

**CITY OF COATESVILLE,
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING CHAPTER 190 (“SOLID WASTE”) OF THE GENERAL LAWS OF THE CITY OF COATESVILLE TO PROVIDE FOR MORE CLARITY IN ITS ENFORCEMENT PROVISIONS AND TO CONFER ENFORCEMENT AUTHORITY TO THE NEWLY CREATED POSITION OF “S.W.E.E.P. OFFICER”.

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 has recently established a position of S.W.E.E.P. Laborer/Operator charged with duties including enforcement of the Solid Waste Code regulated by Chapter 190 of the City Code -- as part of the “SWEEP” or Solid Waste Education Enforcement Program; and

WHEREAS, in order to provide clarity with respect to the enforcement provisions of Chapter 190, the City Council wishes to amend Chapter 190 governing Solid Waste to clearly confer enforcement authority with respect to Chapter 190 of the City Code on the newly created position of “S.W.E.E.P. Officer”.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING,

BE IT ORDAINED AND ENACTED by the City Council of the City of Coatesville, Chester County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same that Chapter 190 of the City Code is amended as follows:

Section 1: That Part 1, Article I, Section 190-8, is revised to insert the following after the first sentence:

”Enforcement authority is hereby further conferred to the S.W.E.E.P. (Solid Waste Education Enforcement Program) Officer as appointed by the Director of Public Works. In addition, this authority of enforcement conferred to the S.W.E.E.P. Officer extends not only to Part 1, Section I of Chapter 190 (governing “recycling”) but also to Part 2, Articles II, III, IV, V and Va and Part 3, Article VI, such that any reference to authority conferred for enforcement under Chapter 190 and referencing the “Code Enforcement Officer”(or other authorized enforcing party however designated), shall be interpreted to include as well the S.W.E.E.P. Officer who shall have the same authority of enforcement.”

Section 2: That Part 2, Article II, Section 190-18, be revised to remove the current language and replace it with the following:

“Primary enforcement of this Part 2, the Solid Waste Ordinance, shall rest with the S.W.E.E.P. Officer as appointed by the Director of Public Works;

however, such enforcement authority shall not be exclusive, and is further conferred upon the Code Enforcement Officer or any law enforcement officer of the City of Coatesville. In addition to the enforcement remedies set forth in Section 190-19, the city may petition the appropriate court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of the chapter.”

Section 3: That Part 2, Article III, Section 190-23. B. (1) and (2) shall be revised to insert in each location immediately following the reference to “Code Enforcement Officer” the additional language “or S.W.E.E.P. Officer as appointed by the Director of Public Works”.

Section 4: That Part 2, Article IV, Section 190-25. D. shall be revised to insert immediately following the two (2) references to “Code Official” the additional language “or S.W.E.E.P. Officer as appointed by the Director of Public Works”.

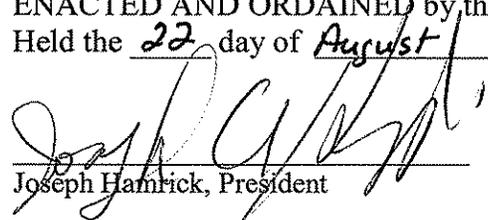
Section 5: That Part 3, Article VI, Section 190-51., be revised to insert the following immediately following “Codes Enforcement Officer”:

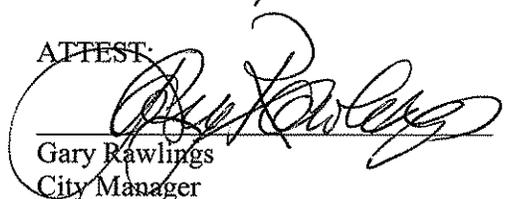
“or the S.W.E.E.P. Officer as appointed by the Director of Public Works,”

Section 6: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

Section 7: That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

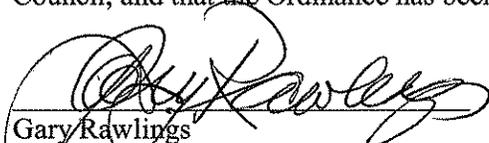
ENACTED AND ORDAINED by the City of Coatesville City Council in a Public Meeting Held the 22 day of August, 2011.


Joseph Hamrick, President

ATTEST:

Gary Rawlings
City Manager

CERTIFICATION:

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 8th day of August 2011, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 22nd day of August, 2011, 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.


Gary Rawlings
City Manager