

AN ORDINANCE OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF COATESVILLE ; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR AN ALTERNATIVE CITATION PROCEDURE TO ADDRESS YARD MAINTENANCE AND SNOW AND ICE ON SIDEWALKS; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH AND NOT SPECIFICALLY PRESERVED.

BE IT ORDAINED AND ENACTED by the City Council of the City of, Coatesville Chester County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

**§180-1.** That a certain document, three (3) copies of which are on file in the office of the Secretary of the City of Coatesville, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Coatesville, in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Coatesville are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in § 180-2 of this ordinance.

**§ 180-2. The following sections are hereby revised:**

Section 101.1. **Insert:** City of Coatesville

Section 103.5. **Insert:** See Chapter 108, Fees, of the Code of the City of Coatesville .

Section 106.3. **Amend:** by removing the words “misdemeanor or” in the fourth line of existing code.

Section 106.4. **Amend:** by removing the existing language under the heading “Violation penalties.” And replacing it with the following:

“A. Any person who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted and shall, upon conviction in a Summary Proceeding before a Magisterial District Judge be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation, plus costs of prosecution.

B. In addition to the enforcement of this code by a Summary Proceeding as identified previously, if an action is brought at Law or in Equity as identified in Section 106.5 of this code, then any person who has violated or permitted the violations of the provisions of this code, upon being found liable therefor in a Civil Action commenced by Coatesville City, shall pay a Judgment of not less than One Thousand Dollars (\$1,000.00) per violation, plus costs and attorney’s fees incurred by Coatesville City.

C. Each day any violation exists and continues shall constitute a separate offense.

D. If any summary Proceeding or Civil Action brought pursuant to this code results in a final determination without any appeal pending and if the violation still exists, then the City of Coatesville through its duly authorized agent, shall be and is hereby empowered to correct the violation by repair or otherwise.

E. All costs, expenses and attorney’s fees incurred or expended by the City of Coatesville for any repair, etc., relative to a violation as is permitted in subsection D above, together with an administrative charge of ten percent (10%) may be charged as a Municipal Claim or Lien against the property at issue and with the rights to collect legal fees, costs and interest thereon in accordance with the City Codes and Pennsylvania Law.”

F. In addition to the procedures provided under Section 109.2 governing temporary safeguards and elsewhere in this code, if the code official determines that a property requires immediate protective measures/repairs in order to protect the public (such as boarding-up the property or mowing the lawn and removing or trimming overgrown bushes and shrubs), then, when it has been determined that a property owner is either not available to immediately effectuate the necessary protective measures/repairs or the property owner refuses to do so immediately, the code official shall be authorized to direct that the needed

protective measures/repairs be undertaken by public employees or private contractors and the property owner shall be responsible for the costs incurred with respect to such protective measures/repairs and shall be required to pay the costs of same within 30 days, and in failing to do so, the property shall be made subject to a municipal lien to cover the costs incurred for the protection of the public safety and to correct the violations at issue together with an administrative charge of ten percent (10%) and other costs and fees permitted under the Municipal Lien Law.

G. With respect to violations of Section 302.4 “Exterior Property Areas” “Weeds” or Section 302.14 “Snow and Ice” the following alternative citation process is available at the discretion of the code official as follows:

Alternative citation process.

(1) Any person violating the provisions of Section 302.4 or 302.14 shall, at the discretion of the City, be subject to a fine of \$25 to be paid within 10 days.

(2) Any person violating the provisions of Section 302.4 or 302.14 shall, at the discretion of the City, be subject to a fine of \$50 to be paid after 10 days but within 20 days.

(3) Any violation of the provisions of Section 302.4 or 302.14 shall, at the discretion of the City, be subject to a fine of \$75 to be paid after 20 days, but before citation.

(4) Failure to respond by the payment of the fines as aforesaid shall, after 28 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 (5) days.”

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**Section 107.1 amend:** by removing the existing language and replaced in its entirety with the following:

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the property owner for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3

**In Section 111 Means of Appeal, Subsection 111.1 amend:** by removing the existing language and replacing in its entirety with the following:

**111.1. Application for appeal.** Any person directly affected by a decision of the code official or notice or order issued under this code shall have the right to appeal to the board of appeals for a review of the decision in accordance with the procedures prescribed by the

board of appeals, provided that a written application for appeal is filed within 10 days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**In Section 111 Means of Appeal, Subsection insert: new Section 111.1.1 to read in its entirety as follows:**

**111.1.1 Appeal fee.** A fee of \$50.00, payable in advance, shall be paid for each appeal taken to the board of appeals from a decision of the code official to defray some of the costs associated with the mailing of notices, convening the board and hearing the appeal.

**In Section 202, General Definitions, add the following definitions:**

**Hazardous Waste.** Any solid waste or combination of solid wastes or liquid or gaseous wastes, which, because of the quantity involved, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population, pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed; or which is otherwise defined as hazardous by any federal or state statute or regulation.

**Amend** the following definition of Rubbish as follows:

**Rubbish.** Add to the existing definition of “Rubbish” the following additional words as an insert before the final words ”and other similar materials”: “municipal waste and trash, ” Additionally, amend the existing definition by adding the following sentence: “Rubbish shall also include car parts, machinery and equipment, and parts of machinery or equipment not in lawful use or operation unless such car parts, machinery, equipment etc., is stored and screened from the view by the public.”

**Trash.** All combustible and noncombustible waste materials except garbage, including the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood excelsior, leather, grass clippings, leaves, shrubs, branches, yard trimmings, Christmas trees, tin cans, metals, mineral matter, glass, crockery, construction fill and debris, dust and similar materials

Section 302.4. Insert: Ten (10”) inches

Section 304.14. Insert: May 15 to September 1

Section 602.3. Insert: September 1 to June 1

Section 602.4. ~~Insert:~~ October 15 to April 15

**Section 3. The following sections are hereby added:**

**Section 302.10. Storage of boats and travel trailers.** No boats or travel trailers shall be permitted to be stored on the premises in plain view of the public (or placed on any public way).

**Section 302.11 Refrigerators and freezers** The owners of refrigerators and freezers which are not in active service shall immediately have the door or doors removed or otherwise secured to prevent access by any individual to the interior thereof.

**Section 302.12 Nuisance junkyards.** Except as provided for in other regulations, no premises shall be used or maintained as a junkyard or dumping ground, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing of any equipment used by contractors, excavators, constructors, builders or any other persons engaged in the business of construction.

**Section 302.13. Rubbish, trash, recyclables etc.,** All exterior property and premises, including public ways shall be maintained so that trash containers and recyclable containers are set out for trash removal (and recycling) no earlier than the night before the assigned pick-up and promptly removed after trash removal and/or recycling (i.e., the day of the assigned pick-up) and no foreign objects shall be left visible in the exterior property and premises.

**Section 302.13. Snow and Ice.** Duty to remove snow and ice (replaces and rescinds the provisions of City Code Chapter 193 Article III, Sections 193-19 to 193-22) .

A. It shall be the duty of the owner of all property to remove at his, her, their or its expense snow or ice from the sidewalks abutting said property so as to maintain a cleared space of not less than 2/3 of the width of the sidewalk within a period of 24 hours after the cessation of any snowfall. Where snow and ice are removed from sidewalks, private drives, parking lots and individual on-street parking areas, snow and ice may be placed or piled on the curbside or the parking areas within eight feet of the curb. Snow and ice from sidewalks, private drives, parking lots and individual on-street parking areas shall not be placed or piled in the travel lanes of the public streets or alleys.

**Section 308.1 Accumulation of rubbish or garbage.** Add additional sentence. "It is the intent of this provision to prohibit mess and unsanitary conditions with respect to any property in the City of Coatesville and the public ways associated with such properties."

**Section 302.8 of the Code is amended to include unregistered and uninspected vehicles**

**and the Code language in Section 302.8 is removed in its entirety and replaced with the following:**

**302.8. Motor vehicles.** Except as provided in other regulations, no currently inoperative, unlicensed, unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in the state of major disassembly, disrepair or in the process of being striped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Section 304.3 of the Code s amended by removal of Section 304.3 of the Code and replacing it in its entirety with the following:**

**Section 304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street, alley or road in front of the property and in the rear of each property. These numbers shall contrast with their background. Address numbers shall be in Arabic numbers or alphabet letters. Numbers and letters shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7mm).

**§ 180-3. Effect of other regulations.**

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulation of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where requirements thereof are more restrictive than the provisions of this code.

**§ 180-4. Existing rights not affected.**

Nothing in this chapter or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or any liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 180-2 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

**§ 180-5. Savings Clause.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by any Court of competent jurisdiction to be unconstitutional, invalid or illegal, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Coatesville hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, invalid or illegal. Further, if any section or provisions of this ordinance is declared to be unconstitutional, illegal or

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invalid, such unconstitutionality; illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

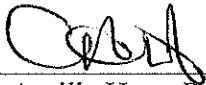
**§ 180-6. Inconsistent Ordinance Repealed.**

All existing ordinances of the City or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed **unless stated otherwise.**

**§ 180-7. Publication.** That the City Secretary is hereby ordered and directed to cause this ordinance to be published as necessary in accordance with the City Code and Pennsylvania Law.

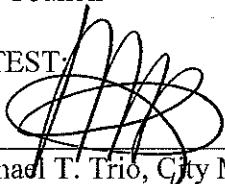
**§ 180-8. Effective Date.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect according to law thirty days after advertisement subsequent to its enactment.

Now therefore, this Ordinance of the City of Coatesville Is hereby ENACTED AND ORDAINED this 12 day of June 2017.



C. Arvilla Hunt, President  
City Council

ATTEST:



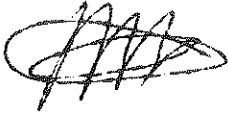
Michael T. Trio, City Manager

**CERTIFICATION**

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the day of , 2017, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 12 day of June , 2017, 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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A handwritten signature in black ink, appearing to read "M. Trio", enclosed within a hand-drawn oval.

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Michael T. Trio, City Manager