

ORDINANCE NO. 79 , 1990

AN ORDINANCE OF THE TOWNSHIP OF TILDEN PRESCRIBING THE CUTTING OF GRASS, WEEDS, AND CERTAIN OTHER VEGETATION ON OR BEFORE THE FIRST DAY OF JUNE AND THE FIRST DAY OF AUGUST OF EACH YEAR, PROVIDING FOR TOWNSHIP REMOVAL, TRIMMING OR CUTTING IN LIEU OF INDIVIDUAL COMPLIANCE, REIMBURSEMENT TO TOWNSHIP FOR EXPENSES AND COSTS INCURRED, AND SETTING A FINE AND PENALTY NOT EXCEEDING SIX HUNDRED DOLLARS (\$600.00) PLUS COURT COSTS PER VIOLATION AND INCARCERATION UPON DEFAULT OF PAYMENT OF SAID PENALTIES.

Section 1. The following provisions are hereby enacted and ordained by the Township of Tilden.

Section 2. Cutting of Grass, Weeds, and Certain Other Vegetation Required. All person or persons, firms or corporations, owning or occupying any property within the Township of Tilden, Berks County, Pennsylvania, shall cut any or all grass or weeds or any vegetation whatsoever not edible or planted for some useful or ornamental purpose, which throws off any unpleasant or noxious odor, or conceals any filthy deposit, or creates or produces pollen, on or before the first day of June and again on or before the first day of August of each year.

Section 3. Responsibility for Removal, Trimming, or Cutting. The owner of any premises, or both the occupant and owner of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this ordinance.

Section 4. Notice to Remove, Trim or Cut; Township May Do Work and Collect Cost Plus Penalty from Defaulting Owner or Occupant. The Board of Supervisors, or any officer, employee, or other servant or designee of the Township of Tilden designated thereby for the purpose, is hereby authorized to give notice by personal service or by the United States registered mail, return receipt requested, to the owner or occupant, as the case may be, of any premises wherever grass, weeds, or other vegetation is growing or remaining in violation of the provisions of the first section 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. In case any person, firm, or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Township authorities may remove, cut or trim such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township from such person, firm or corporation, in the manner provided by law.

Section 5. Penalty for Violation. Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine and penalty of at least fifty dollars (\$50.00) but not exceeding six hundred dollars (\$600.00) and costs. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and costs, the defendant may be sentenced to incarceration for a period not exceeding thirty (30) days.

Section 6. Availability of Other Remedies. This ordinance shall not be construed to be the sole means to compel the removal, trimming or cutting of grass, weeds or other vegetation growing or remaining upon such premises, as herein defined, in violation of the provisions of the second section of this ordinance, and nothing shall preclude any person from proceeding individually or with other injured persons, to effect the removal, trimming or cutting of all grass, weeds or other vegetation growing or remaining upon such premises. Furthermore, in the exercise of the powers herein conferred, the Township may institute proceedings in the courts of equity or law for the purpose of compelling compliance with this ordinance.

Section 7. All ordinances or parts of ordinances conflict herewith, are hereby repealed.

Section 8. This ordinance shall become effective in accordance with law.

Duly enacted at a public meeting of the Board of Supervisors of Tilden Township, held on the 5th day of June, 1990.

Board of Supervisors
Tilden Township, Berks County

William R. Ketcher
Gay L. Wilhelm
Earl L. Katzman

Attest

Anne M. Schallenberg