

Part 1
TURF GRASS, WEEDS AND OTHER VEGETATION

§ 10-101. Turf Grass, Weeds and Certain Other Vegetation Not Permitted Under Certain Conditions. [Ord. 99, 4/13/1976, § 1; as amended by Ord. 575, 1/17/1993, § 1; and by Ord. 1014, 4/18/2016]

1. No person, partnership, association, corporation or other legal entity owning or occupying any property within the Township of Ferguson shall permit any turf grass, weeds or other vegetation which is not edible or planted for some useful or ornamental purpose to grow or remain upon such premises, if:
 - A. Such managed turf grass, weeds or vegetation exceeds a height of eight inches. **[Ord. No. 1069, 4/19/2021]**
 - B. Emits any unpleasant or noxious odor.
 - C. Conceals any filthy deposit.

§ 10-102. Turf Grass, Weeds and Certain Other Vegetation a Nuisance Under Certain Conditions. [Ord. 99, 4/13/1976, § 2; as amended by Ord. 1014, 4/18/2016]

Any turf grass, weeds or other vegetation growing upon any premises in the Township in violation of the provisions of § 10-101 of this Part is hereby declared to be detrimental to the health, safety and welfare of the inhabitants of the Township and is accordingly declared to be a nuisance.

§ 10-103. Green Infrastructure. [Added by Ord. No. 1075, 12/6/2021¹]

§ 10-104. Definitions. [Added by Ord. 1014, 4/18/2016]

As used in this Part, the following terms shall have the meanings indicated:

DCNR — The Pennsylvania Department of Conservation and Natural Resources.

DESTRUCTION or DESTROY — The complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.

FORB — A herbaceous flowering plant that does not include grasses, sedges and rushes. Such plants include herbs and may be annual, biennial, or perennial.

GREEN INFRASTRUCTURE — A planned, intentional and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings. The term shall include "grow zones" as established in certain municipal parks and public spaces. All green infrastructure defined in this Part shall conform to at least one of the following categories: **[Ord. No. 1075, 12/6/2021]**

1. Editor's Note: This ordinance also repealed former § 10-103, Managed Natural Landscapes, added by Ord. 1014, 4/18/2016.

- A. **Planted Meadow.** Designated area purposefully planted with native grass, forb, and wildflower seed to provide food sources and habitat for wildlife and pollinators. Low-mow and planted meadows are examples.
- B. **Meadow.** Designated area where existing site vegetation is evaluated to control invasive species with a continued maintenance plan to prevent the spread of invasive species from area to area. Low-mow and no-mow meadows are examples.
- C. **Pollinator Gardens and Plots.** Designated area that is planted with specific plant types beneficial to pollinators in a designated garden. Pollinator plots and gardens may also be for demonstration and educational purposes. These types of green infrastructure typically require ongoing maintenance including routing weeding, mulching, trimming, and other plant care.

INVASIVE SPECIES — Those species that grow aggressively, and spread and displace native vegetation. Invasive plants are generally undesirable because they are difficult and costly to control and can dominate whole habitats, making them environmentally destructive in certain situations. The list that shall be used by this Part is the PA Department of Conservation and Natural Resources Invasive Plants list.

LANDOWNER — One who owns or controls land within the Township, including the Township itself.

LANDSCAPING PLAN — A design plan depicting nonliving landscape material including building footprint, rocks, pebbles, sand, mulch, walls, fences and decorative paving material, along with delineated living plant areas.

MANAGED NATURAL LANDSCAPE — A planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

NATIVE PLANT — Species of plants occurring within the Commonwealth of Pennsylvania prior to European contact, according to best scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape. Lists of Pennsylvania native plants are available from the PA Department of Conservation and Natural Resources (DCNR) and Penn State Cooperative Extension, Master Gardeners of Centre County.

NOXIOUS WEED — A generally invasive plant that once declared noxious becomes illegal to sell, transport, plant or otherwise propagate within the commonwealth. The list of Pennsylvania Noxious Weeds is periodically updated and is available from the U.S. Department of Agriculture, Natural Resources Conservation Service.

PRESERVATION OR RESTORATION AREA — Any lands managed to preserve or restore native Pennsylvania grasses and forbs, native trees, shrubs, wildflowers, and aquatic plants; succession of native and non-native plants; or a combination of these.

TURF GRASS — Grass commonly used in regularly cut lawns or play areas.

§ 10-105. Landowners' rights and responsibilities. [Added by Ord. 1014, 4/18/2016]

1. This Part shall apply to all landowners except those in the Rural Agricultural (RA), Rural Residential (RR), and Agricultural Research (AR) Zoning Districts.
2. Noxious weeds shall be destroyed by the landowners on whose land they grow.
3. Any landowner wishing to maintain a managed natural landscape area on his/her property may register his/her property with the Township. The Township will establish a registration process that shall include:
 - A. The names, addresses, and phone numbers of the landowner and landscape designer (if someone other than the landowner);
 - B. The parcel number and address of the proposed property;
 - C. A brief description of the maintenance plan including an intended maintenance plan. The maintenance plan will be tailored to the type of green infrastructure proposed to be installed and shall be subject to review and approval by the Township Arborist. The maintenance plan shall reflect a perimeter of two feet around any green infrastructure installation that will be mowed and maintained to a height no greater than permitted in § 10-101. **[Amended by Ord. No. 1075, 12/6/2021]**

§ 10-106. Turf Grass, Weeds and Certain Other Vegetation to Be Removed, Trimmed or Cut. [Ord. 99, 4/13/1976, § 3; as amended by Ord. 1014, 4/18/2016]

The owner of any premises, either as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all turf grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of § 10-101 of this Part.

§ 10-107. Provisions Inapplicable to Certain Land. [Ord. 99, 4/13/1976, § 4; as amended by Ord. 575, 1/17/1993, § 2; by Ord. 734, 8/16/1999, § 1; and by Ord. 1014, 4/18/2016]

1. Notwithstanding any of the other terms of this Part to the contrary, the provisions of this Part shall not apply to:
 - A. Land which is in agricultural use.
 - B. Vegetation growing within the right-of-way of roadway maintained by local, state or federal authorities. Unless described as not applying above, the terms of this Part apply to vacant lots in residential, commercial and industrial subdivisions.

§ 10-108. Notice to Remove, Trim or Cut; Authority for Township to Do So at Expense of Defaulting Owner or Occupant. [Ord. 99, 4/13/1976, § 5; as amended by Ord. 575, 1/17/1993, § 3; and by Ord. 1014, 4/18/2016]

The Township Manager, or any officer or employee of the Township designated thereby for the purpose, is authorized to give notice, by personal service or by United States

mail, to the owner or occupant, as the case may be, of any premises whereon turf grass, weeds or other vegetation is growing or remaining in violation of the provisions of § 10-101, directing and requiring such occupant to remove, trim or cut such turf grass, weeds or vegetation, so as to conform to the requirements of § 10-101 within five days after issuance of such notice. In case any person, partnership, association, corporation or other legal entity shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township authorities may remove, trim or cut such turf grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township as a municipal lien or in any other manner provided by law.

§ 10-109. Notice of Ordinance Violation; Payment. [Ord. 99, 4/13/1976; as added by Ord. 575, 1/17/1993, § 4; as amended by Ord. 1014, 4/18/2016]

1. Upon the discovery of the initial violation on a premises during a growing season (April through October), the authorized agent of the Township shall give a written notice of warning to the owner and/or occupant of such violation. The owner and/or occupant shall then have five days to abate such violation.
2. After a period of no less than five days after the issuance of the warning notice, the Township's authorized agent may inspect the premises for compliance with this Part. If after the five days' warning time and within the same growing season, the Township's authorized agent observes the premises to again be in violation, an ordinance violation notice shall be issued to the owner and/or occupant either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Each twenty-four-hour period shall constitute a separate violation and an ordinance violation notice may be issued every 24 hours. If such owner and/or occupant notified shall, within seven days after the delivery, mailing or leaving of such violation notice, pay to the Treasurer of the Township a penalty for the violation as set forth by resolution of the Board of Supervisors, the same will constitute full satisfaction for violation noted in said notice. The failure of such person to make payment, as aforesaid, within seven days shall render such owner and/or occupant subject to the penalties as provided for in § 10-110 of this Part.
3. Notice of any observed violations of § 10-103 shall be provided in writing, and the property owner shall have 30 days from receipt to correct any violations. Failure to do so will result in a revocation of the green infrastructure permit issued under § 10-103. **[Ord. No. 1075, 12/6/2021]**

§ 10-110. Penalty for Violation. [Ord. 99, 4/13/1976, § 6; as amended by Ord. 820, 12/8/2003; and by Ord. 1014, 4/18/2016]

Any person, partnership, association, corporation or other legal entity who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this Part, upon conviction thereof, in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs,

to a term of imprisonment not to exceed 90 days; provided, each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.