

ORDINANCE NO. 2009-3

AN ORDINANCE OF THE TOWNSHIP OF LYNN, LEHIGH COUNTY, PENNSYLVANIA, REGULATING BRUSH, GRASS AND NOXIOUS WEEDS, DEFINING VIOLATIONS, AND PROVIDING PENALTIES.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Lynn Township, Lehigh County, Pennsylvania, in lawful session and duly assembled as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the Lynn Township Brush, Grass and Noxious Weed Ordinance.

SECTION 2. DECLARATION OF PURPOSE

It is hereby declared the policy of Lynn Township as a matter of public health and safety, to regulate brush, grass and noxious weeds which create a public nuisance or attract vermin. In the interest of the health, safety and welfare of the inhabitants of Lynn Township, no person, firm or business, owning, occupying, leasing, or having an interest in any real estate within the Township of Lynn shall permit any brush, grass, weeds, or any vegetation whatsoever to grow to a height in excess of (12) inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, or which would create or produce pollen. Any brush, grass, lawn, weeds or other vegetation so described, growing upon any premises in Lynn Township in violation of any of the provisions of this ordinance, is hereby declared to be a public nuisance.

SECTION 3. DEFINITIONS

- A. BRUSH. Any thicket of shrubs, twigs, young trees, or any woody plant growth.
- B. GRASS. Any species of plant with green blades and stem, including cereals, reeds, bamboos, ornamentals, or pasture.
- C. LAWN. Grassy areas planted such as those planted around homes, farmsteads, commercial property, public property, buildings, special exception or accessory structure, to serve a function or for ornamental purposes. Lawn includes, but is not limited to, picnic areas, parks, sports fields, orchards, paths, sloped banks.
- D. NOXIOUS WEED. Any plant that is so named by PA State Regulation or that has been determined by State or Federal Regulation to be injurious to public health, crops, livestock, agricultural land or other property.
- E. WOODLAND OR FORESTED AREA. Any area covered by trees and underbrush.

SECTION 4. NOXIOUS WEED CONTROL LIST

The Noxious Weed Control List shall include the following weeds, and any others that are now specified, or may be specified by PA State Regulations:

- A. Cannabis sativa, commonly known as Marijuana, which is not grown or cultivated for lawful commercial purposes.

- B. Cirsium arvense, commonly known as Canadian Thistle.
- C. Rosa multiflora, commonly known as Multiflora Rose.
- D. Sorghum halepense, commonly known as Johnson Grass.
- E. Polygonum perfoliatum, commonly known as Mile-a Minute.
- F. Pueraria lobata, commonly known as Kudzu-Vine.
- G. Cirsium vulgare, commonly known as Bull or Spear Thistle.
- H. Carduus nutans, commonly known as Musk or Nodding Thistle.
- I. Sorghum bicolor, commonly known as Shatter cane.
- J. Datura stramonium, commonly known as Jimsonweed.
- K. Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars.
- L. Heracleum mantegazzianum, commonly known as Giant Hogweed.
- M. Galega officinalis, commonly known as Goatsrue.

SECTION 5. MAINTENANCE OF LOT

- A. Between May 1 and September 30 of each calendar year, the owner of each lot shall maintain the lot as often as is necessary to keep all brush, grass, lawns weeds, and vegetation growing on the lot to a height of twelve (12) inches or less.
- B. Brush, lawn grass and vegetation shall be maintained so as not to impede the required line of sight along roadways and at intersections.
- C. Noxious weeds shall be removed by the owner from each lot as often as necessary to prohibit their growth or propagation, excepting, when such weeds are within 25 feet of a stream because such activities can negatively impact the stream, stream bank and native wildlife.
- D. It shall be lawful to grow native and naturalized plants to any heights, including ferns, grasses, forbs, shrubs, and trees, in a managed landscape design when said plants were obtained not in violation of local, state, or federal laws.

SECTION 6. EXEMPTIONS

The requirements specified in SECTION 5A shall not apply to the following:

- A. Flower beds or flower gardens.
- B. Wildflower gardens or meadows.
- C. Vegetables and vegetable gardens.
- D. Wetlands, floodplain, or designated high water table areas.
- E. Boulder fields or rock outcrop.
- F. Woodlands and forested areas.
- G. Areas within 25 feet of a stream or pond.
- H. Land actively cultivated in crop production or actively engaged in farming or animal husbandry.
- I. Lands designated in Lynn Township to be Environmental Protection or Resource Protected areas as defined by the applicable Sections of the Lynn Township Zoning Ordinance (Section 420 and 953.1).
- J. Land specified for naturalization by Municipalities or qualified natural land conservation organizations meeting IRS Section 501C (3) or 170 (H).

SECTION 7. PENALTIES

Violation of any provision of this Ordinance shall constitute a summary offense, and enforcement of the provisions of this Ordinance shall be by action brought before a District Justice.

Any person, firm, or business who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 per violation. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to be violated.

SECTION 8. SEVERABILITY

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

SECTION 9. REPEALER

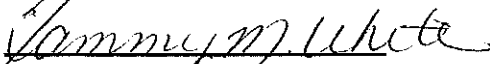
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE


This Ordinance shall become effective five (5) days from the date of enactment.

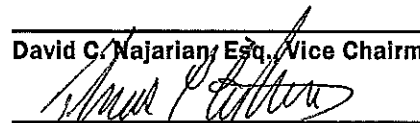
DULY ORDAINED AND ENACTED by the Township of Lynn Board of Supervisors, County of Lehigh, Commonwealth of Pennsylvania, in lawful session assembled this 10th day of Sept., 2009.

ATTEST:


Tammy M. White, Secy./Treasurer

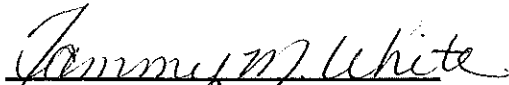
Seal

TOWNSHIP OF LYNN

Kermit E. DeLong Jr., Chairman


David C. Najarian, Esq., Vice Chairman

Thomas Creighton III, Member

"I hereby certify that the attached document is a true and correct copy of Ordinance No. 2009-3 as enacted by Board of Supervisors of Lynn Township on 9/10/09."


Tammy M. White, Township Secretary