

BILL NO. 12

1st READING 6/22/2016

PASSED 7/13/2016

NO. 12, 2016

AN ORDINANCE

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ARTICLE 1137 - "PUBLIC NUISANCES" OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, PENNSYLVANIA, 1978, AS SUPPLEMENTED AND AMENDED, TO AUTHORIZE THE ISSUANCE OF A TICKET AS A PENALTY FOR NONCOMPLIANCE WITH SUCH ARTICLE, IN ADDITION TO OTHER EXISTING REMEDIES AND PENALTIES, AND TO ESTABLISH THE AMOUNTS OF TICKETED PENALTIES FOR VIOLATIONS AND SUBSEQUENT VIOLATIONS OF SUCH ARTICLE

THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:

SECTION 1. Amendment of Article 1137 Entitled "Noxious Weeds and Grasses." The Code of the City of Chester is hereby amended by deleting the existing text of Subsections 1137.04 (b) and (c) and substituting the following new Subsections 1137.04(b) and (c) in lieu thereof:

(b) Whenever any condition set forth in Section 1137.04(a) is found to exist, any officer or employee of the Department of Public Safety may cause a printed ticket for such violation to be handed to the violator, left upon or affixed to the premises where such violation occurred, or mailed to the address of the property in question or the address to which tax bills are mailed for such property by certified mail. The ticket shall bear the date, the time and the nature of the violation, an order to abate the violation within a specified time, the fine prescribed below, and a reference to this chapter.

i Whoever receives such a ticket may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of such ticket. Payment shall be made as directed on the ticket and the violator shall be furnished with an official receipt therefor, which shall constitute

an admission of the violation charged but shall not excuse a continuing violation.

ii. Ticketed penalties for violations shall be in the following amounts: (i) for the first offense of a violation of this Article within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50) Dollars (ii) for the second offense of a violation of this Article within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred Dollars (\$100); (iii) for the third and any subsequent offense of a violation of this Article within a twelve (12) month period, violation tickets shall be issued in the amounts of Three Hundred Dollars (\$300).

iii. When a person has been notified in the manner set forth in this chapter and does not avail himself or herself of the penalty provision of subsection (a) hereof, a citation or summons shall be issued for such violation. Upon conviction on such summons or citation before the Magisterial District Justice, such person shall be subject to a penalty of not more than one thousand dollars (\$1,000.000) and costs, and in default of payment thereof, imprisonment for a period of not more than thirty (30) days. If the person named in the citation or summons fails to appear on the date specified therein, a warrant may be issued for his or her arrest.

(c) In addition to the penalty provided above, the City shall have all other remedies available at law and in equity.

SECTION 2. This Ordinance shall be effective immediately upon its adoption.

SECTION 3. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or any part thereof, other than that so declared invalid.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

WE HEREBY CERTIFY that this Ordinance passed Council this 13th day of July, A.D. 2016.


MAYOR

Attest:


CITY CLERK