

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. 6 - 2009

ADMINISTRATION BILL NO. 6 - 2010

INTRODUCED – APRIL 14, 2010

ADOPTED BY COUNCIL – APRIL 28, 2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE CITY OF LANCASTER, CHAPTER 36—CLAIMS, MUNICIPAL, TO ADD A NEW ARTICLE III—ATTORNEYS FEES IN ORDINANCE ENFORCEMENT, TO ALLOW THE CITY TO RECEIVE ITS ACTUAL REASONABLE ATTORNEYS FEES INCURRED IN THE ENFORCEMENT OF ITS ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the City of Lancaster, Chapter 36—Claims, Municipal, be and hereby is amended by adding the following Article III:

“Article III.

Attorneys Fees in Ordinance Enforcement

Section 36-10. Attorneys Fees for Ordinance Enforcement. In any proceeding by the City to enforce any of its Ordinances, whether before a magisterial district judge, in a court of common pleas, or in any other court or body of competent jurisdiction, including appeals boards and bodies of arbitration, upon a conviction of the defendant, a guilty plea, or upon a finding in favor of the City of Lancaster, the court or other adjudicatory body shall award the City its reasonable attorneys fees and court costs actually incurred in pursuing or prosecuting the matter. This Section 36-10 is intended to cover prosecutions and/or enforcement actions of all City Ordinances, including, without limitation, the City’s Property Maintenance Code, (codified in Chapter 223 of this Code) which incorporates the 2006 International Property Maintenance Code and all of its incorporated standards and codes, as amended by the City, the City’s Fire Prevention Code (codified in Chapter 142 of this Code) which incorporates the 2006 International Fire Code and all of its incorporated standards and codes, as amended by the City, and the City’s Building Code (codified in Chapter 116 of

this Code) which incorporates the Uniform Construction Code of the Commonwealth of Pennsylvania.”

SECTION 2. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 28th day of April, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

/s/ Janet E. Spleen

/s/ J. Richard Gray

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor