

BILL NO. 4

1ST READING 2/10/2016

PASSED 2/24/2016

NO. 4, 2016

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ARTICLE 1135 - "NOXIOUS WEEDS AND GRASSES" 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 1135.02 entitled "Notice to Abate; Service" of Article 1135 entitled "Noxious Weeds and Grasses." Article 1135.02 which reads as follows:

1135.02 Notice to Abate; Service

The owners of property located within the City shall cut the weeds that are in excess of six inches on height on such property.

Whenever any condition as set forth in Section 1135.01 is found to exist, any officer or employee of the Department of Streets and Public Improvement shall notify in writing the owner, tenant, occupant or agent of the property where the violation exists, to remove or abate the condition in such manner and within such time as the notice shall direct. The notice shall be signed by such employee or officer and also by the director of the Department of Streets and Public Improvements. It shall be served upon the owner, tenant, occupant or agent, either personally or by registered mail, or by posting the premises if no person can be found or ascertained.

Is hereby amended to read as follows:

1135.02 Notice to Abate; Service

The owners of property located within the City shall cut the weeds that are in excess of six inches on height on such property.

- (1) Whenever any condition as set forth in Section 1135.01 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, and mailed by certified mail to the listed address of the property owner on the Delaware County Real Estate Tax records. 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 pursuant to Section 1135.02(1)(b) below, and a reference to this chapter.
- a. 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 therefore, which shall constitute an admission of the violation charged but shall not excuse a continuing violation.
 - b. 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)
 - c. 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.

SECTION 2. Amendment of Article 1135.03 entitled "NONCOMPLIANCE; REMEDY BY CITY OR CRIMINAL ACTION; PENALTY." of Article 1135 entitled "Noxious Weeds and Grasses" which reads as follows:

If the notice is not complied with and the nuisance not abated as directed, the Director of the Department of Streets and Public Improvements or his duly authorized representative may at his discretion take either of the following actions:

- (1) File charges against the violator who upon conviction in a summary proceeding, shall be subject to a fine of not more than one thousand dollars (\$1,000) and costs and , in default of payment thereof, shall be imprisoned not more that ninety days.

(2) Cause the condition to be removed or abated by the employees of the Department of Streets and Public Improvements, any duly authorized agent of the City or by any independent contractor authorized by the City. Thereafter, the owner, tenant, occupant or agent of the property shall be liable for the cost of such removal or abatement plus a service charge of five dollars (\$5.00). The Director of the Department of Streets and Public Improvements shall then collect the same by civil action or he may direct the City Solicitor to file a lien against the property.

Is hereby amended to read as follows:

If the violation notice is not complied with and the nuisance not abated as directed and the fines provided for in Article 1135.02 are not paid the Director of the Department of Public Safety or his duly authorized representative may at his discretion take either of the following actions:

(1) File charges against the violator who upon conviction in a summary proceeding, shall be subject to a fine of not more than one thousand dollars (\$1,000) and costs and , in default of payment thereof, shall be imprisoned not more that ninety days.

(2) Cause the condition to be removed or abated by the employees of the Department of Streets and Public Improvements, any duly authorized agent of the City or by any independent contractor authorized by the City. Thereafter, the owner, tenant, occupant or agent of the property shall be liable for the cost of such removal or abatement plus an administrative charge equal to fifteen percent (15%) of such costs. The Director of the Department of Streets and Public Improvements shall then collect the same by civil action or he may direct the City Solicitor to file a lien against the property.

SECTION 3. Effective Date. This Ordinance shall be effective immediately upon its adoption.

SECTION 4. Severability. 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 5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

WE HEREBY CERTIFY that this Ordinance passed Council this 24th day of February, A.D. 2016.


MAYOR

Attest:


CITY CLERK