

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 2 - 2008

ADMINISTRATION BILL NO. 2 - 2008

INTRODUCED – MARCH 11, 2008

ADOPTED BY COUNCIL – MARCH 25, 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA ESTABLISHING A VIOLATION TICKET PROCESS FOR VIOLATION OF SPECIFICALLY IDENTIFIED CITY CODE PROVISIONS; PROVIDING FOR THE REPEAL OF INCONSISTENT 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 Director of Public Works is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance. The Director of Public Works shall make the rules and regulations available for inspection during regular business hours.

SECTION 2. Violations of the following City of Lancaster Code sections shall be subject to the provisions of this Ordinance.

<u>OFFENSE</u>	<u>CODE SECTIONS</u>
Fire Prevention:	
Smoke Detectors	IFC 907.3
Blocking Egress	IFC 1003.6
Weeds in Egress	IFC 1003.6
Illegal Burning	IFC 307.1
Excessive Trash and Debris	IFC 304.1
Fueled Vehicles in Building and Fuel Containers	IFC 313.1
Grills in Kitchen (Appliance Violations)	IFC 35031.1
Property Maintenance:	
Grass and Weeds	IPM 302.4
Accumulation of Trash	IPM 307.1

<u>OFFENSE</u>	<u>CODE SECTIONS</u>
Furniture on Porch	IPM 303.8
Abandoned Appliances	IPM 307.2.2
Abandoned Hazardous Vehicle	IPM 302.8
Infestation and Rats	IPM 308.1
Sewage in Basement/Sidewalk	IPM 506.2
Waste Management:	
Failure to Recycle	258-39
Illegal Transportation of Municipal Solid Waste	258-41
Improper Storage of Containers	258-46
Improper Set-Out Day or Time	258-46
Improper Recycling	258-46
Littered Property	258-22
Graffiti	169-45
Streets and Sidewalks:	
Failure to Remove Snow from Sidewalk	262-6
Throwing of Trash, Snow and Ice in Streets	262-10

*IPM means International Property Maintenance Code and IFC means International Fire Code – All other Code Section references are to the Codified Ordinances of the City of Lancaster.

SECTION 3. A violation of any of the above Code sections may be cause for a citation, violation ticket and/or a notice of violation in addition to any other remedy or fine that the City may be entitled to under its ordinances or other applicable law.

SECTION 4. Upon finding a violation of any of the above Code sections, any City Code Enforcement Officer, police officer, fire official, sweep officer appointed by the Director of Public Works, or any other public officer authorized to enforce the ordinances of the City of Lancaster, may issue violation tickets to the owner and/or occupant of the property at issue or to the individual known to have violated the Code section. Violation tickets shall be issued in the amount of \$25.00 and shall be served by mail. The City may, however, serve the violation ticket by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served, by leaving or affixing the violation ticket to the property where the violation exists, or by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof. Any person who receives a violation ticket for a violation of this Ordinance may, within 15 days, admit the violation, waive a hearing and pay the fine in full satisfaction of \$25.00, as indicated on the violation ticket.

SECTION 5.

A. If the person in receipt of a \$25.00 violation ticket does not pay the fine or request a hearing within 15 days, that person will be subject to a \$10.00 penalty for days 16 through 30. Failure of the person to make payment within 30 days shall make the person subject to a citation for the fines indicated in the relevant sections of the Code of the City of Lancaster.

B. The City may, with its violation ticket, direct a person to abate the violation noticed on such ticket (“Notice of Violation”), or if the City determines that the immediate abatement of the same by the City is necessary the City may take the necessary action to abate the violation at the violator’s expense.

C. In the instance that such person does not comply with the Notice of Violation, the City may, itself, take the action set forth in the Notice of Violation at the violator’s expense (which expenses are set forth below).

D. If the City corrected the violation set forth in the Notice of Violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be as set forth in Paragraph E below, as supplemented or modified by the rules and regulations adopted by the Director of Public Works, in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

E. In all instances where the City abates the violation, in addition to the fine set forth in the Violation Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges set forth below and such other charges established by the Director of Public Works in the rules and regulations.

<u>OFFENSE</u>	<u>CODE SECTIONS</u>	<u>ABATEMENT COST</u>
Fire:		
Smoke Detectors	IFC 907.3	\$200.00 plus the cost of the smoke detector
Blocking Egress	IFC 1003.6	\$200.00
Weeds in Egress	IFC 1003.6	\$75.00
Illegal Burning	IFC 307.1	\$200.00
Excessive Trash and Debris	IFC 304.1	\$200.00
Fueled Vehicles in Building and Fuel Containers	IFC 313.1	\$ 25.00
Grills in Kitchen (Appliance Violations)	IFC 35031.1	\$75.00
Property Maintenance:		
Grass and Weeds	IPM 302.4	\$ 75.00
Accumulation of Trash	IPM 307.1	\$200.00
Furniture on Porch	IPM 303.8	\$200.00

<u>OFFENSE</u>	<u>CODE SECTIONS</u>	<u>ABATEMENT COST</u>
Abandoned Appliances	IPM 307.2.2	\$200.00
Abandoned Hazardous Vehicle	IPM 302.8	\$180.00
Infestation and Rats	IPM 308.1	\$100.00
Sewage in Basement/Sidewalk	IPM 506.2	\$200.00
Waste Management:		
Failure to Recycle	258-39	N/A
Illegal Transportation of Municipal Solid Waste	258-41	\$200.00
Improper Storage of Containers	258-46	N/A
Improper Set-Out Day or Time	258-46	N/A
Improper Recycling	258-46	N/A
Littered Property	258-22	\$200.00
Graffiti	169-45	\$75.00
Streets and Sidewalks:		
Failure to Remove Snow from Sidewalk	262-6	N/A
Throwing of Trash, Snow and Ice in Streets	262-10	N/A

F. In the instance where the City has abated the violation and the charged party fails to pay the abatement costs set forth in a written notice thereof from the City to such individual, the City may include such costs in any citation it issues.

G. A separate offense under this Ordinance shall occur for each and every day such violation continues and shall be subject to the penalty imposed by this section.

SECTION 6. In every instance where the recipient of a violation ticket has requested an appeal within 15 days as set forth above and has made the payments for appeal set forth in the rules and regulations, a hearing officer designated by the Director of Public Works may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated cost, fines or penalty amounts.

SECTION 7. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 8. 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 9. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 26th day of March, 2008, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Janet E. Spleen, City Clerk

By: _____
J. Richard Gray, Mayor