

**ORDINANCE**

**AN ORDINANCE AMENDING LANGUAGE IN CHAPTER 108 FEES OF THE CODE OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA TO IDENTIFY THAT THE PENALTY PROVISIONS FOR ALLOWING “ILLEGAL OCCUPANCY” SHALL APPLY TO THE RENTAL OF A UNIT WITHOUT A PRIOR INSPECTION AND THE RENTAL OF A UNIT WITHOUT PRIOR LICENSING; SEPARATE VIOLATIONS TO BE ADDRESSED WITH SEPARATE NON-CUMULATIVE PENALTIES**

WHEREAS, the City of Coatesville is a Third Class City with offices located at One City Hall Place, Coatesville, Chester County, Pennsylvania, and operating pursuant to a Home Rule Charter and the Third Class City Code (hereinafter the “City”); and

WHEREAS, the City Council of the City of Coatesville has received a report (the City of Coatesville Early Intervention Program Phase III Report) from the Econsult/Fairmount Group in March of 2012 establishing that, based upon data available to this group, adjustments were necessary to bring fees into conformity with actual costs of the City regarding such regulation.

WHEREAS, the City in January of 2013 made various adjustments to its fee structure based upon information available to it and in view of the fact that there had been no adjustment to the fees in many years (a period during which the costs of services had dramatically increased) with the intent to assure that the cost of the fees would be established to be revenue neutral and cover the costs of the City’s operations; and

WHEREAS, the City has re-evaluated its fee structure beginning at the end of 2013 and has determined that the fees charged for the Licensing and Permitting of the City’s Rental Properties in the City under Chapter 136 of the City Code did result in an essentially revenue neutral result when reviewing the budget and expenses at year end; and

WHEREAS, the City in 2014 adjusted the fee structure for Licensing and Permitting of the City’s Rental Properties to reallocate the fee structure – with the same intended result of an essentially revenue neutral result based upon a recent reevaluation of the available data; and

WHEREAS, the City Council of the City of Coatesville has subsequently determined that the penalty provisions for allowing “illegal occupancy” should clearly establish that the rental of a unit without a prior inspection AND without prior licensing shall, when both violations are present constitute an “illegal occupancy” subject to penalty and that this penalty should apply to all rental units.

NOW, THEREFORE, in consideration of the foregoing, the City of Coatesville does hereby amend Chapter 108 governing “Fees” as follows:

- (1) Section 108-1.R.(1)(f)[5] “Rental Inspection” is amended at

Section 108-1.V(1-4) governing Housing standards, subsection (3) and new subsection (3.1) are amended to read in their entirety as follows:

“(3) Rental unit annual leasing license fee \$25 for each dwelling unit which must be supplied on or by March 31<sup>st</sup> of each year (the penalty for late payment is \$50.00 added to the license fee).

(3.1) The property owner and/ or rental management company of any property subject to a rental unit leasing license shall be jointly and severally liable for allowing occupancy of any rental unit - without licensing of same AND without inspection of same - 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 - to be added to the licensing fee for the unit at issue. Separate violations - lack of a license or lack of prior inspection - shall be subject to a \$250.00 penalty per incident and shall not be cumulative.”

(2) All other terms of the City Code governing “Fees” shall remain in full force and effect.

(3) 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.

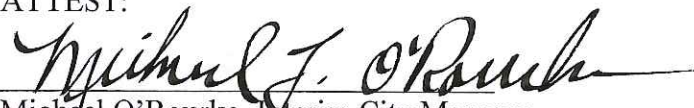
This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 11<sup>th</sup> day of May, 2015.



Linda Lavender Norris, President City Council

ATTEST:



Michael O'Rourke, Interim City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 27th day of April, 2015, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 11<sup>th</sup> day of May, 2015, 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.

  
Michael O'Rourke, Interim City Manager