

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 136 “HOUSING STANDARDS” TO ADDRESS LEASING LICENSES BY IDENTIFYING THAT THE PENALTY FOR ALLOWING “ILLEGAL OCCUPANCY” SHALL APPLY TO THE RENTAL OF A UNIT WITHOUT A PRIOR INSPECTION AND WITHOUT PRIOR LICENSING (AS WELL AS SEPARATE PENALTIES IF ONLY LACK OF INSPECTION OR LACK OF A LICENSE IS AT ISSUE)

WHEREAS, the City of Coatesville is a Third Class City situated in Chester County, Pennsylvania operating under a Home Rule Charter and the Third Class City Code (hereinafter “the City”); and

WHEREAS, the City as part of its regulation of “Housing Standards” set in Chapter 136 of the City Code provisions governing the operation of rental units in the City and the licensing thereof; and,

WHEREAS, the Third Class City Code provides authority for regulating public safety including and the enactment Ordinances and regulations governing the public health safety and welfare including housing codes and Ordinances regarding same at 53 P.S. §36006, §37403(60) and 53 P.S. §39130; and,

WHEREAS, the City, pursuant to broad authority granted by the Third Class City Code and the Home Rule Charter has regulated rental properties and rooming houses and hotels in the City and has set forth a licensing procedure and regulations and inspections to assure the safety of the public; and,

WHEREAS, the City has established penalties for illegal rental units identified as those which are occupied without licensing and inspection with increasing penalties imposed jointly and severally against the property owner and the property management company for a first, second and third offense which must be paid prior to licensing; and

WHEREAS, the City wishes to treat such “illegal occupancy” subject to penalties to be the rental of a unit without a prior inspection AND without prior licensing and that such violations with both improprieties present shall constitute an “illegal occupancy” subject to the penalties previously identified.

NOW, THEREFORE, in consideration of the foregoing, and under the authority previously recited, as well as such other power as is available to it, the City of Coatesville does amend its Chapter 136 regarding Housing Standards as follows:

- (1) Section 136-11. J. is amended to state in its entirety as follows: “The property owner and/ or rental management company shall be jointly and severally liable for allowing occupancy of any rental unit - without licensing of same **AND** without inspection of same - and shall be assessed a penalty of \$500 for the first offense in a calendar year, a penalty of \$750 for the second offense in a calendar year and a penalty of \$1,000 for a third offense in a calendar year – each such penalty to be added to the licensing fee and for the unit at issue. Separate violations - lack of a license or lack of prior inspection - shall be subject to a \$250.00 penalty per incident and shall not be cumulative.”

Bill No. 12-2015

Ordinance No. 1455-2015

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

ENACTED AND ORDAINED this 11th day of May, 2015.



Linda Lavender-Norris, President City Council

ATTEST:



Michael O'Rourke, Interim City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 27th day of April, 2015, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 11th day of May 2015, and that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Michael O'Rourke, Interim City Manager