

ORDINANCE NO. 08-2016-606

AN ORDINANCE AMENDING CHAPTER 10, PART 1 ENTITLED "WEEDS" AND PART 2 ENTITLED "PRIVATE PROPERTY MAINTENANCE" OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES TO INCLUDE ADDITIONAL REGULATIONS CONCERNING HEIGHT OF WEEDS, UNREGISTERED VEHICLES, FENCES AND SWIMMING POOLS

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 10, Part 1 and Part 2 of the Salisbury Township Code of Ordinances, shall be and the same hereby is amended as follows:

ARTICLE 1.

Chapter 10, Part 1 shall be amended to read as follows:

Part 1

Weeds

§101. Certain Height Unlawful.

It shall be unlawful for any owner and/or tenant, person, partnership or corporation owning, occupying or having a present interest in any real estate in the Township of Salisbury, County of Lehigh, Pennsylvania, to maintain or allow to exist thereon any growth of weeds, grass, plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height of Six (6) inches or more or to the stage in growth thereof when they go to seed is hereby declared to be a nuisance, injurious and detrimental to the health, safety, comfort and welfare of the inhabitants of said Township.

§102. Exceptions.

Parcels of land which are greater than one (1) acre in size, or have slopes of greater than fifteen (15) percent shall not be required to fully comply with the weed ordinance by mowing or cutting the weeds over the entire lot.

A. *A lot which does not abut an existing principal residential structure within one hundred (100) feet of its lot lines, or which exceeds fifteen (15) percent slopes, is not required to mow or cut any weeds upon the lot or comply with §101, above, except that a setback of ten (10) feet must be kept clear of weeds from any public cartway.*

B. A lot which abuts an existing principal residential structure within one hundred (100) feet of its lot lines and which does not exceed fifteen (15) percent slopes, is required to mow or cut the weeds to comply with §101, above, for a minimum distance of one hundred (100) feet from such property lines into the interior of the property. The weeds must be cut at least one hundred (100) feet from any lot line which abuts a residential principle structure within one hundred (100) feet. In addition, a setback of ten (10) feet must be kept clear of weeds from any public cartway.

C. All other lots must fully comply with all provisions of this part.

§103. Definitions.

GROWTH OF WEEDS – close and concentrated growth of weeds in and over a general area as opposed to individual or isolated sprouts or stalks of weeds.

WEEDS – all vegetable growth which exhales unpleasant and noxious odors or is not edible or planted for some useful or ornamental purpose.

§104. Notice to be Given.

If any growth of weeds and Grass prohibited by this Part is permitted to continue or exist after **Three (3) days** written notice from the Salisbury Township Code Enforcement Officer to the owner, **tenant**, occupier or person having a present interest in the real estate on which said growth of weeds and grass exists to remove the same, the Code Enforcement Officer may cause the same to be cut and may assess the cost thereof against the person or persons to whom said notice was given, said cost to be recovered by an action in assumpsit or the filing of a lien or liens against the said real estate, or in any other manner as may be provided by law. The Township shall not be required to send a notice of violation to repeat offenders of this Part when the violation pertains to the same property owner who was the subject of a previous notice of violation within the preceding six (6) month time period. The Township shall be permitted to file a **complaint** directly with the District Magistrate's office when this situation occurs and may proceed to cut the weeds and assess the property owner without additional prior notice.

§105. Penalties.

Any **Owner and/or Occupier, Tenant**, person, partnership or corporation violating the provisions of this Part shall be subject to a fine of one thousand dollars (\$1,000.00) nor less than one hundred dollars (\$100.00) for each offense, in addition to the Court costs and reasonable attorney's fees incurred by the Township. Each day a violation occurs shall constitute a separate and distinct violation of this Part.

§106. Abatement

If the owner and/or occupier, tenant, person so served does not abate the nuisance within the time period established in Section 104, the Township may proceed to abate such a nuisance, keeping an account of the expense of the

abatement and such expense shall be charged and paid by such owner, tenant and/or occupant.

§107. Charges

Charges for such removal shall be a lien upon the premises and whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the said sum shall be collected by lien, by action in assumpsit or by any other manner which may be provided by law.

ARTICLE 2

Chapter 10, Part 2 shall be amended to read as follows:

Part 2

Private Property Maintenance

§201. Prohibiting Certain Conditions.

From and after the effective date of this Part, it shall be unlawful for any owner, tenant or occupier of private property in the Township of Salisbury to place, erect, or permit to remain on such private property any of the following items or conditions:

1. Any vehicle located on a residential property that has been modified in a manner that either allows access or may present a danger, such as the removal or alteration of windows, doors, hoods, and fenders and any other body parts, as well as the accumulation of automotive parts, unless the same is (are) housed inside a closed building.
2. Any cesspool, well or cistern unless the same is covered by a lid, cap or other covering which is securely fastened and which is sufficiently strong to support the weight of unsuspecting children or adults who might walk over or upon the same.
3. Any excavation made for a cellar or foundation for any building which has been permitted to remain open for more than thirty (30) days.
4. Any house, trailer, mobile home, garage, barn or other structure or building of any kind which has been damaged by fire and presents a danger to the public health, safety, and welfare by collapsing or otherwise, or the remains of or debris from any house, trailer, mobile home, garage, barn or other structure or building of any kind damaged by fire, within one hundred (120) days of the fire, if no evidence of repairing said damage has been instituted. [Ord. 2-91-334]
5. Any unoccupied house, barn, garage or other structure or building which does not have a roof on it or which does not have all of its openings covered and sealed by unbroken doors or windows which are locked or adequately secured so as to prevent children or other persons from entering therein.

6. Any operation of an automobile repair or paint shop in a residential zone without a zoning permit.
7. Any other building, structure, thing or condition that constitutes a public nuisance or danger to the health, safety or welfare of citizens of the Township or persons traveling on the public streets of the Township, or constitutes a danger to the property of others.

8. One (1) uninspected/unregistered vehicle shall be permitted on a residential lot, the uninspected / unregistered vehicle must have a fitted car cover on it and tires must be inflated at all times. No motor vehicle may be parked on the lawn of a dwelling in any residential district.

9. Fences in all districts must be maintained. Missing fence sections and patched areas must be replaced with fence material resembling the existing fence. Leaning or fallen fences must be replaced or repaired.

10. Swimming pools must be maintained and kept in sanitary condition or removed. When not in use and void of water, swimming pool covers must be used to deny entry into the pool.

§202. Notice.

Any owner, occupier or tenant of any private property on which any of the foregoing items or conditions exist shall, within five (5) days after receipt of notice from the Township to do so, repair, remove, correct or abate such condition. Each day during which any such condition is permitted to exist after said five (5) day notice period has expired shall constitute a separate offense under this Part. The Township shall not be required to send a notice of violation to repeat offenders of §201(8) of this Part when the violation pertains to the same property owner who was the subject of a previous notice of violation of §201(8) within a six (6) month period of time or less. The Township shall be permitted to file a citation directly with the District Magistrate's office when this situation occurs.

§203. Right of Entry.

The Township shall have the right, after five (5) days' notice, to go upon any private property to repair, remove, correct or abate any condition which constitutes a violation of this Part and may assess the cost thereof, plus an additional ten (10%) percent of such cost, against the owner, occupier or tenant of such property who was given such five (5) day notice. In the event of an emergency where there is imminent peril to the lives or property of others, the Township may go upon private property without prior notice to repair, remove, correct or abate any such condition and shall in such case assess the cost of such work, plus an additional ten (10%) percent, against the owner of such property or any other person who created or permitted such condition to exist.

Such cost plus ten (10%) percent shall be collectible by the Township in the manner provided by law for the collection of municipal claims or by an action in assumpsit.

§204. Exceptions.

Nothing contained in this Part shall be construed to prohibit the conduct of any business which complies with the provisions of the Salisbury Township Zoning Ordinance [Chapter 27]. Provided, however, that any such business shall be conducted in such manner as not to cause or constitute a public nuisance or a nuisance to properties or property owners in the neighborhood.

§205. Penalties.

Any person violating any of the provisions of this Part shall be subject to a fine of up to one thousand dollars (\$1,000.00) plus court costs and reasonable attorney's fees incurred by the Township. Each day such a violation occurs shall constitute a separate and distinct violation of this Part.

§206. Proceedings.

In addition to the penalties herein provided for the violation of this Part, and notwithstanding any prosecutions instituted or convictions for any such violation, the Township shall have the right by appropriate proceedings at law or in equity to prevent the violation of this Part or to require the abatement or correction of any conditions which constitute a violation of this Part.

ARTICLE 3.

This Ordinance shall be effective immediately.

ENACTED AND ORDAINED into an Ordinance this 11th day of August, 2016.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: James A. Bream
President, Board of Commissioners

Attest: [Signature]
Secretary