

CITY OF LOCK HAVEN
FILE OF CITY COUNCIL
ORDINANCE NO. 2021-02

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 340 (GARBAGE AND REFUSE STORAGE AND DISPOSAL) AND CHAPTER 386 (VEHICLES, JUNKED AND ABANDONED) OF THE CITY OF LOCK HAVEN TO MIRROR VIOLATION ENFORCEMENT AS THAT THAT APPEARS IN CHAPTER 194 (BRUSH, GRASS AND WEEDS).

BE IT ENACTED AND ORDAINED by the City Council of the City of Lock Haven, Pennsylvania, that Chapter 340, Section 340-13B. be and hereby is amended as follows:

- B. ~~The Enforcement Officer making the report shall also place on or attach to the premises a notice to the occupant, owner, person or tenant that they are in violation of this article, and instructing the occupant, owner, person or tenant that he/she must report to the office of the City Treasurer within 10 days and pay, for the use of the City, the sum of \$25 in the enclosed envelope at City Hall between 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays) or place a stamp on the reverse side and mail using address indicated.~~ Upon the discovery of an initial violation on a premises, the Enforcement Officer shall give written notice of warning to the owner and/or occupant of such violation by posting the property and providing notice either by United States 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 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 year.
- C. 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 chapter.
- D. If the owner and/or occupant does not abate the violation within 48 hours of receipt of the notice of warning, or in the event of a subsequent violation within the same year season no notice of warning is required, then an ordinance violation shall be issued to the owner and/or occupant by posting the property and providing notice either by United States mail, certified, return receipt requested, to the owner and/or occupant's last known address or by personal service. Each twenty-four-hour period shall constitute a separate violation and an ordinance violation may be issued every 24 hours following the expiration of the initial forty-eight-hour period specified in Subsection A without further notice as required by that section.
- E. The notice of violation set forth in Subsection C shall direct and require such occupant or owner, or both of them, to remove the violation so as to conform to the requirements of this chapter, 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 the violation so as to comply with the provisions of this chapter, 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 chapter, or in any other manner provided by law.

- F. 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 year), 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.

BE IT ENACTED AND ORDAINED by the City Council of the City of Lock Haven, Pennsylvania, that Chapter 386, Section 6. be and hereby is amended as follows:

- A. The enforcement officer is hereby empowered to inspect private property on which vehicle(s) are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure, improvement, material or toxin poses a threat to the health, safety, or welfare of the public, ~~he/she shall issue a written notice to the owner and/or occupant either by personal delivery, by United States mail directed to the last known address, or by posting the written notice conspicuously upon the offending premises.~~ then upon the discovery of an initial violation on a premises, the Enforcement Officer shall give written notice of warning to the owner and/or occupant of such violation by posting the property and providing notice either by United States 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 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 year.
- B. ~~If such owner and/or occupant, within seven days after personal delivery, mailing or leaving of such notice, pays to the Treasurer of the City the sum of \$35 for the violation, the same will constitute full satisfaction for the violation noted in said notice.~~ 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 chapter.
- C. ~~Each day that a violation exists shall constitute a separate violation. The failure of such owner and/or occupant to make payment, as aforesaid, within seven days shall render such owner and/or occupant subject to the penalties as provided herein.~~ If the owner and/or occupant does not abate the violation within 48 hours of receipt of the notice of warning, or in the event of a subsequent violation within the same year season no notice of warning is required, then an ordinance violation shall be issued to the owner and/or occupant by posting the property and providing notice either by United States mail,

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

- E. The notice of violation set forth in Subsection C shall direct and require such occupant or owner, or both of them, to remove the violation so as to conform to the requirements of this chapter, 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 the violation so as to comply with the provisions of this chapter, 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 chapter, or in any other manner provided by law.
- F. 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 year), 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.

BE IT FURTHER ENACTED AND ORDIANED that any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted this ___ day of May 2021 to become effective 20 days thereafter.

INTRODUCED BY: _____
PASSED CITY COUNCIL FIRST READING:
PASSED CITY COUNCIL SECOND READING:

ATTEST:

APPROVED:

City Clerk Gregory J. Wilson

Mayor Joel Long