

**EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-227

“AMENDMENTS TO BRUSH, WEEDS AND GRASS ORDINANCE”

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 10 (HEALTH AND SAFETY), PART 5 (BRUSH, WEEDS AND GRASS), SECTION 10-501 (DECLARATION OF NUISANCE) TO DECLARE GRASS CLIPPINGS IN THE ROADWAY A NUISANCE; TO AMEND SECTION 10-502 (HEIGHT RESTRICTIONS; EXCEPTIONS; NOXIOUS VEGETATION PROHIBITED), TO INCLUDE GRASS CLIPPINGS IN THE SECTION TITLE AND TO ADD NEW SUBSECTION 3 PROHIBITING GRASS CLIPPINGS, LEAVES AND YARD WASTE ON PUBLIC AND PRIVATE ROADS; TO AMEND SECTION 10-503 (NOTICE OF VIOLATION; ABATEMENT), SUBSECTION 1 TO TREAT A FORECLOSING LENDER AS AN OWNER; AND TO ADD A NEW SECTION 10-506 ENTITLED “VIOLATION OF CONTROL ORDER FROM DEPARTMENT OF AGRICULTURE; ABATEMENT BY TOWNSHIP”.

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

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-501 (Declaration of Nuisance), is hereby amended to add a new Subsection 2, as follows:

2. It is also recognized that grass clippings, leaves and other yard waste left on public and private streets cause slippery conditions for motorists, bicycles and pedestrians, are unsightly, and contribute to the clogging of East Coventry Township’s storm sewers, thereby requiring excess maintenance, and are hereby declared to be a nuisance.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), is hereby amended to add the words “Grass Clippings” to the end of the title to Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited).

SECTION III. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), is hereby amended to add a new Subsection 3, as follows:

3. The depositing of grass clippings, leaves and other yard waste produced in conjunction with yard maintenance or gardening onto the highways, streets, and other public or private roads in East Coventry Township is prohibited. It shall be a violation of this Section to permit grass clippings, leaves or other yard waste from any private property to be deposited onto the cartway or road shoulder of any public or private right-of-way in East Coventry Township. When mowing grass adjacent to a highway, street or road, whether within a public or private right-of-way, all grass clippings, leaves and other yard waste from the mower shall be directed toward the adjacent owners’ properties to avoid grass clippings, leaves and yard waste from being directed towards and deposited onto the highway, street or road within the public or private right-of-way. Any grass clippings, leaves or yard waste inadvertently deposited onto or accumulating on a highway, street or road in East Coventry Township shall immediately be removed; there is no “grace period” within which to remove grass, leaves and yard waste. All owners or occupants of private property in East Coventry Township are responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this Ordinance. There shall be a rebuttable presumption that grass clippings, leaves or yard waste on the cartway or road shoulder immediately adjacent to a property were caused to be placed there by the property owner or his agent.

SECTION IV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-503 (Notice of Violation; Abatement), Subsection 1 is hereby amended to delete “of any such property” appearing after the words “owner or

occupant” in said Subsection and to add the following in its place: “or, in the case of foreclosure, the lending institution or its agent, of any such property or adjacent cartway or road shoulder”.

SECTION V. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), is hereby amended to add a new Section 10-506 entitled “Violation of Control Order from Department of Agriculture; Abatement by Township.”, as follows:

§10-506. Violation of Control Order from Department of Agriculture; Abatement by Township.

1. In the event that Township receives a written notice from the Pennsylvania Department of Agriculture that a person, firm or corporation occupying property located in East Coventry Township has failed to comply with a control order issued by the Department of Agriculture and the Department of Agriculture requires that the Township carry out the treatment measures established by the control order, the Township, its employees or agents, may enter upon the property that is the subject of the control order to implement the treatment measures.

2. All costs and expenses incurred by the Township in the implementation of such treatment measures (including 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. All such costs, expenses and penalties shall be a municipal lien upon the property and the Township shall be entitled to pursue all remedies as provided in this Part and under applicable law for the collection thereof.

SECTION VI. – 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 VII. – 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 VIII. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

SECTION IX. – 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 10th day of December, 2018.

Attest:


Bernard A. Rodgers, Secretary

EAST COVENTRY TOWNSHIP
By: 
W. Atlee Rinehart, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on December 10, 2018 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-501 (Declaration of Nuisance) to declare grass clippings in the roadway a nuisance; to amend Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), to include grass clippings in the section title and to add new Subsection 3 prohibiting grass clippings, leaves and yard waste on public and private roads; to amend Section 10-503 (Notice of Violation; Abatement), Subsection 1 to treat a foreclosing lender as an owner; and to add a new Section 10-506 entitled "Violation of Control Order from Department of Agriculture; Abatement by Township".

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*, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, 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**