

**ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 136 "HOUSING STANDARDS" TO ADDRESS LEASING LICENSES TO PROVIDE NEW PENALTIES AND RESTRICTIONS**

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

WHEREAS, the City as part of its regulation of "Housing Standards" set in Chapter 136 of the City Code provisions governing the operation of rental units in the City and the licensing thereof; and,

WHEREAS, the Third Class City Code provides authority for regulating public safety including and the enactment Ordinances and regulations governing the public health safety and welfare including housing codes and Ordinances regarding same at 53 P.S. §36006, §37403(60) and 53 P.S. §39130; and,

WHEREAS, the City, pursuant to broad authority granted by the Third Class City Code and the Home Rule Charter has regulated rental properties and rooming houses and hotels in the City and has set forth a licensing procedure and regulations and inspections to assure the safety of the public; and,

WHEREAS, regulations at Chapter 136 § 11. B, § 12. B and § 13. B each provides with that licenses are to be paid on or before January 1<sup>st</sup> and that payment after March 31 is subject to certain penalties with respect to rooming houses and hotels, multifamily dwellings and leasing licenses; and,

WHEREAS, regulations at Chapter 136 § 11. § 12. and § 13. require that all facilities subject to these provisions must be licensed and the rental of a unit without a license is illegal and improper and requires specific sanction to require compliance, a sanction which takes into consideration the flagrancy of such an act as well as the extra work imposed upon the City in finding such a violation;

WHEREAS, the City wishes to establish penalties for failure to pay for an appropriate rental license by the deadline of March 31 of any year such that the fee is doubled, in addition to any payment of interest or other penalty and for those illegal rental units an increasing penalty is imposed for a first, second and third offense which must be paid prior to licensing. d.

NOW, THEREFORE, in consideration of the foregoing, and under the authority previously recited, as well as such other power as is available to it, the City of Coatesville does amend its Chapter 136 regarding Housing Standards as follows:

- (1) 136-11 B. An additional sentence is added stating, "In addition to any other

penalties, the fee is doubled if not paid by March 31<sup>st</sup>."

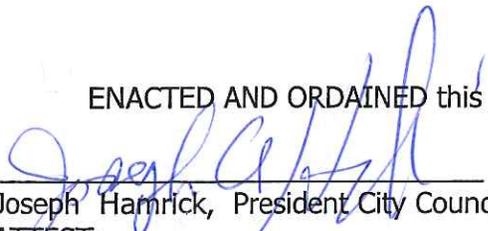
- (2) 136-12. B. An additional sentence is added stating, "In addition to any other penalties, the fee is doubled if not paid by March 31<sup>st</sup>."
- (3) 136-13. B. An additional sentence is added stating, "In addition to any other penalties, the fee is doubled if not paid by March 31<sup>st</sup>."
- (4) A new Section 136-11. J. is added stating as follows: "The property owner and/ or rental management company shall be jointly and severally liable for allowing occupancy of a rental unit without licensing and inspection and shall be assessed a penalty of \$500 for the first offense in a calendar year, a penalty of \$750 for the second offense in a calendar year and a penalty of \$1,000 for a third offense in a calendar year – each such penalty to be added to the licensing fee and for the unit at issue."
- (5) A new Section 136-12.K is added stating as follows: A new Section 136-11. E. is added stating as follows: "The property owner and/ or rental management company shall be jointly and severally liable for allowing occupancy of a rental unit without licensing and inspection and shall be assessed a penalty of \$500 for the first offense in a calendar year, a penalty of \$750 for the second offense in a calendar year and a penalty of \$1,000 for a third offense in a calendar year – each such penalty to be added to the licensing fee and for the unit at issue."
- (6) A new Section 136-13.F is added stating as follows: A new Section 136-11. E. is added stating as follows: "The property owner and/ or rental management company shall be jointly and severally liable for allowing occupancy of a rental unit without licensing and inspection and shall be assessed a penalty of \$500 for the first offense in a calendar year, a penalty of \$750 for the second offense in a calendar year and a penalty of \$1,000 for a third offense in a calendar year – each such penalty to be added to the licensing fee and for the unit at issue."

(7)

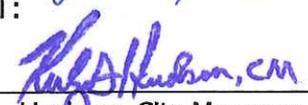
If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

ENACTED AND ORDAINED this 14 day of April, 2014.

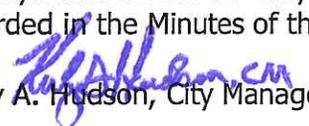
  
\_\_\_\_\_  
Joseph Hamrick, President City Council

ATTEST:

  
\_\_\_\_\_  
Kirby A. Hudson, City Manager

#### CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 24th day of March, 2014, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 14<sup>th</sup> day of April, 2014, 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.

  
Kirby A. Hudson, City Manager