

**MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 822**

AN ORDINANCE AMENDING THE MIDDLETOWN TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PA, BY REPEALING CURRENT CHAPTER 266, WEEDS AND VEGETATION, IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 266, WEEDS AND VEGETATION, PROVIDING FOR THE REGULATION OF THE GROWTH AND MAINTENANCE OF WEEDS AND OTHER VEGETATION; DECLARING CERTAIN WEEDS AND VEGETATION GROWTH TO BE A PUBLIC NUISANCE; AND ESTABLISHING PROCEDURES AND PENALTIES FOR VIOLATIONS AND ENFORCEMENT THEREOF.

The Council of the Township of Middletown, Delaware County, Pennsylvania, hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania:

**Section 1.**

The Middletown Township Code of Ordinances, Chapter 266, Weeds and Vegetation, is hereby repealed in its entirety and a new Chapter 266, Weeds and Vegetation, is provided as follows:

Section 266-1. Instances of Public Nuisance.

It is the responsibility of the property owner(s) to inspect and maintain the vegetative growth on the owner's property within the Township of Middletown, including the vegetative growth located within the Right of Way of a public street on the owner's property. The growth or accumulation of weeds, grasses, trees, vines, bushes and other vegetative growth is declared to constitute a public nuisance, wherever and whenever the same shall cause or contribute to the causing of any of the following conditions to exist:

- A. Encroachment upon any sidewalk, street, alley or roadway to the danger or impediment of persons passing on said streets or sidewalks;
- B. Preventing the clear view of operators of motor vehicles by users of the adjoining streets;
- C. Being of such a nature as to cause or aggravate hay fever or other allergy diseases;
- D. Causing or tending to cause the breeding, growth or harboring of mosquitoes, flies or other insects;
- E. Causing or tending to cause the breeding, growth or harboring of rats, mice or other rodents;
- F. Causing or creating a fire hazard;

- G. Being in any way detrimental to the health or safety of the public; or
- H. Grasses, weeds and/or other similar vegetation not edible or planted for a useful or ornamental purpose that shall have grown or are maintained at a height in excess of ten (10) inches on any property within any developed area.

Section 266-2. Land Subject to Regulations.

A. The provisions of this Chapter shall apply to the following:

- 1. Lots in a platted subdivision with a structure;
- 2. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots, except lots which are naturally wooded areas; or
- 3. On lots along improved streets to a depth of one hundred sixty-five (165) feet or the depth of the lot, whichever is less.

B. The provisions of this Chapter shall not apply to:

- 1. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley or rye;
- 2. Portions of lots used for flower gardens, shrubbery or vegetable gardens;
- 3. Naturally wooded areas, wetlands or meadows; or
- 4. Areas designated as undeveloped open space.

Section 266-3. Notice of Violation.

A. In the event that the Code Enforcement Officer of the Township determines that a violation of this Chapter exists, the Code Enforcement Officer shall provide the property owner(s) with a written Notice of Violation by Certified and Regular mail containing the following minimum information:

- 1. The name(s) of the property owner(s) of record of the property in violation;
- 2. The address of the property in violation;
- 3. A description of the specific violation under this Chapter;
- 4. The steps necessary for compliance and the date by which the compliance must be completed; and
- 5. That failure to comply within the time and manner specified constitutes a violation of this Chapter and the Township shall invoke one or both of

subsections A or B of Section 266-4 of this Chapter necessary to enforce the provisions hereof.

**Section 266-4. Violations and Penalties; Cost of Removal.**

In the event that said Notice of Violation is not complied with as directed, the Township shall take any of the following actions as it may deem necessary to enforce the provisions of this Chapter:

- A. Commence a summary enforcement proceeding before the Magisterial District Justice against the property owner(s), and upon conviction thereof, be punishable by a fine of up to Two Hundred Dollars (\$200.00) for each violation thereof. Violators shall also be responsible for court costs and reasonable attorneys' fees of the Township, as permitted by law.
- B. Cause the condition to be removed or abated by the Township, the costs for removal plus a service fee which will be charged to the property owner(s). If such costs are not paid in full within ninety (90) days, such costs may be filed as a lien against the property and collected in the same manner as other municipal liens or by personal action commenced in the Court of Common Pleas of Delaware County. Any voluntary action taken by the Township pursuant to this section shall not create any obligations on the part of the Township to continue such action, nor shall it limit, ameliorate or change the obligation of the property owner(s).

**Section 2.**

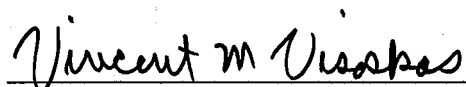
If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

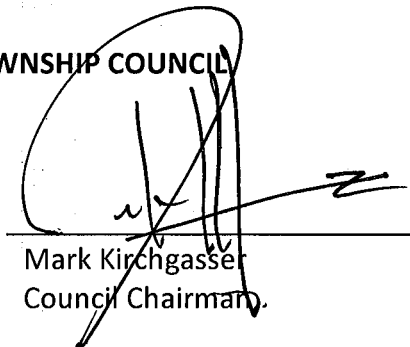
**Section 3.**

This Ordinance shall be effective thirty-one (31) days after its enactment.

**ENACTED AND ORDAINED** by the Council of Middletown Township, Delaware County, Pennsylvania, this 8<sup>th</sup> day of June 2020.

**ATTEST:**

  
\_\_\_\_\_  
Vince Visokas  
Acting Township Manager

**TOWNSHIP COUNCIL**  
  
By: \_\_\_\_\_  
Mark Kirchgasser  
Council Chairman