

Article 5
Vegetation

501. Definitions .

The following words, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

1. **Person .** Any individual, partnership, corporation, association, institution, cooperative enterprise, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
2. **Owner.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
3. **Occupant.** Any person living and/or sleeping in a dwelling or having possession of a space within a building.
4. **Noxious Vegetation.** Any grass, weed or herbaceous vegetation whatsoever, but excluding edible plants and/or useful or ornamental plants that have been planted, cultivated, and maintained in an orderly manner.
5. **Premises.** A lot, plot or parcel of land, whether improved or unimproved, including portions occupied by a street or alley and portions of land between sidewalks and streets.

502. Unlawful Growth of Noxious Vegetation.

No person having a legal or equitable interest in premises, or recorded in the official records of the Borough of Alexandria as holding title to premises, or otherwise occupying or having control of premises within the Borough of Alexandria shall permit any noxious vegetation to grow or remain on such premises, including any portion of the premises, so as to exceed a height of six (6) inches, or to conceal any solid waste, or to create or to produce pollen. All such noxious vegetation is hereby declared to be a nuisance and detrimental to the health, safety and welfare of the residents of the Borough of Alexandria . Excluded from the provisions of this Ordinance are any noxious vegetation located within wildlife sanctuaries, the location of which shall be determined by the Alexandria Borough Council on a case-by-case basis.

503. Responsibility of Persons:

A person who is an owner and/or occupant of any premises shall remove, trim or cut all such noxious vegetation growing or remaining upon such premises in violation of the provisions of Section 102 of this Ordinance. Both the owner and the occupant shall be responsible for the compliance with this Ordinance.

504. Notice to Owners and Occupants of Premises.

In addition to the penalties as hereinafter imposed in Section 106 of this Ordinance, Council, or any officer or employee of the Borough of Alexandria designated thereby for the purpose, is hereby authorized to give notice, by person service or by United States mail, to the owner or the occupant or either of them, of a violation of the terms of this Ordinance, directing and requiring such occupant or owner or both of them to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Ordinance, within 72 hours after issuance of such notice.

If any owner or occupant shall neglect to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation so as to comply with the provisions of this Ordinance, and the reasonable cost thereof, together with any additional penalty authorized by law, may be collected by the Borough of Alexandria from such owner or occupant as a manner provided by law. This right, as herein vested in the prescribed by the provisions of this ordinance for the failure of the owner or occupant, as aforesaid, to comply with the terms of this Ordinance.

505. Notice of Ordinance Violation; Payment.

Upon the discovery of the initial violation on a premises, the authorized agent of the Borough of Alexandria shall give a written notice of warning to the owner and/or occupant of such violation. The owner and/or occupant shall then have 72 hours to abate such violation.

6. After a period of not less than 72 hours after the issuance of the warning notice. The Borough's authorized agent may inspect the premises for compliance with this Ordinance.

If, after the 72 hours' warning time, the Borough's authorized agent observes the premises to again be in violation, an ordinance violation notice shall be issued to the owner and/or occupant either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Each twenty-four (24) hour period shall constitute a separate violation and an Ordinance violation notice may be issued every 24 hours.

506. Penalty for Violation.

Any person, firm, partnership or corporation who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than twenty-five (\$25.00)

nor more than one-hundred (\$100.00) and costs of suit. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall notice to the offender be necessary in order to constitute an offense. In default of payment of the penalty stated herein, such offender may be committed to the County Jail for a period of not exceeding ten (10) days.

(Ordinance No. 1990-2, approved

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