

Sample Noxious-Weed Ordinance

An ordinance of _____ (Municipality), _____ County, Commonwealth of Pennsylvania for the prevention and control of ragweed pollen air pollution; defining certain terms used herein; providing for enforcement, penalties and repealing previous ordinance _____ (No.).

The _____ (Council, Board) of _____ (Municipality) under and by virtue of and pursuant to the authority granted by _____ (Enabling Authority Code) do hereby enact and ordain:

Section I. Title

This ordinance shall be known and may be cited as the _____ (Municipality) Ragweed Control Ordinance of _____ (Year)

Section II. Policy

Whereas ragweed pollen air pollution causes irritation, suffering and discomfort and is detrimental to the health of citizens of _____ (Municipality) it is hereby declared to be the policy of citizens of _____ (Municipality) to safeguard the citizens of _____ (Municipality) from such air pollution.

Section III. Definitions

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

1. Person, Owner, Tenant, Occupant - Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.
2. Council – Board – Borough Council, Township Board of Supervisors
3. Ragweed – An annual weed whose air-borne pollen is a cause of hay fever and asthma.

Section IV. Enforcement

The _____ (Municipality)(chief of police, fire chief, health officer, or any other duly authorized agent) shall have the power and duty to enforce the provisions of this ordinance.

Section V. Nuisance; Prohibited Acts

1. The growth, existence or presence of ragweed on any plot of land, lot, street, highway, right-of-way or any other public or private place is hereby declared to be a nuisance.
2. No owner, tenant or occupant of any plot of land, lot, street, highway, right-of-way or any other public or private place, shall cause, suffer, allow or permit ragweed to grow or exist thereon.

Section VI. Abatement of Nuisance

1. Whenever a nuisance as declared by this ordinance is found on any plot of land, lot, right-of-way or any other private premises or place, notice in writing shall be given by the _____ (Municipality)(chief of police, fire chief, health officer, or any other duly authorized agent) or his duly authorized representative to the owner thereof to remove or abate the same within such time as shall be specified therein but not less than five days from the date of service thereof. A

- duplicate of the notice shall be left with one or more of the tenants or occupants of the premises or place. If the owner resides out of the state or cannot be so notified speedily, such notice shall be left at that place or premises with the tenant or occupant thereof or posted on the premises, and such action shall be considered proper notification to the owner thereof.
2. If the owner, tenant, or occupant, upon being notified as provided by this ordinance shall not comply with such notice within the time specified therein and fails to remove or abate such nuisance, the _____ (Council, Board) shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as said _____ (Council, Board) shall deem proper.
 3. Whenever a nuisance as declared by this ordinance is found on any public property or any highway or any other public premises or place, notice in writing shall be given by the _____ (Municipality)(chief of police, fire chief, health officer, or any other duly authorized agent) or his duly authorized representative to the person in charge thereof to remove or abate the same within such time as shall be specified therein. If the person, upon being notified as provided by this ordinance, fails to comply with the notice within the time specified therein the _____ (Council, Board) may remove or abate such nuisance in the manner as herein provided in the case of a like condition existing on private premises or place.
 4. Removal of such weeds may be accomplished by pulling, hoeing, mowing, cutting, or spraying with an effective chemical weed spray. Burning of the weeds is prohibited.

Section VII. Recovery of Costs

The _____ (Council, Board) may institute an action at law to recover costs incurred by it in the removal or abatement of ragweed from any person who shall have caused or allowed such nuisance to exist, or from any owner, tenant, or occupant of premises who, after notice and notification as herein provided, shall fail to remove and abate the same within the time specified in such notice.

Section VIII. Penalties

Any person violating any of the provisions of this ordinance shall upon the conviction thereof by any justice of the peace, alderman or magistrate be sentenced to pay a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, together with the costs, for the first violation and not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, together with the costs, for the second and subsequent violations. Each day a violation exists shall constitute a separate offense. In default in the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

Section IX. Repealer

Ordinance _____ (No.) previously enacted is hereby repealed. All other ordinances or parts thereof which are in conflict with this ordinance are hereby repealed.

Section X. Validity

The provisions of this ordinance are severable, and if any section, clause, sentence, part, provision or application thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such a decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, provisions or applications of this ordinance.

Section XI. Effective Date

This ordinance shall become effective on the _____ (No.) day of _____ (Month) _____ (Year).