

ORDINANCE

**ORDINANCE AMENDING SECTION 136 - HOUSING STANDARDS
OF THE CODE OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA TO
ESTABLISH MANDATORY RESIDENTIAL RENTAL INSPECTIONS**

WHEREAS, the City of Coatesville is a Third Class City governed by a Home Rule Charter and the Third Class City Code with a business address of 1 City Hall Place, Coatesville, Chester County, Pennsylvania (hereinafter the "City"); and

WHEREAS, the City of Coatesville is a chartered third class city in the Commonwealth of Pennsylvania, located in Chester County, Pennsylvania; and

WHEREAS, the City of Coatesville, wishes to amend Chapter 136 to promote the safety and preservation of all single and multiple-family residential rental units and enhance the quality of life for residents of the City of Coatesville by creating a new *Section 136-14 A . Mandatory Residential Rental Inspection* of its General Laws; and

WHEREAS, the City of Coatesville provides for inspection of residential rental dwelling units throughout the City; and

WHEREAS, portions of the City's residential housing inventory have become substandard and deteriorated through the lack of maintenance or through alterations and/or uses in violation of law; and

WHEREAS, substandard and deteriorated housing has a detrimental effect upon the stability of neighborhoods, is environmentally undesirable and therefore detrimental to City residents and to neighboring communities; and

WHEREAS, improving the residential housing environment and providing for neighborhood stability throughout the City requires mandatory inspection of residential housing units in the City to ensure that such premises conform to the City's Housing Code and other applicable laws; and

WHEREAS, in order to provide for such needed inspection of residential housing units this ordinance establishes a Mandatory Residential Rental Inspection Program to protect occupants from substandard housing and to maintain neighborhood stability and to provide for an environmentally desirable community for all residents; and

WHEREAS, the fees imposed pursuant to this ordinance shall not exceed the reasonable cost of providing the service for which such fees are charged and shall be reasonable, fair, equitable and proportionately representative of the costs incurred by the City in providing such services; and

WHEREAS, such fees imposed to recover the cost of the Mandatory Residential Rental Inspection Program are imposed not on property ownership per se but rather on the carrying on of the business of renting residential property subject to this ordinance; and

WHEREAS, this ordinance is not intended to require that existing buildings or structures within the City comply with uniform codes currently in effect where such buildings or structures at the time they were

constructed conformed to such codes then in effect, unless otherwise required by other laws and ordinances or unless a failure to comply with codes currently in effect endangers the life, limb, health, property, safety or welfare of such building or structure or occupants or members of the public;

WHEREAS, nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

NOW, THEREFORE, in consideration of the foregoing, it is hereby enacted and ordained by the City Council of the City of Coatesville, pursuant to its authority under the Third Class City Code and the Home Rule Charter, as follows:

SECTION 1

§ 136-14.A Mandatory Residential Rental Inspection

A. Declaration of Purpose.

The City Council finds that the establishment of a mandatory residential rental inspection program for rental units is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in the City.

B. Definitions.

The following words and phrases, whenever used in this Section shall be construed as defined:

- A. "Applicable Laws" includes, but is not limited to, the City's Housing Code, the City Zoning Ordinance, other City ordinances, and other laws or regulations relating to the health or safety of City residents or the public.
- B. "Building Official" means the City of Coatesville Building Official.
- C. "Certificate of Compliance" means the certificate issued evidencing compliance with the requirements of this chapter.
- D. "City" means the City of Coatesville, Pennsylvania.
- E. "Deficiency" means any failure by a Unit subject to this chapter to comply with Applicable Laws.
- F. "Occupant" means an individual, partnership, corporation or association or agent of any of them lawfully residing in a Unit.
- G. "Unit" means a dwelling unit within the City, including single-family homes, duplexes, and multi-family dwellings, motels, hotels and similar living accommodations.
- H. "Owner" means the owner of record as shown on the last equalized assessment roll or such Owner's authorized agent.
- I. "Rental Unit" means a Unit occupied by or intended for occupancy by other than the Owner of the Unit.

C. Applicability.

The provisions of this Section shall apply to all Rental Units.

D. Compliance With Business License Requirements.

Every Owner of Rental Units carrying on the business of operating Rental Units subject to this Section or on whose behalf the business of operating such Rental Units is carried out must comply with the business license requirements of the Coatesville Municipal Code, including, but not limited to, the business privilege license requirements prescribed in that title.

E. Certificate of Compliance Requirement.

Owners of Rental Units, subject to this chapter must file a written application with the Building Official and obtain a valid Certificate of Compliance for each Rental Unit prior to applying for or retaining a business license pursuant to this code. Applications for Certificates of Compliance may be obtained from the Codes Department. To be considered for approval applications for Certificates of Compliance must be complete in accordance with this chapter and any applicable regulations adopted pursuant to this chapter and include the current fee specified in regulations adopted pursuant to this chapter.

F. Initial Inspection.

Within 20 working days of the time an application for Certificate of Compliance submitted to the Building Official is complete in accordance with this chapter, or withing such extended time for inspection as the Building Official may specify, the Building Official shall cause the Unit or Units specified in the application to be inspected. The Building Official shall issue a Certificate of Compliance for Units that comply with applicable laws.

G. Complaint-Based Inspections.

Nothing contained herein shall prevent or restrict the authority of the City's code enforcement officials to inspect any apartment, house or hotel, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such an apartment, house or hotel, and to pursue all code enforcement remedies permissible under this code or other laws following such a complaint based inspection of a rental property.

H. Mandatory Residential Rental Inspections.

Every owner of a rental unit located within the City shall permit the City's inspection of the apartment and the property on which such unit is located, following notice from the City. The building inspector, or his or her designee, shall cause each unit to be inspected once every two (2) years to ensure compliance with all applicable City ordinances or other laws relating to housing, including the substandard housing provisions of the Housing Code contained in chapter 136 of this Code.

I. Re-inspections.

A Unit that exhibits a Deficiency or Deficiencies shall be subject to re-inspections and subject to Chapter 108 Fees.

J. Notice of Inspection.

The building inspector, or his or her designee, shall give a minimum of thirty (30) days advance written notice of the date and time of the periodic inspection to the owner of the unit. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the unit's owner shall be mailed by first class mail to the owner's last known address as it appears in the records of the county assessor.

K. Inspection Consent.

Owners shall make every effort to make Units available for City inspection. If Owners does not consent to City entry for inspection pursuant to this chapter, the Building Official may not force or otherwise attempt to gain entry and may issue appropriate violation notice.

L. Certificate of Compliance Contents.

Certificates of Compliance issued pursuant to this chapter shall specify: the date of issuance, the legal use and occupancy of the Unit, the Unit address, the name of the Unit Owner to whom the certificate is issued, and that the Unit complies with Applicable Laws so far as could be determined by inspection.

M. Validity of Applications and Certificates of Compliance.

Applications for Certificates of Compliance are valid for 90 (ninety) days from the time the application is complete in accordance with this chapter, or a longer time approved by the Building Official. Owners that fail to correct Deficiencies within 90 (ninety) days of the time the application is complete in accordance with this chapter, or within a longer time approved by the Building Official in accordance with this chapter must reapply. Such reapplications must satisfy all requirements of this chapter applicable to new applications, including payment of the current fee. Certificates of Compliance issued pursuant to this chapter shall remain valid for 2 (two) years from the date of issuance.

N. Deficiencies.

The Building Official shall provide the Owner with written notice of each Deficiency disclosed by inspection pursuant to this chapter. Certificates of Compliance may not be issued until all Deficiencies disclosed by inspection pursuant to this chapter are corrected. Unit Owners shall be subject to re-inspections and re-inspection fees as set forth in Chapter 108 Fees.

O. Violations.

If an inspection of a unit or its premises, conducted pursuant to this chapter, reveals any violations of applicable City ordinances or other laws relating to such rental units, including the housing provisions of the Housing Code contained in Chapter 136 of the Coatesville Municipal Code, the violation must be cured within sixty (60) days or designated time by the Code Official. If the violation remains upon re-inspection, the City's code enforcement officials may seek any remedies permitted by law, including obtaining an

inspection warrant, denial or revocation of a rental and business license pursuant, abatement proceedings, as well as other civil or criminal proceedings.

P. Administrative Regulations.

The Building Official is authorized and directed to promulgate administrative regulations pertaining to the implementation and enforcement of this chapter. Such administrative regulations shall not take effect unless and until they are approved by a resolution duly adopted by the City Council following a public hearing thereon.

Q. Voluntary Inspection Requests.

Nothing in this chapter shall be construed to prohibit an Owner from voluntarily requesting an inspection pursuant to this chapter to determine whether a Unit complies with Applicable Laws, even though such inspection may not be required pursuant to this chapter. Such voluntary inspection requests shall be subject to all of the provisions of this chapter, including, but not limited to, the provisions governing applications and fees.

R. Penalties.

Violations of the provisions of this chapter shall be deemed infractions.

S. Appeal.

Any person aggrieved by the determination concerning a Certificate of Compliance application under this chapter may appeal to the Board of Housing Appeals within ten (10) days. Such appeals are procedural only and limited to the issue of whether the City has followed the procedures established by this Section.

T. Immediate Health and Safety Threats.

Nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

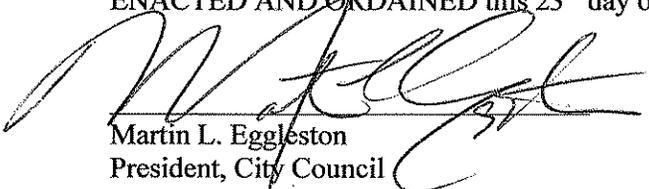
SECTION 2

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Coatesville hereby declares that it would have passed each section, subsection, subdivision, paragraph, Sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 3

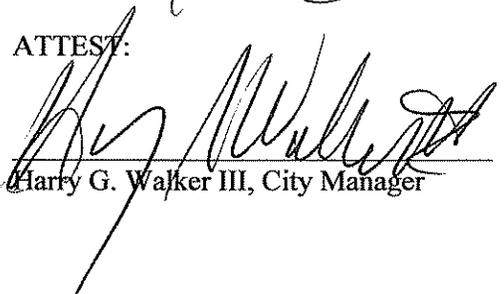
This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 23rd day of February 2009.



Martin L. Eggleston
President, City Council

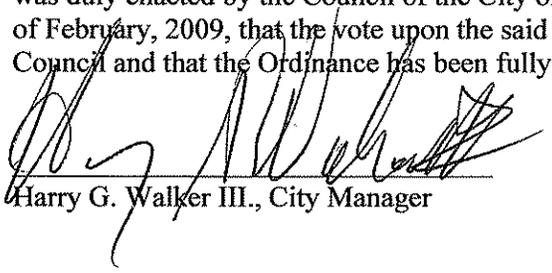
ATTEST:



Harry G. Walker III, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 9th day of February, 2009 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 23rd day of February, 2009, 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.



Harry G. Walker III., City Manager