

ORDINANCE NO. 88-3

AN ORDINANCE OF THE BOROUGH OF WEST KITTANNING SETTING FORTH PROHIBITIONS FOR EXCESSIVE GRASS, WEEDS OR VEGETATION GROWTH AND RESPONSIBILITY FOR REMOVAL, NOTICE PROCESS AND THE AUTHORITY OF THE BOROUGH TO UNDERTAKE SAME.

Section 1. Grass, Weeds and Other Vegetation Prohibited and a Nuisance under Certain Conditions.

No person, firm or corporation, owning or occupying any property in the Borough of West Kittanning, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six (6) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough, including but not limited to areas adjacent to the Borough streets or alley system and sidewalks in violation of any provision of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

Section 2. Responsibility for Removing, Trimming or Cutting Grass, Weeds and Other Vegetation.

The owner of any premises, as to vacant premises or premises occupied by the owner and in case of multiple unit property, having more than one rental unit, and the occupant, in case of single unit premises occupied or rented by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this ordinance.

Section 3. Notice to Remove, Trim or Cut; Authority for Borough to Do Work and Collect Cost, Plus 10%, from Owner or Occupant of Premises.

The Borough Council, or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation for the provisions of the first section

of this ordinance, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation, so as to conform to the requirements of this ordinance, within five (5) days after issuance of such notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation, and the cost thereof, with an additional amount of ten per centum (10%), may be collected by the Borough from such person, firm or corporation, in the manner provided by law.

Section 4. Penalty for Violation.

Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any provision of this ordinance or with any notice issued thereunder, shall be guilty of a violation or offense, and, for each and every such violation or offense, upon conviction thereof, shall be sentenced to pay a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided: each day's violation, following conviction thereof, shall constitute a separate violation or offense, and notice to the offender shall not be necessary in order to constitute an offense. Provided further: such fine and costs may be imposed in addition to the cost of removal, trimming or cutting, imposed as provided in the third section of this ordinance, but, on the other hand, prosecution may be instituted and proceeded with under this section without the Borough's taking any action under such third section for such removal, trimming and/or cutting.

ORDAINED AND ENACTED this 1ST day of AUGUST, 1988.

ATTEST:

BOROUGH OF WEST KITTANNING

BY Bonnie Bowser
Secretary

BY _____
President of Council

APPROVED this 1ST day of AUGUST, 1988.

BY _____
Mayor