

# WHITPAIN TOWNSHIP

ORDINANCE NO. 399

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 155 [WEEDS AND VEGETATION], BY AMENDING AND RESTATING AS ARTICLE I [NUISANCE BY UNCONTROLLED VEGETATION], AND CREATING ARTICLE II [NATURAL LANDSCAPE PERMIT] TO PROVIDE FOR STANDARDS AND FEES RELATED TO INSTALLATION OF MEADOWS

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## CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 399.



Roman M. Pronczak, P.E., Township Manager  
\_\_\_\_\_, 2022

ENACTED: 8/14/22

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**IT IS HEREBY ENACTED AND ORDAINED** by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

**SECTION 1.** **Amendment to Chapter 155 [Weeds and Vegetation] to restate existing provisions as Article I [Nuisance by Uncontrolled Vegetation].**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 155 [Weeds and Vegetation] is hereby restated as Chapter 155 [Weeds and Vegetation], Article I [Nuisance by Uncontrolled Vegetation].

**SECTION 2.** **Amendment to Chapter 155 [Weeds and Vegetation], Article I [Nuisance by Uncontrolled Vegetation] to clarify exemptions.**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 155 [Weeds and Vegetation], Article I [Nuisance by Uncontrolled Vegetation], is amended as follows, with the underlined language added:

**§ 155-1. Uncontrolled growth of certain vegetation prohibited.**

It shall constitute a public nuisance for any person, firm or corporation, being the owner or occupant of premises situate in Whitpain Township, to permit the growth or accumulation of Canada thistle, chicory, succory, blue daisies, weeds, grasses or other noxious or objectionable vegetation on said premises in excess of 12 inches in height. Notwithstanding the foregoing prohibition, the following areas shall be exempt from such cutting or trimming requirements, except that Canada thistle, chicory, succory, blue daisies, weeds or other noxious or objectionable vegetation shall be so controlled in such areas: land actively cultivated for crop production, land actively utilized as pasture or meadows, Natural Landscape (as defined by § 155-6 of this Chapter), and non-noxious grasses planted for some useful or ornamental purpose.

**SECTION 3.** **Creation of Chapter 155 [Weeds and Vegetation], Article II [Natural Landscape Permit].**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 155 [Weeds and Vegetation] is hereby amended to create Article II [Natural Landscape Permit], as follows:

§ 155-6. Definitions.

**NATURAL LANDSCAPE**

A meadow or other landscaping that includes herbaceous material as follows: a mixture of native grasses, native plants, and wildflowers that maintains a general overall height ranging from three (3) to twelve (12) inches and provides food, water, and cover for wildlife species, especially birds. Only native species, as listed in Appendix A of Chapter 53 of this Code, shall be used in Natural Landscapes.

**DEPARTMENT**

For the purposes of this Article, the Department of Code Enforcement.

§ 155-7. Permit Required; Permitted Locations.

- A. **Permit Required.** A Natural Landscape Permit must be obtained from the Department by a property owner that desires to create a meadow or Natural Landscape, as exempt under § 155-1 of this Chapter. For purposes of this Article, all references and provisions applicable to Natural Landscape shall apply equally to meadows.
- B. **Location on Property.** On a residential property or commercial or industrial property less than three (3) acres, a meadow or Natural Landscape may only be in the rear or side yard. Where a residential property or commercial or industrial property less than three (3) acres is located on a corner lot, a meadow or Natural Landscape may be located in a front yard facing the street upon which the primary entrance to the property is not located, provided a mow strip of turf at least ten (10) feet wide shall be maintained at four (4) to six (6) inches along the right-of-way line. On a commercial or industrial property greater than three (3) acres, a meadow or Natural Landscape may be located in a front yard, provided a mow strip of turf at least twenty (20) feet wide shall be maintained at four (4) to six (6) inches around each side of the meadow.

§ 155-8. Permit Application Contents.

The following information shall be provided with an application for a Natural Landscape Permit:

- A. The name and address of the applicant;
- B. Proof of approval from a Homeowners Association, if applicable;
- C. A plan showing lot lines, public rights-of-way, buildings, and the location of the proposed Natural Landscape;

- D. A general description of the vegetation and plant types to be used in the proposed Natural Landscape, including the Latin and common names of all species; and
- E. A specific management and maintenance plan for the Natural Landscape that includes the following information:
  - (1) A planting diagram showing the location and mature height of all species of vegetation, arranged so as not to block the clear sight triangle or movement of the travelling public on any right-of-way;
  - (2) Detailed information on the upkeep of each species;
  - (3) Detailed information on mowing and edging of the area;
  - (4) Detailed information regarding bird feeders, if applicable;
  - (5) The estimated transitional period, if applicable; and
  - (6) The plan for elimination of any non-native vegetation.

§ 155-9. Permit Procedures.

- A. Permit Issuance. The Department shall review the application and issue the Natural Landscape Permit unless:
  - (1) The application is incomplete;
  - (2) The management and maintenance plan is incomplete or inconsistent with the requirements of this Article;
  - (3) The plan proposes use of non-native grasses or plants, as listed in Appendix A of Chapter 53 of this Code; or
  - (4) The transitional period for the area to be landscaped is longer than three (3) growing seasons.
- B. Fees. Permit fees, as set by the Board of Supervisors, shall be assessed prior to issuance and be based on the size of the Natural Landscape area proposed.
- C. Expiration. A Natural Landscape Permit shall be valid for three (3) years from the date of approval. After that time, a new Natural Landscape Permit must be obtained from the Township.
- D. Sign. The permit holder must obtain a sign indicating the presence of a meadow on the property from the Township, at permit holder's cost, and install said sign along the right-of-way line in close proximity to the location of the meadow or at another appropriate location along the right-of-way line.
- E. Inspection.

- (1) A Natural Landscape will be inspected by the Township to confirm that the maintenance plan is being followed and to report the need for maintenance adjustments or remediation (e.g., invasive species control) on the following schedule during the first two (2) years:
  - (a) At the time of establishment; and
  - (b) Mid-summer each year.
- (2) The Department may regularly inspect any property holding a Natural Landscape Permit.

§ 155-10. Permit Revocation.

- A. Basis for Revocation. A Natural Landscape Permit may be revoked by the Department for any of the following reasons:
  - (1) Weeds are not removed;
  - (2) The vegetation is not being maintained at a height not exceeding twelve (12) inches in areas located within ten (10) feet of a public street, sidewalk, trail, or alley;
  - (3) The vegetation is not being maintained at a height not exceeding approximately twelve (12) inches in areas located within ten (10) feet of the property boundary where vegetation heights shall be four (4) to six (6) inches, unless the adjacent property owner has consented in writing and shared that notification with the Township;
  - (4) The vegetation is blocking the clear sight triangle or movement of the traveling public on any right-of-way;
  - (5) The property owner fails to maintain the Natural Landscape area in a manner consistent with the management and maintenance plan that was submitted with the permit application;
  - (6) Health or public safety concerns, including, but not limited to, a fire hazard;
  - (7) Substantial and unreasonable interference with the use and enjoyment of neighboring property; or
  - (8) Obstruction of a public right-of-way.
- B. Revocation Procedure. Revocation shall be provided by notice by first class mail stating that the property must be in compliance within thirty (30) days. Should that period pass without action by the permit holder, the Department shall:

- (1) Revoke the Natural Landscape Permit;
- (2) Declare the property a public nuisance pursuant to this Chapter;
- (3) Remove all improperly maintained vegetation;
- (4) Declare the property ineligible for a Natural Landscape Permit for a period of two (2) years, unless the property is sold; and
- (5) Assess the property for all fees associated with inspection of the property and any removal of improperly maintained vegetation in accordance with assessment provisions detailed in § 155-4 of this Chapter.

**SECTION 8.**      **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 9.**      **Severability.**

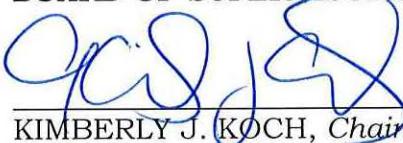
Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 10.**      **Effective Date.**

This Ordinance shall become effective 5 days after enactment.

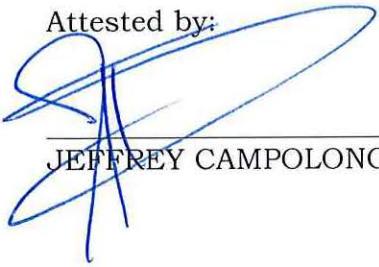
**ORDAINED AND ENACTED** this 10th day of August 2022, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

  
KIMBERLY J. KOCH, Chair

[Seal]

Attested by:

  
JEFFREY CAMPOLONGO, Secretary