

**ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 190, SECTION 9 OF THE CODE OF THE CITY OF COATESVILLE TO ADDRESS LICENSING OF COLLECTORS AND TO ESTABLISH THAT THERE IS NO CHARGE FOR THE CITY'S LICENSING OR REGISTRATION OF SAME, AND ALSO AMENDING SECTION 20 TO ESTABLISH THAT IT IS UNLAWFUL TO BURN RECYCLABLES OR MATERIALS IDENTIFIED IN THE RECYCLING PROGRAM, AND TO IDENTIFY VIOLATIONS OF CHAPTER 190 AS SUBJECT TO ALTERNATIVE ENFORCEMENT BY MEANS OF FINE AND CITATION AT THE DISCRETION OF THE CITY**

**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 wishes to remove section 4 and amend Section 9 of Chapter 190 to comply with conditions from a grant from the Department of Environmental Protection and to clarify that there is no charge for the City's licensing of Collectors of Solid Waste; and,

**WHEREAS**, the City also wishes to add a new Section 20 of Chapter 190 to establish that it is unlawful to burn recyclables or materials identified in the recycling program; and,

**WHEREAS**, the City also wishes to amend Sections 190-10, 190-19, 190-28, 190-31 and 190-51 of Chapter 190 governing enforcement to provide an alternative means of enforcement by means of progressive fines and citation.

**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 decree that Chapter 190 of the Code of the City of Coatesville is amended by the following additions and deletions herein identified:

1. In Section 190-9. A. Licensing requirements the heading "Licensing requirements" shall be deleted and in its place shall be stated as follows:

"Licensing requirements (all references herein to "licensing" in Chapter 190 shall refer to the City's procedure for "registering". There is no fee for "licensing" which is in fact now a procedure for "registration").

2. Section 190-9 A. (4) establishing "fees" shall be stricken. Additionally, the numbers for subsections (5) through (13) shall be re-numbered as (4) through (12).
3. In Section 190-9 A. (9) (now re-numbered (8)), an additional sentence shall be added stating:

"There shall be no fee for the City's license/registration program for licensed haulers."

4. A new Section 190-22 A. is added entitled “Burning of recyclables prohibited”. This new section reads in its entirety as follows:

“190-22 A. **Burning of recyclables prohibited.** It is unlawful to burn recyclables or materials identified in the recycling program of the City.”

5. With respect to the penalty provisions found in Chapter 190 at Sections 190-10, 190-19, 190-28, 190-31 and 190-51 each such section shall have the current section identified as “A” (if not so identified) and a new subsection “B” “Alternate Citation Process” (and re-alphabetizing in sequence if there is a “B” as is the case with Section 31 which also requires amendment to have every reference to “B” be made to “C” etc. See, for example C.(1) which requires modification) said new subsection “B” to state as follows:

“B. Alternative Citation Process:

A. Any person violating the provisions of the Chapter 190 shall, at the discretion of the City, be subject to a fine of \$25.00 to be paid within ten days.

B. Any person violating the provisions of Chapter 190 shall, at the discretion of the City, be subject to a fine of \$50.00 to be paid after ten days but within twenty days.

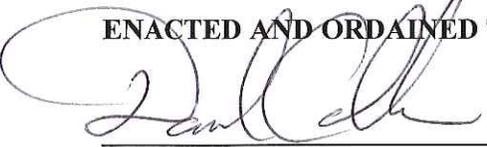
C. Any violation of the provisions of Chapter 190 shall, at the discretion of the City, be subject to a fine of \$75.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.”

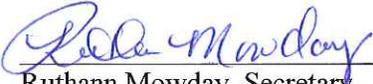
6. All other terms and conditions of Chapter 190 of the City Code shall remain in full force and effect.
7. Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.
8. 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<sup>th</sup> DAY OF OCTOBER, 2013.**

  
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David Collins,  
City Council President

ATTEST:

  
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Ruthann Mowday, Secretary

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 14<sup>th</sup> day of October, 2013 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, of the 28<sup>th</sup> day of October, 2013, 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.

  
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Kirby A. Hudson, City Manager