

Chapter 10

Health and Safety

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Part 1**Brush, Grass and Weeds****§10-101. Purpose and Intent.**

Whereas the Board of Supervisors has determined that the growth of brush, grass and weeds may be detrimental to the health and safety of the citizens by producing aggravating pollens, providing harborage for insects and rodents, creating hazardous conditions or obscuring sidewalks, roadways, signage and traffic signals, it is hereby declared to be a policy to safeguard and protect the citizens of Northampton Township from such hazards and/or nuisances.

(Ord. 422, 7/9/1997)

§10-102. Definitions.

The following words, terms or phrases when used in this Part shall have the following meanings prescribed to them:

Grass—various green plants with blade-like leaves.

Noxious plants—harmful, distasteful, allergenic or obnoxious plants, such as, but not limited to, ragweed, goldenrod, timothy, rye grass, Canada thistle, Kentucky blue grass, Bermuda grass, poison ivy, poison oak, poison sumac, chicory, succory, blue daisies or other obnoxious, noxious or objectionable vegetation.

Person—any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity, recognized by law, as a subject of rights and duties.

Weeds—wild vegetation having little or no value.

(Ord. 422, 7/9/1997)

§10-103. Accumulation of Objectionable Vegetation Prohibited.

1. No person, being the owner or occupant of a parcel or tract of land with an area of less than 5 acres in Northampton Township, shall permit weeds, tall grasses, noxious plants or objectionable vegetation on such parcel or tract of land or any part thereof to grow in excess of 12 inches in height or grow in such a manner as shall, in the judgment of the Code Enforcement Officer, be prejudicial to the public health or be a safety hazard.

2. No person, being the owner or occupant of a parcel or tract of land with an area of five acres or more in Northampton Township, shall permit weeds, tall grasses, noxious plants or objectionable vegetation on such parcel or tract of land or any part thereof within 50 feet of an adjoining residential property, to grow in excess of 12 inches in height or grow in such a manner as shall, in the judgment of the Code Enforcement Officer or his/her designee, be prejudicial to the public health or be a safety hazard.

(Ord. 422, 7/9/1997; as amended by Ord. 476, 7/11/2001)

§10-104. Declaration of Nuisance.

Whenever the Code Enforcement Officer of Northampton Township or his/her

designee shall consider the growth of ragweed, goldenrod, timothy, rye grass, Canadian thistle, Kentucky blue grass, Bermuda grass, poison ivy, poison oak, poison sumac, chicory, succory, blue daisies or other obnoxious, noxious, allergenic or objectionable vegetation to be in excess of 12 inches in height on any premises as aforesaid, to be prejudicial to the public health or be a safety hazard, and that continued growth would have a detrimental effect on the welfare of the inhabitants of the Township, the Code Enforcement Officer may declare the same to be a public nuisance.

(Ord. 422, 7/9/1997)

§10-105. Service of Notice.

Whenever the Code Enforcement Officer of Northampton Township or his/her designee has declared the growth of ragweed, goldenrod, timothy, rye grass, Canada thistle, Kentucky blue grass, Bermuda grass, poison ivy, poison oak, poison sumac, chicory, succory, blue daisies or other obnoxious, noxious or objectionable vegetation on any premises to be a public nuisance and in violation of this Part, the service of such notice shall be made upon the owner or occupant of said premises either by registered mail or by hand delivering the notice to such owner or occupant personally or by delivering such notice to any adult person in charge of said premises or, in case no such person is found on the premises, by posting such a notice upon said premises.

(Ord. 422, 7/9/1997)

§10-106. Failure to Comply; Abatement of Conditions.

1. If an owner or occupant neglects or refuses to comply with the order of the Code Enforcement Officer of Northampton Township for the abatement or the removal thereof within a period of 5 days as required by such notice, the Code Enforcement Officer or his/her designee may enter upon the premises to which such order relates and abate, remove or cut such nuisance.

2. The expense incident to such abatement, removal or cutting of weeds, tall grasses or objectionable vegetation shall be paid by the owner or occupant of such premises, and any such additional expense as may be incurred by the Township, at a reasonable rate of cost thereof, plus an additional charge of 20 percent, together with any penalty authorized; the aforesaid bill amount to be collectible as municipal claims are collected by law.

(Ord. 422, 7/9/1997)

§10-107. Exemptions.

1. *Useful Vegetation.* Subject to judgment by the Code Enforcement Officer or his/her designee, any grass, weeds or vegetation that can be shown to have been planted and regularly cultivated for experimental, ornamental or some other useful purpose shall be exempt from this Part.

2. *Exempt Areas.* The following types of areas are exempt from the provisions of this Part:

- A. All areas containing crops planted for some useful agricultural purpose.
- B. All wooded areas.
- C. All areas planted with vegetation designed to prevent erosion of steep

slopes.

D. All State park lands.

E. All areas adjacent within 20 feet of a stream.

F. All mature hedge rows.

G. All areas containing cultivated wild flowers and other ornamental plantings.

H. All areas determined to be wetlands.

I. All stormwater management areas maintained as natural areas.

3. *Exemption Voided.* This exemption shall be void should it be found that the vegetation emits any unpleasant or noxious odor, conceals vermin, litter or any filthy deposit, produces allergenic pollens or has a detrimental impact on the public safety, health or welfare.

(*Ord. 422, 7/9/1997*)

§10-108. Violations and Penalties.

In addition to the provisions contained in §10-106, any person found in violation of any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not 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. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 422, 7/9/1997; as amended by Ord. 476, 7/11/2001; and by Ord. 561, 4/25/2012*)

Part 2**Air Pollution Control****§10-201. Title.**

This Part shall be known and may be cited as the “Northampton Township Air Pollution Control Ordinance of 2011.”

(*Ord. 556, 3/23/2011, §1*)

§10-202. Authority.

The Board of Supervisors of Northampton Township, under and by virtue of and pursuant to the authority granted by the Second Class Township Code, 53 P.S. §65101 *et seq.*, does hereby enact and ordain this Part.

(*Ord. 556, 3/23/2011, §1*)

§10-203. Policy.

Whereas the Board of Supervisors of Northampton Township has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of Northampton Township, it is hereby declared to be the policy of the Township to safeguard the citizens of Northampton Township from such air pollution.

(*Ord. 556, 3/23/2011, §1*)

§10-204. Definitions.

1. The following words, terms, and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

Air basin—a geographic area of this Commonwealth as delimited Southeast Pennsylvania Air Basin—the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

Air curtain destructor—a mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

Board—the Board of Supervisors of Northampton Township.

Burning—the act of consuming by fire; to flame, char, scorch, or blaze. As used in this Part, smoldering shall have the same meaning, as burning and smoldering shall be deemed as burning.

Clearing and grubbing wastes—trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt-laden roots.

Composting—the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Domestic refuse—waste that is generated from the normal occupancy of a

structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

Municipality—a city, incorporated town, township, borough, county, municipal authority, or other public body created under State law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

Open burning—a fire, the air contaminants from which are emitted directly into the outdoor atmosphere.

Person—any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Yard waste—leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

(Ord. 556, 3/23/2011, §1)

§10-205. Regulations.

1. It is unlawful for any person or entity to burn solid waste, including domestic refuse and yard waste, in violation of any provision of the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, or any rule or regulation promulgated by any Commonwealth agency pursuant thereto.

2. In addition to the specific exceptions set forth in the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, and any regulation thereof, the following exceptions are also recognized:

A. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program Office and set by or under the supervision of a public officer.

B. Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

D. A fire set for the purpose of clearing and grubbing waste. If an air curtain destructor must be used within an air basin, the process must be approved by the Department of Environmental Protection's Regional Air Quality Program office.

E. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation (under 25 Pa.Code §129.14).

F. A fire set solely for cooking food.

G. A fire set solely for recreational or ceremonial purposes.

3. No person shall cause, suffer, or permit any open burning operation whatsoever

if said open burning operation is contrary to 25 Pa.Code §129.14, Rules and Regulations of the Department of Environmental Resources.

4. No person shall in any manner hinder, delay, obstruct, resist, prevent, or in any way interfere with the Fire Marshal or his designees in the performance of their duty hereunder, or refuse such personnel, after proper identifications, entrance at reasonable hours to any premises.

5. Any person or entity failing, neglecting, or refusing to comply with a lawful abatement notice issued by the Fire Marshal of the Township shall be subject to the penalties as set forth in this Part. Any person or entity receiving such abatement notice may, obtain, upon written request, an extension of time to comply therewith by making application to the Fire Marshal.

(*Ord. 556, 3/23/2011, §1*)

§10-206. Penalties.

1. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default thereof, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate and distinct offense. [*Ord. 561*]

2. The Board may institute an action in equity for an injunction to restrain any violation of this Part.

(*Ord. 556, 3/23/2011, §1; as amended by Ord. 561, 4/25/2012*)

