

Structure—anything constructed or erected with a fixed or ascertainable location on the ground, whether or not affixed to the ground, including buildings, walls, fences, platforms, decks, billboards, signs and walkways.

2. *Meaning of Certain Words.* All words used in the singular shall include the plural; all words used in the plural shall include the singular; all words referring to a certain gender shall include reference to both genders; whenever the words “dwelling,” “dwelling unit” or “premises” are used in this Part, they shall be construed as though they were followed by the words “or any part thereof.”

(Ord. 51, 7/10/2008, §2; as amended by Ord. 2014-01, 10/2/2014)

§5-103. Grass and Weeds.

The Borough Council of the Borough of Hunker does hereby declare the excessive growth of grass and noxious weeds, plants or undergrowth to be a health hazard to the residents of the Borough of Hunker, particularly in those areas of the Borough zoned or utilized for residential dwelling purposes.

A. *Noxious Weeds; Nuisances.* No person, firm or corporation owning or occupying any property within the Borough of Hunker zoned or utilized for residential, business, commercial or industrial purposes 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 8 inches or to throw off any unpleasant or noxious odor or conceal any filthy deposit. Any grass, weeds or other vegetation growing upon any such premises within the Borough in violation of any of the provisions of this Part is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough of Hunker.

B. *Encroachment Upon Adjoining Property; Interference.* No person, firm or corporation owning or occupying any property within the Borough of Hunker zoned or utilized for residential, business, commercial or industrial purposes shall permit any trees, bushes or shrubbery, of whatsoever kind or nature, to grow or remain upon such premises so as to encroach upon adjoining sidewalks, streets, highways or alleys in such manner as to interfere with pedestrian or vehicular traffic lawfully using such sidewalks, streets, highways or alleys or in such manner as to restrict the clear view of vehicular traffic using such streets, highways or alleys. Likewise, no property set forth herein shall be permitted to allow any trees or other growth as identified above to cover, conceal or interfere with any fire hydrant or other fire service connection. Any trees, hedges, bushes or shrubbery growing upon any premises zoned or utilized for residential, business, commercial or industrial purposes within the Borough of Hunker in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, welfare and safety of the inhabitants of the Borough of Hunker.

C. *Vacant Premises; Owner’s or Occupant’s Duty.* The owner or occupant of any vacant premises situate in the Borough of Hunker zoned or utilized for residential purposes shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this Section.

D. *Enforcement; Notice to Cut or Trim.* The Borough Council of the Borough

of Hunker, or a duly appointed representative of the Borough Council of the Borough of Hunker, is hereby designated and authorized to give notice, by personal service or by certified and first class United States Mail, postage prepaid, to the owner or occupant, as the case may be, of any premises subject to the regulations of this Part whereon grass, weeds or other vegetation or trees, hedges, bushes or shrubbery are growing or remaining in violation of the provisions hereof, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation or trees, hedges, bushes or shrubbery, so as to conform to the requirements of this Part, within 7 days after the issuance of such notice. For the purpose of notice by mailing, the Borough Council of the Borough of Hunker, or a duly appointed representative of the Borough Council of the Borough of Hunker may utilize the property address, the mailing address of the property owner as the same is set forth in the real estate tax listings or any other source available. Evidence in which service is made shall be maintained as part of the Borough of Hunker records.

E. Borough of Hunker Empowered to Correct Violation at Owner's Expense.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated herein, the Borough Council of the Borough of Hunker through their designate, may remove, trim or cut such grass, weeds or vegetation or trees, hedges, bushes or shrubbery, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm or corporation by the filing of a municipal lien against real property which is the subject of said violation.

F. Violations and Penalties.

(1) Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this section shall, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs, and reasonable attorney's fees, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2014-01*]

(2) In the enforcement of this Section, the Borough Council of the Borough of Hunker may, at its sole discretion, utilize a citation letter notifying the person responsible as to the violation of this Part and providing that person an opportunity to remedy said violation within 7 days of the date of that notice and to impose a fine of \$50 payable to the Borough of Hunker, without the necessity of a court proceeding and the imposition of attorney fees and court costs.

(*Ord. 51, 7/10/2008, §3; as amended by Ord. 2014-01, 10/2/2014*)

§5-104. Removal or Repair of Unsafe Buildings.

The Borough Council of the Borough of Hunker does hereby declare that the existence of unsafe buildings and structures, wherever the same may be situate in the Borough of Hunker, constitute a nuisance and hazard to the health, safety and general protection of the residents of the Borough.