

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 136 "HOUSING STANDARDS" TO ADDRESS EMERGENCY EGRESS FOR UNITS ABOVE THE 2ND STORY

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 has set forth certain safety standards identified as in Chapter 136 of the City Code; and,

WHEREAS, the Third Class City Code provides authority for regulating public safety including Fire Safety and the enactment of ordinances and regulations governing same at 53 P.S. §36006, §37403(60) and 53 P.S. §39130; and,

WHEREAS, the City regulations at Chapter 136 § 136-5D set forth minimum standards for safety in residential rental settings which specify as follows:

"There shall be at least two means of egress from each story above the second story of every multifamily dwelling and of every rooming house when the third story is occupied for dwelling or rooming purposes. Any basement used as a dwelling unit shall not count as a story for the purpose of this action."

WHEREAS, strict compliance with Section 136-5D above will affect rental dwelling housing stock in the City which does not have two means of egress but which can be used for housing; and,

WHEREAS, in order to ameliorate the restrictions of this Section 136-5d, the City proposes an alternative for one and two family dwellings which will permit the property owner to rent the third story for dwelling or rooming purposes and an additional alternative for three or more unit dwellings which will permit the property owner of such properties to temporarily rent the third story for dwelling or rooming purposes for a period of 24 months from the effective date of this legislation during which time the property owner must obtain a sprinkler system or establish a fire escape; and,

WHEREAS, the Codes Department has established that for existing rental of any two family dwellings the use of interconnected smoke alarm system units and an emergency rescue opening of a net of 5.7 square feet with a minimum net clear height of 24 inches and net clear opening width of 20 inches shall be sufficient and replace the need for a fire escape with respect to buildings no greater than 3 stories in height regardless of alterations, repairs or additions; and,

WHEREAS, the Codes Department has established that for dwellings with 3 or more units, the owners of such existing housing shall be required to supply two means of egress unless there is a maximum occupant load of 20 or less where the property is equipped throughout with an automatic sprinkler system; and,

WHEREAS, the Codes Department has also established that for existing dwellings with 3 or more units the use of an automatic fire alarm system with smoke detectors and an emergency rescue opening of a net of 5.7 square feet with a minimum net clear height of 24 inches and net clear opening width of 20 inches shall act as a temporary alternative for a second means of egress (or automatic sprinkler system) for a period of twenty four (24) months after the effective date of this Ordinance and that by the conclusion of this twenty four (24) month period the second means of egress or automatic sprinkler system must be installed.

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 by the amendment to Section 136-5 D. so that it states in its entirety as follows:

"136-5D: There shall be at least two means of egress from each story above the second story of every multifamily dwelling and of every rooming house when the third story is occupied for dwelling or rooming purposes. Any basement used as a dwelling unit shall not count as a story for the purpose of this action."

1. However, as of the effective date of this Amendatory Ordinance, an exception is established to the above-quoted language and the property owner of any two family dwellings shall be permitted to use the property for rental purposes provided that the building is equipped with interconnected multi-station smoke detectors incorporated as follows; one on each floor, one in every common area on each floor (i.e. basement, cellar, stairway, vestibule etc.) all of which are operational as approved by a building inspector. Additionally, as part of this exception, the property shall also have an emergency and rescue opening of a net of 5.7 feet with a minimum net clear height of 24 inches and net clear opening width of 20 inches when the third story is occupied for dwelling or rooming purposes. Absent strict compliance with these requirements, the exception will not apply and the provisions of Section 136-5D recited above are controlling.
2. Additionally, as of the effective date of this Amendatory Ordinance, the property owner of a 3 or more unit dwelling shall be permitted, as a temporary exception to the above-quoted language, to use the property for rental purposes provided that the building is equipped with an automatic fire alarm system installed to provide for smoke detectors in all common areas that sound throughout the building when activated. Additionally, as part of this temporary exception, the property shall also have an emergency rescue opening of a net of 5.7 square feet with a minimum net clear height of 24 inches and net clear opening width of 20 inches when the third story is occupied for dwelling or rooming purposes. Compliance with the above stated requirements shall only be temporary, and within twenty four (24)

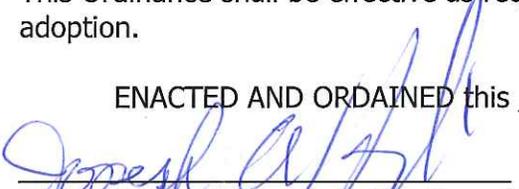
months of the effective date of this Amendatory Ordinance, the property owner shall be required to establish two means of egress as set forth in Section 136-5D recited above or, where there is a maximum occupant load of 20 or less, equip the building throughout with an automatic sprinkler system which shall be treated as the equivalent of a second means of egress.

These amendments to Chapter 136-5D apply only to properties in existence at the time of the enactment of this Ordinance.

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.

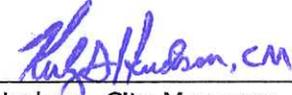
This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

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 14th 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