

## Chapter 167

### BRUSH, GRASS AND WEEDS

**[HISTORY: Adopted by the Board of Supervisors of the Township of Springfield 4-13-2020 by Ord. No. 2020-01. Amendments noted where applicable.]**

#### **§ 167-1. Name.**

This chapter shall be known and may be cited as the "Springfield Township Weed Ordinance."

#### **§ 167-2. Definitions and word usage.**

- A. For the purpose of this chapter the following words shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise.

**ECOLOGICAL FUNCTION** — The ability of an area to support vegetation, fish and wildlife populations, recharge aquifers, stabilize base flows, attenuate flooding, trap sediment and remove or transform nutrients and other pollutants.

**ECOLOGICAL IMPROVEMENT EASEMENT AREA** — The establishment, reestablishment, restoration, rehabilitation, enhancement and appropriate maintenance of ecological function easement areas within the Township by utilizing strategies of stream restoration, riparian buffer restoration, wetland restoration, landscape restoration, floodplain restoration and any areas reviewed and approved by the Township Board of Supervisors as an ecological improvement easement area and the holder of the easement interest in the ecological improvement easement area is the grantee or successor grantee of an easement interest in the ecological improvement easement area, or qualifies as a "holder" or "successor holder" within the meaning of the Pennsylvania Conservation and Preservation Easement Act, 32 P.S. § 5051 et seq., as amended, or any successor statute; the grantee/holder or successor grantee/holder of/for the ecological improvement easement shall be responsible to maintain the ecological improvement easement area in accordance with the standards of § 167-4 hereafter.**[Added 9-14-2020 by Ord. No. 2020-02]**

**MEADOW** — An area containing native grasses and native flowering herbaceous plants that serve an ecological function. A meadow shall not include any species listed in the Pennsylvania Department of Conservation and Natural Resources publication "Invasive Plants in Pennsylvania," as updated from time to time, including "watch lists" species or Pennsylvania Department of Agriculture Noxious Weeds List. See the Controlled Plants and Noxious Weeds Law, 3 Pa.C.S.A. § 1502, and regulations thereunder.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

**NATIVE PLANT** — A plant that naturally occurred in York County, Pennsylvania and northern Maryland counties bordering York County, Pennsylvania, prior to European settlement. The native status of plants must be substantiated and confirmed by a registered landscape architect relying on the [www.plants.usda.gov](http://www.plants.usda.gov) web site, using the Native Status Maps for each species. For purposes of this chapter, "native plant" shall include native ground covers, native grasses and native perennials, but not native trees or shrubs. Commonly used or native grasses planted

as a residential lawn/turf area are excluded from classification of a "native plant" for purposes of this chapter.

**NATIVE PLANT CERTIFIED** — An area certified yearly to the Springfield Township Zoning Officer by a registered landscape architect to contain only native plants. If an area is not certified to include only native plants, there shall be a presumption the area is not exclusively populated by native plants.

**PERSON** — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

**RAIN GARDEN** — An excavated shallow surface depression planted with specifically selective native plants to treat and capture runoff.

**RESIDENTIAL DWELLING AREA** — A structure located on a farm intended or used for human habitation and a two acres area of land surrounding the structure.

**RESIDENTIAL LOT** — A lot, tract or parcel of land of any size that is used principally as a residential location, a dwelling or a lot intended to be used for a residential dwelling regardless of zone, including any lot, tract or parcel residentially utilized where the actual annual gross agricultural product sales amount does not total at least \$2,000 per year.

**TOWNSHIP** — Springfield Township, York County, Pennsylvania.

**WEED** — Any grass, plant life or vegetation whatsoever which is not native plant certified or which is not edible, or is not planted for some useful or ornamental purpose, or which throws off any unpleasant or noxious odor, or which conceals any filthy deposits or tends to create or produce pollen, or any plant designated from time to time as a noxious weed on the Noxious Weed Control List set out in the Controlled Plants and Noxious Weeds Law, 3 Pa.C.S.A. § 1502, and the regulations promulgated thereto; for purposes of this definition only, lawn grass shall not be considered useful or ornamental. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- B. Words not specifically defined above shall have the meanings given them in Chapter 500, Zoning, of the Code of the Township of Springfield.

### **§ 167-3. Declaration of nuisance.**

- A. No person owning any lot, lots, tract or parcel of land outside of a Conservation District and/or an Agricultural District, or any residential dwelling area on a farm in a Conservation District or Agricultural District, as set forth in the then-current Springfield Township Zoning Ordinance and Map, as amended from time to time, or a residential lot, in any zone, shall allow or permit any non-native-plant certified or weeds to grow or remain upon such premises which i) exceeds a height of eight inches; ii) throws off any unpleasant or noxious odors; iii) conceals any filthy deposit; iv) creates weed seeds that drift unto neighboring lots; v) serves as a breeding ground for ticks, mosquitoes, mice or other noxious rodents, insects or vermin; or vi) is a weed on the Pennsylvania Department of Agriculture's Noxious Weed Control List. To the extent areas in the Conservation District and/or Agricultural District are not residential dwelling areas or a residential lot, such nonresidential areas are exempt hereunder except in the case of existing noxious weeds.

- B. Any weed so classified or so growing upon any residential lot or any residential dwelling area within the Conservation District and/or Agricultural Zone, other than exempted areas in the Conservation District and/or Agricultural District, within the Township, which in any manner violates the provisions of this chapter are hereby declared to be a nuisance and detrimental to the health, safety, welfare, cleanliness and comfort of the inhabitants of the Township.

**§ 167-4. Removal and/or cutting required. [Amended 9-14-2020 by Ord. No. 2020-02]**

The owner of any premises subject to this chapter shall cause to be removed, trimmed or cut all lawn grass, weeds or like vegetation growing or remaining upon such premises in violation of the provisions of this chapter, provided a native plant certified area or a rain garden may have native plants in excess of eight inches but not greater than 18 inches in height, provided an ecological improvement easement area that meets the following criteria is exempt from the height requirements of this section:

- A. The easement grantee or holder, or agent of the grantee or holder, presents the Township with a precise map of the area for ecological improvement easement area and its purpose for Township approval; and
- B. The ecological improvement easement area vegetation is established and maintained by the easement grantee or holder or successor grantee or holder pursuant to the requirements of any applicable federal, state, or local governmental, quasi-governmental, regulatory, judicial or administrative authority, commission, board, agency or similar entity with jurisdiction over the creation, installation and/or operation of the ecological improvement easement area.

**§ 167-5. Notice to remove or cut; Township expenses.**

The Board of Supervisors of the Township, or any officer or employee of the Township designated thereby for such purpose, is hereby authorized to give notice, by personal service or by mail, to the owner of any premises wherein weeds are growing or remain in violation of the provisions of this chapter, directing and requiring such owner to remove, trim or cut such weeds to conformity with the requirements of this chapter within five days after issuance of such notice. Failure or refusal to remove, trim or cut such weeds within such period of time shall be a violation of this chapter subject to the civil penalties set forth in § 167-6 of this chapter. In addition, if any owner neglects, fails or refuses to comply with a notice issued pursuant to this chapter within the specified period of time, the Township may remove, trim or cut, or arrange for the removal, trimming or cutting of such weeds and vegetation. The owner shall pay any costs or expenses, including but not limited to Solicitor/Attorney fees, incurred by the Township for the removal, trimming or cutting of weeds in violation of this chapter, together with a service charge of 10% of such costs and expenses in addition to the civil penalties of § 167-6 hereafter.

**§ 167-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs,

including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**§ 167-7. Severability.**

The provisions of this chapter shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this chapter. It is hereby declared as a legislative intent that this chapter shall have been adopted as if such unconstitutional, illegal or invalid provision had not been included herein.

**§ 167-8. Repealer.**

Ordinance No. 2002-06, as amended, known and referred to as the "Weed Control Ordinance" or "Weed Ordinance" shall be repealed as of the effective date of this chapter.

**§ 167-9. When effective.**

This chapter shall be and become effective five days after enactment hereof.