

PRESENTED BY: Phillip T. Krivacek

COUNTY OF ALLEGHENY

FIRST READING: February 9, 2011

COMMONWEALTH OF

PENNSYLVANIA

SECOND AND THIRD READING: March 9, 2011

**AN ORDINANCE OF THE CITY OF DUQUESNE DEFINING BRUSH, GRASS AND WEEDS AND IMPOSING A FEE FOR THE REMOVAL OF SAME; SETTING FORTH THE AMOUNT OF SAID FEE AND THE PERSONS RESPONSIBLE FOR THE PAYMENT OF THE SAME AND THE COLLECTION PRACTICE; AUTHORIZING AND DIRECTING BILLING AND COLLECTION PROCEDURES.**

**WHEREAS**, the City of Duquesne, by its duly elected Council, has determined that it is in the best interests of the health and safety of the City to establish a definition of brush, grass and weeds and impose a fine for the removal of the same.

**NOW THEREFORE**, it is hereby **ORDAINED** by Council of the City of Duquesne as follows:

**Section 1. Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

**City:** The City of Duquesne.

**Noxious Growth:** Any growth over six (6) inches in height which is not grown for human consumption or planted for a useful or ornamental purpose, or any growth which throws off any unpleasant or noxious odor.

**Person:** Includes any natural person, partnership, firm or corporation.

**Section 2. Declaration of Nuisance.** City Council hereby declares that any noxious growth as above-described growing upon any premises in the City in violation of any of the provisions of this ordinance is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the community.

**Section 3. Duty for Removal.** It shall be the duty and responsibility of property owners for the removal, trimming or cutting of all noxious growth on premises located in the City. Any person being the owner or occupier of any premises within the City shall be and is hereby required to keep all such noxious growths cut down to such an extent consistent with other provisions in this ordinance. In the case of premises which are occupied, the owner and/or occupant thereof shall remove, trim or cut all noxious growths growing or remaining upon said

premises which are determined by the Building Inspector to be in violation of the provisions of this ordinance. In the case of vacant premises, the owner of said premises shall remove, trim or cut all noxious growths growing or remaining upon said premises in violation of the provisions of this ordinance.

**Section 4. Enforcement.** Whenever the Code Enforcement Officer of the City observes a property that is in violation of this Ordinance, the Code Enforcement Officer shall give notice to the property owner. Such notice shall contain:

- i. The address of the property in violation and the name of the owner;
- ii. A statement that the property is in violation, specifying, if applicable, the specific area in violation;
- iii. Directions that the ordinance be complied with and the offending vegetation cut down;
- iv. Notice that if the violation is not corrected within five (5) days of receipt of the notice that a citation will be issued;
- v. Notice that the Code Enforcement Officer will discuss the violation with the property owner if this is requested;
- vi. A statement that the notice is not a citation, and that it will not be kept on file after the violation is abated;
- vii. The signature and printed name of the officer observing the violation.

**Section 5.**

Issuance of Citation and Penalties.

- i. Failure to Comply Following Notice. If the owner or occupant of the property in violation fails to comply with this ordinance within five (5) days of the above notice, the Code Enforcement Officer shall issue a citation to the owner or occupant of the property. Summary conviction of a violation of this ordinance shall be punishable by a fine of not more than three hundred dollars (\$300.00) plus the costs of such proceedings. Each day that a violation is permitted to continue shall constitute a separate violation for each day of such violation, and the person or persons following or permitting the continuance of the violation may be cited and penalized as provided above for each separate offense.
- ii. Abatement of Violation by City. If the owner or occupant of a property fails to abate the violation after summary conviction, then the City may remove, trim or cut such weeds or noxious growth. Nothing in this ordinance shall prohibit the City from entering private property for these purposes while any conviction under this ordinance is being appealed.
- iii. Collection of Costs. The cost of abating such violation, together with any additional penalty authorized by law, may be collected by the City from such owner or occupant in the manner provided by law. The cost of such action by the City shall include the number of hours worked in abating the violation, paid at the regular authorized pay of the City employee or the City's contractors. Upon completion of the work, the City shall bill the owner or occupant for the amount

specified above, and if not paid within ten (10) days thereafter, the City may institute suit for the recovery of such direct or indirect costs, penalties and administrative fees or, at its discretion, enter a lien against the premises for the costs in accordance with the laws of the Commonwealth of Pennsylvania.

iv. Service of Notices. Any notice required to be given under the provisions of this ordinance may be delivered by any officer or agent of the City by registered mail addressed to the owner of said premises if not residing in the City, or by registered mail addressed to the owner or occupant of the premises. The date of the receipt of notice, if personally served, or the date indicated on the return receipt, if served by registered mail, shall be deemed the date and time of notice.

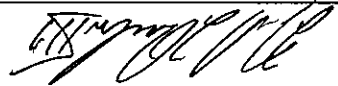
**Section 6.** All ordinances or parts of ordinance which are inconsistent herewith are hereby repealed.

This Ordinance has been adopted by Council of the City of Duquesne this 9th day of March, 2011.

ATTEST:

CITY OF DUQUESNE

FRANK PICCOLINO  
CITY MANAGER



PHILLIP T. KRIVACEK  
MAYOR

