

ORDINANCE NO. _____ of 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NANTICOKE
PROHIBITING PAINTING OR OTHERWISE DEFACING CITY OF NANTICOKE
PROPERTY WITHOUT PRIOR AUTHORIZATION OR LEGAL AUTHORITY TO DO SO

WHEREAS, the City of Nanticoke currently owns various property throughout the City including streets, sidewalks, rights of way, real property (improved and unimproved);

WHEREAS, the City of Nanticoke wishes to set forth specific limitations with regard to painting or otherwise defacing any property owned by the City of Nanticoke.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the City Council of the City of Nanticoke as follows:

1. No person shall be permitted to paint on or otherwise deface or mark property owned by the City of Nanticoke, including but not limited to streets, sidewalks, right of way areas and real property, whether improved or unimproved, without prior written authorization of the City of Nanticoke unless otherwise permitted by law. Public utilities are permitted to mark streets, sidewalks and rights of way to the extent permitted by law. The City of Nanticoke reserves the right to paint or mark City owned property, upon request of a resident, provided the resident pays for all costs associated with such work. The City reserves the right to approve or reject requests for such work as it deems appropriate.

2. Penalties for Violations.

Any person violating the provisions of this Ordinance shall be subject to a fine of not less than \$100.00 and not more than \$300.00 and each day that the condition is permitted to exist shall constitute a separate violation for the purposes of this Ordinance. Any person found to be in violation of this Ordinance shall restore the City owned property to the condition that it existed prior to the painting or defacing of the property at their own expense. Failure to restore the property under this provision shall result in the City restoring the property and imposing the cost of said restoration upon the property owner. If such costs are not paid within 15 days of notice by the City, the City shall place a lien against the property for all costs and fines including all filing fees and attorneys fees occasioned for having to take these actions.

3. Repealer.

All Ordinances or parts of Ordinances of the City of Nanticoke in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed.

4. Severability.

The provisions of this Ordinance are severable and if any section, sentence, clause, revision, part or other portion hereof shall be held unconstitutional, illegal, invalid or otherwise ineffective, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Nanticoke that this Ordinance would have been adopted had such unconstitutional, illegal, invalid, or otherwise ineffective section, sentence clause, or provision, part or other portion not been included herein.

5. Effective Date.

This ordinance shall become effective within thirty (30) days of enactment as provided for in the Home Rule Charter of the City of Nanticoke.

ORDAINED and ENACTED by the CITY COUNCIL OF THE CITY OF NANTICOKE,

this _____ day of _____, 2017.

ATTEST:

CITY OF NANTICOKE:

Mary Beth Cheshinski, City Clerk

William Brown, Council President

APPROVED:

VETO:

Richard Wiaterowski, Mayor

Richard Wiaterowski, Mayor

Date Approved

Date Vetoed