

ORDINANCE 1436-2014

AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE CITY OF COATESVILLE TO ADDRESS PERMIT FEES AND INSPECTION OF PRIVATELY OWNED DUMPSTERS THROUGHOUT THE CITY BY ADDING A PREAMBLE TO SET FORTH THE PURPOSES OF SAID FEES (AND RELATED INSPECTIONS) AT SECTION 190-24 AND RE-IDENTIFYING THE PRIOR SECTION 190-24 TO BE SECTION 190-24.1; AMENDING § 190-25 TO IDENTIFY THE INSPECTION PROCESS BY ADDING A NEW SECTION 190-25.D AND REVISING SECTION 190-25 D (to correct typographical errors) AS A NEW SECTION 190-25.E.

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 add a preamble to set forth the purpose of the dumpster requirements and fees and to establish authority for the same; and,

WHEREAS, the City also wishes to add provisions section 190-25 to clarify the inspection process on which the fees are in part based; and,

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. Chapter 190 is hereby amended to add the following preamble at §190-24 (with the current § 190-24 being renumbered as § 190-24.1) stating as follows:

"Whereas leaking, filthy, and poorly maintained dumpsters attract rats and other vermin and spilled and overflowing garbage and refuse as well as rats and other vermin attracted thereby pose a hazard to the health safety, and well being of the residents of, and visitors to, the City of Coatesville (the "City"), the City, pursuant to authority vested under its Home Rule Charter, the Third Class City Code codified at 53 P.S. § 37403(6) (and neither preempted by Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101) at 53 P.S. § 4000.101 et seq., nor the Solid Waste Management Act at 35 P.S. § 6018.101 et. Seq.,) hereby regulate dumpsters within the City boundaries as more specifically set forth in this Article IV,"

2. Section 190-25 Permit Fee is amended by the addition of a new Section D as quoted below, with the old Section D removed and replaced with a new Section E. The new Section D shall now read in its entirety as follows:

"D. The City Code Official or SWEEP Officer shall patrol the city routinely

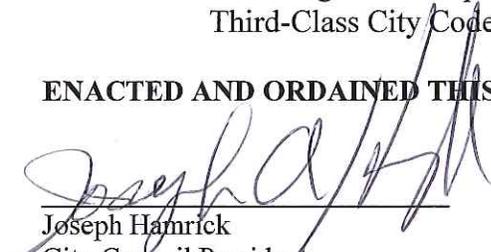
and shall inspect all dumpsters to confirm compliance with the standards set forth in § 190-24.1(A.-H.), as part of his official duties.”

The new subsection “E” shall now read in its entirety (to correct typos in the original subsection “D”) as follows:

“In the opinion of the Code Official or SWEEP Officer, when a dumpster is overflowing, causing an unsanitary condition, or has violated any provision under § 190-24, it may be ordered removed by the Code Official or SWEEP Officer, with any and all costs associated with such action levied on the property owner”.

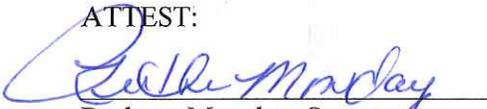
- 3. All other terms and conditions of Chapter 190 of the City Code shall remain in full force and effect.
- 4. Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.
- 5. 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 27th DAY OF OCTOBER, 2014.



Joseph Hamrick
City Council President

ATTEST:



Ruthann Mowday, Secretary

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 13th day of October, 2014 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, of the 27th day of October, 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