

Chapter 118

BRUSH, GRASS AND WEEDS

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift 9-5-1978 by Ord. No. 93-1978. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 212.

Property maintenance — See Ch. 230.

§ 118-1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Includes any natural person, partnership, association, firm, or corporation.

B. The singular shall include the plural and the plural the singular, and the masculine shall include the feminine and the neuter.

§ 118-2. Nuisance.

No person owning or occupying any real estate within the Borough of East Vandergrift 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 12 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 in violation of any provisions of this section is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

§ 118-3. Duty to trim or remove.

A. The owner of any premises, as to vacant or unoccupied premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by persons 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 any of the provisions of § 118-2 of this chapter.

B. Obstructions. Any tree, shrub, bush, hedge, plant, structure, material or thing or group of things, animate or inanimate, or part or portion thereof, on, under or over any portion of any street, avenue, highway, lane or alley, including the sidewalks thereof in the Borough of East Vandergrift, is hereby declared to be unlawful and to be a nuisance and removable as such.¹

§ 118-4. Notice to remove; failure to remove.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 certified 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 of any of the provisions of § 118-2 this chapter, directing and requiring such owner or occupant, as the case may be, to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this chapter, within five days after the issuance of such notice. In case any person 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 together with any additional penalty authorized by law, may be collected by the Borough from such person in default in the manner provided by law.

§ 118-5. Violations and penalties. [Amended 5-7-2012 by Ord. No. 2-2012²]

Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this chapter, or of any notice given under the authority thereof shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Westmoreland County.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).