

CITY OF LOCK HAVEN, PENNSYLVANIA

FILE OF CITY COUNCIL

SESSION OF 2018 ORDINANCE No. 992

AN ORDINANCE AMENDING ORDINANCE NO. 670 WHICH ADOPTED THE CODE OF ORDINANCES OF THE CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 10 (HEALTH AND SAFETY)

BE IT ENACTED AND ORDAINED by the City Council of the City of Lock Haven, Clinton County, Pennsylvania, that Chapter 10, be. and hereby is. amended as follows:

SECTION I. Chapter 10, Part 1, Section 10-100 is hereby amended to add the following definitions:

**10-100 Definitions**

The following words, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter.

**ENFORCEMENT OFFICER** - the Code Enforcement Officer, the Zoning Officer, any City police officer, or any other City employee assigned to enforcing City Ordinances.

**GROWING SEASON** - The period of time beginning April 1 and ending October 31 in any given year.

**OCCUPANT** - any person living in a dwelling or having possession of a space within a building.

**OWNER** - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON** - any individual, partnership, corporation, association, institution, cooperative enterprise, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PREMISES** - a lot, plot or parcel of land, whether improved or unimproved, including portions occupied by a street or alley and portions of land between sidewalks and streets.

SECTION II. Chapter 10, Part 1, Section 10-101 is hereby amended to read as follows:

## **Section 10-101            Vegetative Growth Restricted**

No person, firm or corporation owning or occupying a property within the City of Lock Haven shall permit any grass or weeds or any other vegetation whatsoever to grow or remain upon such premises to exceed a height of 8 inches, subject to the following exceptions:

- A.     Vegetation which is edible and cultivated for that purpose shall be permitted to exceed a height of greater than 8 inches provided it is planted, cultivated, and maintained in an orderly manner
- B.     Vegetative growth commonly recognized as having an ornamental purpose shall be permitted provided it is planted, cultivated, and maintained in an orderly manner
- C.     The use of native plant species for aesthetic reasons or introduced plant species to attract and aid wildlife may be planted and cultivated; provided it is planted, cultivated, and maintained in an orderly manner.
- D.     Plant growth to offset and control any soil loss problems both occurring or predicted shall be permitted provided it is planted, cultivated, and maintained in an orderly manner.

SECTION III. Chapter 10, Part 1, Section 10-105 is hereby amended to read as follows:

### **10-105            Notice of Ordinance Violation**

- A.     Upon the discovery of an initial violation on a premise during a Growing Season, the Enforcement Officer shall give written notice of warning to the owner and/or occupant of such violation by (a) posting the property and (b) providing notice either by U.S. mail, certified, return receipt requested, to the owner and/or occupant's last known address or by personal service. Following receipt of notice, the owner and/or occupant shall have forty-eight (48) hours to abate such violation. This section shall not apply to subsequent violations after the initial violation by the same owner and/or occupant of a property during the same Growing Season.
- B.     After a period of no less than 48 hours following the receipt of the notice of warning, the Enforcement Officer may inspect the premises for compliance with this ordinance.
- C.     If the owner and/or occupant does not abate the violation within forty-eight (48) hours of receipt of the notice **of warning, or in the event of a subsequent violation within the same Growing Season where no notice of warning is required**, then an ordinance violation shall be issued to the owner and/or occupant by (A) posting the property and (B) providing notice either by U.S. mail,

certified, return receipt requested, to the owner and/or occupant's last known address or by personal service. Each 24-hour period shall constitute a separate violation and an ordinance violation may be issued every 24 hours following the expiration of the initial 48-hour period specified in subsection (A) without further notice as required by that section.

- D. The notice of violation set forth in subsection (C) shall direct and require such occupant or owner, or both of them, to remove, trim, or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance, within 48 hours after posting of such notice. If any owner or occupant shall neglect to comply with such notice within the period of time stated therein, the City authorities may remove, trim or cut such grass, weeds or vegetation so as to comply with the provisions of this ordinance, and the reasonable cost thereof, including court costs and attorney's fees, together with any additional penalty authorized by law, may be collected by the City from such owner or occupant as a penalty under the provisions of this ordinance, or in any other manner provided by law. This right, as herein vested in the City, shall be in addition to the penalties prescribed by Section 10-106 for the failure of the owner or occupant to comply with the terms of this ordinance.
- E. **In addition to, and notwithstanding the City's exercise or non-exercise of the above procedures, following the issuance of a notice of warning (in the event of an initial violation) or without such issuance (in the event of a subsequent violation during the same Growing Season), the Enforcement Officer may issue a citation to the owner/occupant and commence proceedings regarding same in the office of the applicable Magisterial District Judge.**

SECTION IV. Chapter 10, Part 1, Section 10-106 is hereby created and reads as follows:

**10-106 Penalties**

Any person, firm, or corporation who shall violate the terms of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300, nor more than \$1,000, plus costs. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall notice to the offender be necessary to constitute an offense. In default of payment of the penalty stated herein, such offender may be committed to the County Jail for a period not exceeding thirty (30) days.

SECTION V. Chapter 10, Part 1, Section 10-107 is hereby repealed, and succeeding sections renumbered accordingly.

SECTION VI. All ordinances or parts of ordinances inconsistent herewith shall be, and the same are, hereby repealed.

INTRODUCED BY COUNCILMAN \_\_\_\_\_

PASSED CITY COUNCIL FIRST READING \_\_\_\_\_

PASSED CITY COUNCIL SECOND READING \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager