

ORDINANCE

AN ORDINANCE AMENDING CHAPTER "108-1FEES" AS FOLLOWS: 1) AMENDING SECTION 108-1 I. (2) BY ADDING NEW SUBSECTIONS (A) THROUGH (D) ESTABLISHING CHARGES FOR DISPOSAL OF LARGE ITEMS, I.E. TELEVISIONS, COMPUTER MONITORS, TIRES, REFRIGERATORS, FREEZERS AND AIR CONDITIONERS; AND, 2) AMENDING THE EXHIBIT TO ORDINANCE 1471-2016 (REVISING THE FEE SCHEDULE AT CHAPTER 108-1) WITH RESPECT TO A "TENANT GENERATED COMPLAINT INSPECTION" TO PROVIDE PRIOR NOTICE IN WRITING AND OPPORTUNITY TO CURE TO LANDLORD WITH TENANT LIABLE FOR INSPECTION FEE IF NO VIOLATIONS FOUND AND LANDLORD LIABLE FOR INSPECTION FEE IF VIOLATIONS FOUND AFTER NOTICE AND OPPORTUNITY TO CURE.

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

WHEREAS, the City must charge an extra fee for the disposal of large items such as televisions, computers and monitors, tires (whether picked up or dropped off), refrigerators, air conditioners and freezers (whether picked up or dropped off) and has identified fees commensurate with costs incurred by the City and customary in the industry which are identified as: \$30.00 for the disposal of a television, \$20.00 for the disposal of a computer monitor, \$5.00 for the disposal of tires (\$7.50 if picked up) and \$15.00 for the disposal or refrigerators, air conditioners or freezers (\$30.00 if picked up); and,

WHEREAS, Under Ordinance 1471-2016, the Fee Schedule was amended to provide, inter alia, an inspection fee for a "tenant generated complaint inspection" in the amount of \$66.00 payable by the tenant; and,

WHEREAS, at the time of passage the City Council identified that the "tenant generated complaint" under Section 1 of "Housing Standards & Rental Inspections" permitted the possibility of false complaints and self created inspection failings by the tenant and the City Council concluded that with respect to such tenant generated complaint that there be a requirement that prior to any inspection the Landlord must first be supplied with notice in writing from the tenant and an opportunity to cure the identified defect in the premises. No tenant generated complaint will be pursued until after such notice had been established (and opportunity to cure). If, after such notice is established and the complaint is found to be without merit, the inspection fee shall be assessed to the tenant making the complaint. However, if the inspector finds defects warranting corrections by the Landlord, then the fee for the inspection shall be assessed to the Landlord; and,

WHEREAS, while this procedural provision as last referenced is being corrected by amendment of the Exhibit "A" to Ordinance 1471-2016 by Resolution of City Council; and,

EXHIBIT "A"

Housing Standards & Rental Inspections, Chapter

Section 1.	Housing/Rental Inspections, Single Units		
	Biennial Inspection fee or other required inspection, inclusive of up to 1 Re-inspection	\$66.00	Copy of the lease required (with personal data deleted) or certification as to tenants (and other information required by Codes Department)
	Tenant generated complaint inspection	\$66.00	Fee assessed to Land or Tenant as applicable*
	Re-inspection per unit	\$30.00 (residential SFD, \$50.00 (commercial multi-family unit).	Fee assessed to Landlord
Section 2.	Rooming House & Hotel(s)		
	Inspection fee, inclusive of up to 1 inspection per unit	\$66.00 per unit	
	Re-inspection per unit	\$30.00 per unit	
	Rooming House-Base Fee	\$300.00	\$300.00 per year for each structure and use and one follow-up. \$40.00 for third inspection and \$40.00 for every subsequent inspection.
Section 3.	Multi Family Apartment Building		
	Inspection fee, inclusive of up to 1 inspection per unit	\$66.00 per unit	
	Re-inspection per unit	\$30.00 per unit	

*Landlord must first be supplied in writing with notice from the tenant and an opportunity to cure the identified defect in the premises. No tenant generated complaint will be pursued until after such notice had been established (and opportunity to cure). If, after such notice is established and the complaint is found to be without merit, the inspection fee shall be assessed to the tenant making the complaint. However, if the inspector finds defects warranting corrections by the Landlord, then the fee for the inspection shall be assessed to the Landlord.

WHEREAS, it is recognized that an argument may be raised that this change constitutes a “rule or regulation” whereby a “penalty is imposed” requiring an Ordinance under Section 2-201 of the City Charter - and, accordingly, in an abundance of caution, this same correction being made by Resolution is also being approved in this Ordinance.

NOW THEREFORE, in consideration of the forgoing, and its authority under the Third Class City Code and its Charter, the City of Coatesville City Council does hereby enact and amend Chapter 108-1 Fees as follows:

1. Section 108-1.I.(2) is amended by adding new subsections (a-d) with the following language:

- “(a) Disposal of television fee - \$30.00;
- (b) Disposal of computer monitor fee - \$20.00;
- (c) Disposal of tires fee - \$5.00/tire if dropped off \$7.50/tire if picked up;
- (d) Disposal of refrigerators/air conditioners/freezers \$15.00 if dropped off \$30.00 if picked up.”

2. The Chart attached as Exhibit “A” to Ordinance 1471-2016 (establishing various fees under Chapter 108-1) is hereby amended, it being specifically noted that the procedural requirement for a “tenant imposed complaint” under the chart governing Housing Standards & Rental Inspections” is amended to require:

“Landlord must first be supplied in writing with notice from the tenant and an opportunity to cure the identified defect in the premises. No tenant generated complaint will be pursued until after such notice had been established (and opportunity to cure). If, after such notice is established and the complaint is found to be without merit, the inspection fee shall be assessed to the tenant making the complaint. However, if the inspector finds defects warranting corrections by the Landlord, then the fee for the inspection shall be assessed to the Landlord.” - as more specifically set forth in Exhibit “A”.”

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

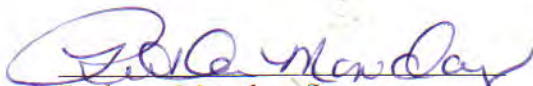
This Ordinance shall become effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED THIS 28 DAY OF March, 2016.

ATTEST:



Linda Lavender Norris, City Council President


Ruthann Mowday, Secretary

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 14 day of March, 2016 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 28 day of March, 2016, 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 T. Trio, City Manager