 (OCCUPIABLE WORK SPACES) TO REQUIRE HEAT BE SUPPLIED TO OCCUPIABLE WORK SPACES FROM OCTOBER 30 TO MAY 1 EACH YEAR; AND TO AMEND CHAPTER 10 (HEALTH AND SAFETY) TO ADD A NEW PART 5 ENTITLED “BRUSH, WEEDS AND GRASS” TO SPECIFY A MAXIMUM OF TWELVE INCHES (12”) FOR GRASS AND VEGETATION AND TO EXCLUDE FROM SUCH REQUIREMENT LAND USED FOR AGRICULTURAL, ORNAMENTAL OR OTHER USEFUL PURPOSES AND CONTAINING THE FOLLOWING SECTIONS: DECLARATION OF NUISANCE; HEIGHT RESTRICTIONS; EXCEPTIONS; NOXIOUS VEGETATION PROHIBITED; NOTICE OF VIOLATION; ABATEMENT; FAILURE TO ABATE; WORK PERFORMED BY TOWNSHIP; AND VIOLATIONS AND PENALTIES.**

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The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN** as follows:

**SECTION I. – Amendment to Code.**

The Code of Ordinances of East Coventry Township, Chapter 5 (Code Enforcement), Part 1 (Building Codes), Section 5-111 (Amendments to Building Codes), is hereby amended to add a new Paragraph 2, as follows:

2. The Property Maintenance Code adopted in this Part is hereby amended and changed in the following respects:

A. Section 103.5 is hereby amended and restated in its entirety as follows:

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the fee schedule adopted from time to time by resolution of the Board of Supervisors.

B. Section 302.4 is hereby deleted in its entirety.

C. The first paragraph of Section 304.14 is hereby amended and restated in its entirety as follows:

**304.14 Insect screens.** During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

D. The first paragraph of Section 602.3 is hereby amended and restated in its entirety as follows:

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

E. The first paragraph of Section 602.4 is hereby amended and restated in its entirety as follows:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 30 to May 1 to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

## **SECTION II. – Amendment to Code.**

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety) is hereby amended to add a new Part 5 entitled “Brush, Weeds and Grass”, as follows:

## PART 5

### BRUSH, WEEDS AND GRASS

#### **§10-501. Declaration of Nuisance.**

1. Any weeds, vines, grasses or other vegetation (but not including shrubs, bushes and trees) which are not edible and are not planted for a clearly useful or ornamental purpose as described in §10-502 of this Part, and which exceed twelve inches (12”) in height on any property in East Coventry Township, are hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of East Coventry Township.

#### **§10-502. Height Restrictions; Exceptions; Noxious Vegetation Prohibited.**

1. No person or entity owning or occupying any property in East Coventry Township shall permit any weeds, vines, grasses or other vegetation (but not including shrubs, bushes and trees) to grow or remain on any lot, tract or piece of ground in East Coventry Township in excess of twelve inches (12”) in height, except on the following types of land or uses:
  - A. Agricultural property uses including, but not limited to, land cultivated for crop production or engaged in farming or animal husbandry;
  - B. Flower beds and gardens;
  - C. Seasonal and ornamental grasses;
  - D. Wetlands in developed and undeveloped areas, whether natural or constructed;
  - E. Woodlands and forested areas;
  - F. Public rights-of-way and easements (where not prohibited by the underlying deed of dedication or easement agreement);
  - G. Public parks (where not prohibited by the underlying agreement establishing the public park);
  - H. Government-owned lands;
  - I. Best management practice facilities designed to meet the requirements of the East Coventry Township Stormwater Management Ordinance [Chapter 9];
  - J. Areas within fifteen (15) feet of a stream or pond; and
  - K. Areas within required riparian buffers planted to comply with the specifications outlined in the East Coventry Township Zoning Ordinance [Chapter 27], the East Coventry Township Subdivision and

Land Development Ordinance [Chapter 22], or the East Coventry Township Stormwater Management Ordinance [Chapter 9].

2. Noxious vegetation as defined in the East Coventry Township Zoning Ordinance [Chapter 27] or the Pennsylvania Noxious Weed Control Law (3 P.S. 255.1 *et seq.*) are prohibited on any property in East Coventry Township.

**§10-503. Notice of Violation; Abatement.**

1. The Code Enforcement Officer, or any employee of the Township designated for this purpose, is hereby authorized to give notices of violation of this Part to the owner or occupant of any such property whereon grass, weeds or other vegetation is growing or remains in violation of §10-502, as follows:
  - A. 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 and to the lending institution or its agent for foreclosed properties.
  - B. 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.
2. The notice shall specify the nature of the violation and shall direct and require such occupant or owner to remove, trim or cut such grass, weeds or vegetation and abate the violation so as to conform to the requirements of this Part, within ten (10) days after issuance of such notice. Upon cause shown, the Township may extend the abatement period by five (5) additional days and shall document such extension in the Township's records.
3. The owner/occupant of any property, or in the case of foreclosure the lending institution or its agent, shall receive one notice of violation per season. Future violations during the same season shall be issued citations without further notice.

**§10-504. Failure to Abate; Work Performed by Township.**

1. In the event the owner or occupant or lending institution or its agent shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Township may order the removal, trimming, or cutting of such grass, weeds, or vegetation, and the cost thereof (including, without limitation, expenses for inspection of the premises, service of notice, abating

the nuisance and attorneys' fees), together with a penalty of ten percent (10%) of the cost thereof, shall be collected by the Township from such person, firm, or corporation, in the manner provided by law for the collection of municipal claims.

2. All costs and expenses incurred by the Township in the abatement of such nuisance shall be a municipal lien upon the property; and whenever a bill therefor remains unpaid for a period of 60 days after it has been rendered, the Township may file a municipal claim for such costs and expenses, together with a penalty of 10% thereon, in the manner provided by law for the collection of municipal claims.
3. Alternatively, the Township may file an action in assumpsit for collection of the amount due, including attorneys' fees and costs, without filing a municipal claim.

**§10-505. Violations and penalties.**

1. Failure to abate any such nuisance in accordance with the requirements of the notice issued under §10-503 shall constitute a violation of this Part and such violator, in addition to payment of the costs and expense referred to in §10-504, 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 less than \$100 per day nor 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 Part, after the expiration of the 10-day period referred to in §10-503, shall constitute a separate violation punishable by a separate fine or penalty.
2. In addition to the penalty provisions hereinabove, the Township Manager or his or her designee may institute proceedings in equity to compel compliance with this Part.

**SECTION III. – Severability**

The provisions of this Ordinance are 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 IV. – 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 V. – Effective Date**

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

**SECTION VI. – Repealer**

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

**ORDAINED AND ENACTED** by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 11th day of December, 2017.

**EAST COVENTRY TOWNSHIP**

By: Ray A. Kolb  
**Ray A. Kolb, Chairman**

Attest: Bernard A. Rodgers  
**Bernard A. Rodgers, Secretary**

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on December 11, 2017 at the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will consider and could vote to adopt an Ordinance amending the Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 5 (Code Enforcement), Part 1 (Building Codes), Section 5-111 (Amendments to Building Codes), to add a new Paragraph 2 amending the following sections of the International Property Maintenance Code: to amend Section 103.5 (Fees) to clarify fees are set forth in the fee schedule adopted by the Board of Supervisors from time to time; to delete Section 302.4 (Weeds) in its entirety; to amend Section 304.14 (Insect Screens) to require insect screens be utilized from May 15 to October 15 each year; to amend Section 602.3 (Heat Supply) to require heat be supplied to dwellings from October 1 to May 1 each year; to amend Section 602.4 (Occupiable Work Spaces) to require heat be supplied to occupiable work spaces from October 30 to May 1 each year; and to amend Chapter 10 (Health and Safety) to add a new Part 5 entitled "Brush, Weeds and Grass" to specify a maximum of twelve inches (12") for grass and vegetation and to exclude from such requirement land used for agricultural, ornamental or other useful purposes and containing the following sections: Declaration of Nuisance; Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Notice of Violation; Abatement; Failure to Abate; Work Performed by Township; and Violations and Penalties.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street,

Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitor for East Coventry Township