

ORDINANCE NO. 290

CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

Section 101. Title. This Ordinance shall be known as the "Conyngham Borough Noxious Weed, Grass and Vegetation Ordinance".

Section 102. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, unless the context clearly indicates otherwise:

Destroy- means the complete killing of noxious weeds or noxious weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any combination, in a manner that will effectually prevent the noxious weed from maturing to bloom or flower stage.

Garden- means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well-defined location.

Native Plants- means plants that are native to or naturalized to the Commonwealth of Pennsylvania including ferns and clubmosses; grasses, sedges and rushes; perennial and annual wildflowers; and the woody trees, shrubs, and vines. Native plants do not include noxious weeds.

Noxious Weeds- means any plant listed in the Pennsylvania Noxious Weed Control Law (3 P.S. Section 255(3)(b)), including: (1) Cannabis sativa, commonly known as marijuana; (2) The Lythrum salicaria Complex: Any nonnative Lythrum including, Lythrum salicaria and Lythrum virgatum, their cultivars and any combination thereof; (3) Cirsium arvense, commonly known as Canadian thistle; (4) Rosa multiflora, commonly known as multiflora rose; (5) Sorghum halepense, commonly known as Johnson grass; (6) Carduus nutans, commonly known as musk thistle; (7) Cirsium vulgare, commonly known as bull thistle; (8) Datura stramonium, commonly known as jimson weed; (9) Polygonum perfoliatum, commonly known as mile-a-minute; (10) Puerria lobata, commonly known as kudzuvine; (11) Sorghum bicolor cv. drummondii, commonly known as shattercane; (12) Heracleum mantegazzianum, commonly known as Giant Hogweed; (13) Galega officinalis, commonly known as Goatsrue; and poison ivy. Noxious weeds does not include Native Plants.

Ornamental Grasses and Groundcovers- means grasses and groundcovers not indigenous to Pennsylvania. Ornamental grasses do not include turf grasses and weeds.

Person –includes any person, partnership, firm, association, corporation, or other legal entity.

Planned Natural Landscaping- means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include turf grasses and gardens.

Property or Real Property-means any piece, parcel, lot, or land in the Borough of Conyngham, Luzerne County, Pennsylvania, which is not owned or maintained by Conyngham Borough.

Property Owner –includes any person, agent, operator, or occupant: (1) having a legal or equitable interest in property; (2) recorded in the official public records of the Luzerne County Recorder of Deed’s Office as holding title to a property; or (3) having custody or control of the property, including a mortgagor and mortgagee, the heir(s) to the property when the deed to the property is still in the name of the decedent, the guardian of the estate of any such person, one holding a life estate, and the executor or administrator of the estate of such person if ordered to take possession of the property by a Court of competent jurisdiction.

Rain Garden- means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.

Turf Grasses- includes grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

Section 103. Control of Noxious Weeds, Turf Grasses and Other Vegetation.

(a) Except as otherwise provided in subsection 103(b) below, every person owning or occupying any real property within the Borough shall destroy noxious weeds growing on that real property, and cut and maintain turf grasses and other vegetation on that real property so that it does not exceed six (6”) inches in height.

(b) Any person owning or occupying any real property not yet developed within the Borough, but exceeding two total acres in size shall destroy noxious weeds growing on that real property, and cut and maintain turf grasses and other vegetation to no more than six (6”) inches in height within any right-of-way and within the required setbacks for the zoning district upon which such real property is located under the Conyngham Borough Zoning Ordinance with the turf grasses and other vegetation growing on the remaining part(s) of the real property to be cut and maintained to a height of not more than twelve (12”) inches.

(c) Section 103 subsections (a) and (b) above shall not apply to:

(1) Gardens and Rain Gardens;

- (2) Plants located on agricultural land;
- (3) Plants located along streams within thirty-five (35') feet of the ordinary high-water mark;
- (4) Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas; or
- (5) Planned natural landscaping that is wholly contained within the real property on which it is planted and maintained.

(d) Any turf grasses, noxious weeds, or other vegetation growing upon any property in the Borough in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the residents of the Borough.

Section 104. Enforcement and Notice to Owner of Real Property. The Code Enforcement Officer or a Police Officer shall have authority to enforce this Ordinance by first giving notice, by personal service, posting of the property, or by regular United States mail, postage prepaid, to the owner or occupant of any property in violation of Section 103 above, directing compliance with this Ordinance within five (5) calendar days following service of the notice. Any notice issued for a violation of this Ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation occurs within the same calendar year for the same property owner or occupant and the same property.

Section 105. Abatement. In case any person fails to comply with the notice issued under Section 104 above within the five (5) day period, then the Borough may have someone destroy the noxious weeds, and cut the turf grasses and other vegetation at the cost of the owner of the property together with twenty (20%) percent added for administration to be collected by the Borough from such person in accordance with law.


Section 106. Penalty for Violation. Any person who fails to comply with any of the provisions of this Ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and no more than Six Hundred (\$600.00) plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days. The fine or penalty imposed under this section may be in addition to any costs and additional amounts collectible under Section 105 above. Each day that a violation continues shall be deemed a separate offense.

Section 107. Severability. If any section, clause, provisions or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.

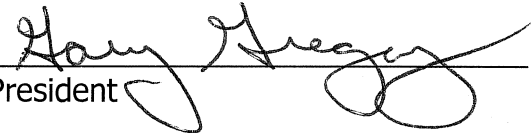
Section 108. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance and specifically Ordinance No. 126 are hereby repealed to the extent of their inconsistencies.

Section 109. Effective Date. This Ordinance shall become effective immediately following its adoption.

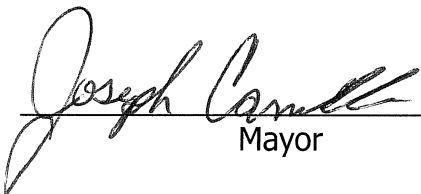
ADOPTED by Conyngham Borough Council, this 15th day of July, 2014.

ATTEST:


Secretary

CONYNGHAM BOROUGH COUNCIL:


President

APPROVED BY THE MAYOR:


Mayor