

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 82 (“BUILDING CONSTRUCTION”) OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, TO REPLACE ARTICLE IV “VACANT PREMISES” TO THE CHAPTER TO ESTABLISH A NEW SUCH CHAPTER SIMPLIFYING THE IDENTIFICATION OF VACANT PREMISES AND THE PROCESS OF REGISTRATION TO REQUIRE ANNUAL REGISTRATION OF VACANT PREMISES AND REGISTRATION FEES FOR A PERIOD OF UP TO TWO YEARS – SUBJECT TO EXTENSIONS – AND SETTING FORTH PROCEDURES FOR BOARDING UP SUCH PROPERTIES AS A TEMPORARY MEASURE

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; and,

WHEREAS, Chapter 82 (“Building Construction”) of the City Code presently does not include a provision requiring registration and implementation of fees for vacant buildings in the City of Coatesville; and

WHEREAS, buildings that are vacant and possess certain characteristics as more specifically set forth in this Ordinance are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and City, and have other undesirable effects; and

WHEREAS, the abatement of nuisance caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the citizens of the City of Coatesville; and

WHEREAS, the registration fees can help cover costs for the City departments to monitor and inspect vacant properties, and

NOW THEREFORE, in consideration of the forgoing, and its authority under the Third Class City Code (including, among other provisions the Property Maintenance of Chapter 180 of the City Code) and its Charter, the City of Coatesville City Council does hereby enact and decree that Chapter 82 of the City Code is amended by the addition of an Article IV, Entitled “Vacant Premises” replacing the prior Article VI Entitled “Vacant Premises” by amending same to read in its entirety as follows:

SECTION 1:

**ARTICLE IV
Vacant Premises**

Section § 82-17: Purpose.

The problem of vacant and abandoned housing units and commercial and other properties is a barrier to reducing crime, encouraging private investment, and enhancing well-being of neighborhoods. It is the responsibility of the property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. A neglected building or lot that is not well maintained and managed can be the core and source of spreading blight.

The purpose of this Article is to return properties to productive use by establishing a procedure for identifying and registering vacant buildings which violate City Codes or State Law and/or have such other identified characteristics as to constitute a nuisance (blighted buildings or structures).

Section § 82-18: Public Nuisance.

Vacant premises as further defined herein shall constitute a public nuisance.

Section § 82-19: Definitions.

Unless otherwise expressly stated, the following words, whenever used in this Article, shall be construed to have the meaning indicated herein:

Boarded – some or all of the building’s doors or windows have been covered with plywood, wood or metal sheeting, paneling or other similar materials, for the purpose of preventing entry into the building or damage by persons, animals or the elements of weather.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Debris - material which is incapable of immediately performing the function for which it was designed including but not limited to: abandoned, discarded, or unused objects, junk comprised of equipment and such vehicles, trucks, boats, trailers and carts that are unregistered and missing parts, not complete in appearance, and in obvious state of disrepair, parts of vehicles, furniture, appliances, cans, scrap metal, building supplies, tires, batteries, containers, barrels, and garbage in the public view.

Deterioration – the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

Dilapidated – Having structural damage or decayed or rotten beyond repair.

Enforcement Officer – Any duly authorized City of Coatesville employee of the Codes Department.

Owner: Any person, agent, operator, entity having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises - A lot, plot or parcel of land including any structure thereon.

Vacant Premises – residential, commercial and industrial buildings and vacant lots which are:

1. Unoccupied for a period of time over one hundred and eighty (180) days; or
2. Unoccupied (for a period of sixty (60) days and abandoned (as established by the Enforcement Officer’s determination that the building lacks utility services, or has multiple City Code, Property Maintenance or other violations, or is subject to a foreclosure action or tax sale and/or there is a determination by the Chief of Police that the property is attracting illegal activity).

Vacant lot - A parcel of land with no structures.

Unoccupied - A building or portion thereof which is no longer used or occupied for its lawful purpose, including buildings ordered vacated by the enforcement officer.

Unsecured – A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

Section § 82-20: Vacant Premises Identification.

Immediately after the effective date of this Article, the Director (Codes Department) shall evaluate all buildings in the City believed to be unoccupied on the effective date of this Article and shall make a determination for each as to whether the building is a “Vacant Premises” within the meaning of Section 82-19. The determination shall be in writing and shall state the factual basis for the determination. The Director (Codes Department) shall, within ten (10) days of determining that a building is a “Vacant Premises”, send notice of his written determination with the factual findings to the last owner of record listed on the most recent Chester County tax roll. Said notice of determination shall be sent to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the Codes Department in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. Any appeals from the determination of the Codes Department shall be made within ten (10) Days before the International Property Maintenance Code Appeals Board as set forth in Section 111.1 of Chapter 180 of the City Code upon the deposit of an appropriate fee. In the absence of such an appeal, the determination of the Codes Department shall be final.

The written notice sent to the owner or the owner’s agent shall describe the conditions that render the property vacant, and shall demand registration within fifteen (15) days of the receipt of such notice. The City may also post notices on the City’s website to provide additional notice to the public.

Section 82-21: Vacant Premises Registration; Registration Fee Schedule.

The owner or operator of vacant premises shall register with the Codes Department no later than 15 days after being notified by an Enforcement Officer of the requirement to register.

The registration will be submitted on a form provided by the Codes Department and will include the following information:

1. A description of the premises, e.g., square footage, number of stories, age of the building, and most recent or current use of the building.
2. The names, addresses, and telephone numbers of the owner or owners.
3. The names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building.
4. The name of the resident agent designated to act on the behalf of the owner to accept legal processes and notices and to authorize repairs as required.

Registration shall be required for all Vacant Premises. In the instance of a Vacant Premises which is determined to be structurally secure and to have a good roof, and which is properly boarded up in accordance with the requirements of this Ordinance and the direction of the Codes Department, the payment of the registration fee shall exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirements unless, there are violations relating to the property resulting from its deterioration or dilapidated condition and for which the condition of being boarded up does not provide a practical and safe solution as determined by the Codes Department, circumstances which shall require affirmative action to avoid action by the Codes

Department for violations. The owner of the Vacant Premises as of December 1 of each calendar year shall be responsible for the annual payment of a non-refundable registration fee of two hundred fifty dollars (\$250.00). Said registration fee shall be billed by the City on or after January 1 of each year on a calendar year basis.

If Vacant Premises are owned by the City of Coatesville or its instrumentalities, it shall be subject to the registration requirements of this section and the maintenance requirements in Chapter 180, but shall not be subject to the fee requirements under this Article.

Any new owner shall register or re-register the vacant premises with the Codes Department upon transfer of an ownership interest in Vacant Premises and the new owner shall get credit for that portion of the year for which a registration fee has already been paid by the prior owner.

Section § 82-22: Time Restrictions for Vacant Buildings.

It is the policy of the City of Coatesville that boarding is a temporary solution to prevent unauthorized entry into vacant boarded buildings. A vacant building may not remain boarded longer than two (2) years unless an extension of that time is approved by the Codes Department, which such extension shall not be unreasonably withheld. If at any time the property becomes in a deteriorated or dilapidated condition, regardless of whether or not it is boarded up, the Codes Department shall take such action as it deems necessary, including removing the property from the Vacant Property List, revoking any privileges granted to such properties, and pursuing any and all remedies available at law or in equity to protect the public and enforce the laws and regulations of the City and the Commonwealth.

Section § 82-23: Exemptions.

A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirements of this Article for a period of ninety (90) days after the date of the fire or the extreme weather event, if the property owner submits a request for exemption in writing to the Codes Department. All boarding of vacant premises will be performed in accordance with the requirements in the 2009 International Property Maintenance Code – Appendix A, Boarding Standards or current edition.

Section § 82-24: Penalties for noncompliance.

The failure of the owner of vacant premises to register and pay all required fees under section §82-21 after receipt of a mailing of a delinquency shall, upon conviction thereof, be punished by a fine not to exceed \$1,000, or imprisonment for not more than 90 days, or both. Each day of violation will be deemed to constitute a separate offense.

Section § 82-25: Delinquent registration fees as a lien.

After the owner is given notice of the registration fee due, said amount shall constitute a debt due and owing to the City of Coatesville. An unpaid fee shall be a lien upon the premises. All delinquent fees will be paid by the owner prior to any transfer of an ownership interest in any vacant premises.

Section § 82-26: Annual report.

Once a year, the Codes Department will send to the City Council and to the City Manager a list of all buildings in the City of Coatesville declared vacant under the provisions of this Article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this Article.

Section § 82-27: Advisory Committee.

The City shall have authority to appoint an Advisory Committee which such Advisory Committee, shall consist of no more than 5 adult residents of the City determined to be capable of assisting the City and appointed on an annual basis by the City Council. The Advisory Committee if created by the City Council shall be charged with assisting the City in identifying properties in the City that may qualify as Vacant Premises as defined by this Ordinance. The Advisory Committee, if established, shall have no ability to enter onto private property and shall have no direct involvement with Code Enforcement, but shall act in an advisory capacity only and shall be permitted to prepare a report of its activities and to report to City Council as it deems appropriate on an annual or semi-annual basis - but no more than 4 times a year.

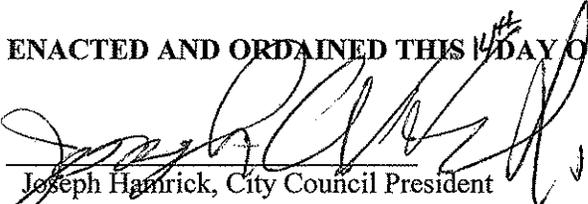
SECTION 2:

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.

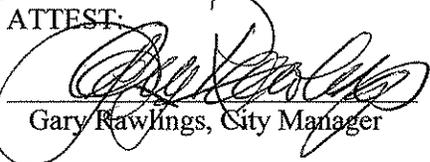
SECTION 3:

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 14th DAY OF NOVEMBER 2011.



Joseph Hamrick, City Council President

ATTEST:


Gary Rawlings, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 10th day of October , 2011 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, of the 14th day of November, 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