

**EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS**

**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2022-256**

**“Brush, Weeds, Grass and Dumping Amendments”**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHAPTER 10 (HEALTH AND SAFETY), PART 5 (BRUSH, WEEDS AND GRASS) BY DELETING THE TITLE IN ITS ENTIRETY AND REPLACING WITH A NEW TITLE TO INCLUDE REGULATION OF DUMPING; AMENDING SECTION 501 (DECLARATION OF NUISANCE) BY ADDING A NEW SUBSECTION 3 TO ESTABLISH THE DUMPING OF VARIOUS DEBRIS AS A NUISANCE AND EXPRESSING THE TOWNSHIP’S GOALS OF ENVIRONMENTAL STEWARDSHIP RELATIVE TO TREES WHICH HAVE NATURALLY FALLEN IN A FOREST OR WOODLAND; TO AMEND SECTION 501 (DECLARATION OF NUISANCE), SUBSECTION 1 AND SECTION 502 (HEIGHT RESTRICTIONS; EXCEPTIONS; NOXIOUS VEGETATION PROHIBITED; GRASS CLIPPINGS) TO SPECIFY THE EXCEPTION OF PERENNIAL PLANTS FROM REFERENCES TO VEGETATION; TO AMEND SECTION 502 (HEIGHT RESTRICTIONS; EXCEPTIONS; NOXIOUS VEGETATION PROHIBITED; GRASS CLIPPINGS) TO ESTABLISH THE TYPES OF LAND AND USES EXEMPT FROM THE ESTABLISHED HEIGHT RESTRICTIONS, TO PROVIDE CONDITIONS FOR EXEMPTED LAND USES TO REMAIN EXEMPT, TO ADD A NEW PARAGRAPH EXEMPTING MANAGED MEADOWS FROM THE ESTABLISHED HEIGHT RESTRICTION AND TO PROHIBIT THE DUMPING OF DEBRIS WITHIN TWELVE (12) FEET OF ANY NEIGHBORING PROPERTY LINE; AND AMENDING CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS) AND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS) TO ADD A NEW DEFINITION FOR “MANAGED MEADOW”, TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), APPENDIX 22-D TO INCORPORATE REQUIRMENTS FOR MANAGED MEADOWS.**

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

**SECTION I.- Amendment to Code**

The Codified Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush Weeds and Grass) is hereby amended to delete the title in its entirety and replace it with the following title: “Brush, Weeds, Grass and Dumping”.

**SECTION II.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush Weeds and Grass) Section 501 (Declaration and Nuisance) is hereby amended to add a new Subsection 3 and Subsection 4 as follows:

3. The dumping of grass clippings, weeds, leaves, branches, stumps, dead shrubs and trees, clippings from shrubs and trees, soil, animal manure, fecal matter of any kind, soil clumps, rocks, garden or yard waste and similar debris is unsightly, may emit foul odors and render the maintenance of sanitary conditions more difficult and such debris enables harboring and breeding of insects, rodents and other vermin and is hereby declared a nuisance to neighboring properties and the public at large.
4. Notwithstanding the foregoing subsection 3, dead trees which have fallen due to natural causes in forests or woodlands shall not be declared a nuisance provided they remain where they fell and are at least twelve (12) feet from residential neighboring property boundaries which are maintained as lawn, gardens, driveways or residential dwellings or residential accessory uses. The chipping of fallen dead trees is prohibited when such chippings are left piled in forest or woodland areas.

**SECTION III.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush Weeds and Grass), Section 501 (Declaration of Nuisance), Subsection 1 is hereby amended to add “, native perennial plants” after “bushes”.

**SECTION IV.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush Weeds and Grass), Section 502 (Height Restrictions; Exceptions; Noxious

Vegetation Prohibited; Grass Clippings), Subsection 1 is hereby amended to delete such section in its entirety and to add the following in its place:

1. Unless otherwise excepted herein, 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, native perennial plants and trees) to grow or remain on any lot, tract or piece of ground in East Coventry Township in excess of 12 inches in height.
2. The following types of land or uses shall be exempt from the requirements that weeds, vines, grasses or other vegetation (but not including shrubs, bushes, native perennial plants and trees) shall not exceed twelve (12) inches in height:
  - A. Agricultural property uses, including, but not limited to, land cultivated for crop production or engaged in farming or animal husbandry, provided that any agricultural property bordering a residential use or access way shall maintain a four (4) foot strip of land adjacent to the residential use or access way where vegetation shall not exceed twelve (12) inches;
  - B. Flower beds and gardens provided they are at least four (4) feet from neighboring property boundaries;
  - C. Seasonal and ornamental grasses provided they are at least four (4) feet from neighboring property boundaries;
  - 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
  - J. Areas within 15 feet of a stream or pond;
  - 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, Part 1); and

L. Any managed meadow as defined in Chapters 22 and 27.

3. Noxious vegetation or noxious weeds as defined in the East Coventry Township Zoning Ordinance [Chapter 27] or Pennsylvania laws relating to controlled plants and noxious weeds [3 Pa.C.S.A. § 1501 et seq.], as may be amended from time to time, are prohibited on any property in East Coventry Township.

4. 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 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 subsection. 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.

5. The dumping or composting of grass clippings, weeds, leaves, branches, stumps, dead shrubs and trees, clippings from shrubs and trees, soil, animal manure, fecal matter of any kind, soil clumps, rocks, garden or yard waste and similar debris is strictly prohibited within twelve (12) feet of any neighboring property line.

#### **SECTION V.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 202 (Definitions) and Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions) to add the following new definition for "Managed Meadow":

Managed Meadow - An area intentionally grown or planted with a mix of native species, wildflowers and grasses, mowed at least annually and maintained to reduce or eliminate non-native and invasive plant species.

**SECTION VI.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Appendix 22-D (Open Space Management Plan Requirements), paragraph 2.d is hereby amended to insert “managed meadows and” after the word “streams”.

**SECTION VII.- Amendment to the Code**

The Codified Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Appendix 22-D (Open Space Management Plan Requirements), paragraph 3.b.iii is hereby deleted in its entirety with the existing subparagraphs 1 through 7 remaining intact and replaced as follows:

iii. Meadows, Managed Meadows and Lawns – Where meadows, managed meadows or lawns exist or are proposed within the open space, the plan shall include, without limitation, the following:

**SECTION VIII.- Severability**

The provisions of this Ordinance are intended to be 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 IX.- 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 X.- Effective Date**

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

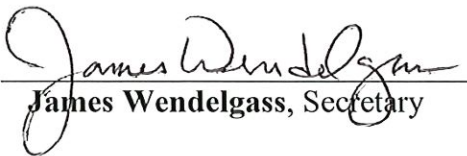
**SECTION XI.- Repealer**

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 14<sup>th</sup> day of November, 2022.

**EAST COVENTRY TOWNSHIP**

By:   
**W. Atlee Rinehart** Chairman

Attest:   
**James Wendelgass, Secretary**

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on November 14, 2022 at 7:00 PM, in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, will hold a public hearing on and could vote to adopt an ordinance entitled “Brush, Weeds, Grass and Dumping Amendments” amending the Codified Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass) by deleting the title in its entirety and replacing with a new title to regulate dumping; amending Section 501 (Declaration of Nuisance) to add a new Subsection 3 and Subsection 4 declaring the dumping of various debris as a nuisance and expressing the township’s goals of environmental stewardship relative to trees which have naturally fallen in a forest or woodland; amending Section 501 (Declaration of Nuisance), Subsection 1 and Section 502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to specify the exception of perennial plants from references to vegetation; to amend Section 502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to establish the types of land and uses exempt from the established height restrictions, to provide conditions for exempted land uses to remain exempt, to add new paragraph exempting managed meadows from the established height restriction and to prohibit the dumping of debris within twelve (12) feet of any neighboring property line; amending Chapter 22 (Subdivision And Land Development), Part 2 (Definitions), Section 202 (Definitions) and Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions) to add a new definition for “managed meadow” and to amend Chapter 22 (Subdivision and Land Development) Appendix 22-D to incorporate provisions for managed meadows.

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 PA 19446, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, PA 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