

BY-LAWS OF
REDEVELOPMENT AUTHORITY OF THE CITY OF COATESVILLE

ARTICLE I
POWERS AND DUTIES

1. Powers of the Authority

The City of Coatesville, a Third Class City of the Commonwealth of Pennsylvania, adopted Ordinance Number 1110-99 on September 27, 1999, declaring the need for a Redevelopment Authority. Thereafter, on April 18, 2000, the Redevelopment Authority of the County of Chester adopted a resolution whereby it relinquished and transferred all of the redevelopment functions within the City of Coatesville to the Redevelopment Authority of the City of Coatesville. In accordance with the Urban Redevelopment Law, 53 P.S. '1701, et seq., a Certificate of Authority for the Redevelopment Authority of the City of Coatesville was filed and recorded with the Corporation Bureau of the Pennsylvania Department of State on June 13, 2000.

The Redevelopment Authority of the City of Coatesville shall constitute a public body, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the Urban Redevelopment Law, the provisions of which are incorporated herein by reference and which shall include the following powers:

(a) To obtain from the City of Coatesville Planning Commission the designation of a redevelopment area or areas and its recommendations for redevelopment projects;

(b) To review the recommendations of the Planning Commission for the redevelopment of any area within the City and to make its own investigations and recommendations with respect to same;

(c) To make and assist in implementing (1) plans for carrying out various programs of voluntary repair, rehabilitation and conservation of property, buildings and improvements, (2) plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, (3) plans for the relocation of persons displaced by any government activities related to the purposes of the Urban Redevelopment Law or any activities of the Authority, (4) plans outlining redevelopment activities for neighborhoods, and (5) surveys to determine if the undertaking and carrying out of a redevelopment project are feasible;

(d) To act as agent of the State or Federal Government or any of their instrumentalities or agencies for public purposes;

(e) To arrange or contract with the City of Coatesville, Chester County, the State of Pennsylvania or the Federal Government for the furnishing, planning, replanning, constructing, installing, opening or closing of streets, alleys, sidewalks or other places or facilities, or for the acquisition by the City, County or State or Federal Government of property options or property rights or for the furnishing of property or services in connection with a redevelopment area;

(f) To assemble, purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein from any person, firm, corporation, municipality or government: Provided, That no real estate, located outside of a redevelopment area, which is not necessary to the corporate purposes of the Authority nor necessary to the successful redevelopment of a redevelopment area, shall be purchased by the Authority;

(g) To acquire by eminent domain any real property including improvements and fixtures for public purposes except real property located outside a redevelopment area. Title to any property acquired by the Authority through eminent domain shall be an absolute or fee simple title, unless the Authority determines that a lesser title should be designated in the eminent domain proceedings. The Authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by Third Class Cities;

(h) To sell, lease or otherwise transfer any real estate located outside of a redevelopment area;

(i) To sell, lease or otherwise transfer any real estate located in a redevelopment area with the approval of City Council, provided that the Authority finds that the sale, lease or other transfer of the real estate will not be prejudicial to the sale or lease of other parts of the redevelopment area, nor be in any other way prejudicial to the realization of the redevelopment proposal approved by the City Council;

(j) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and any contract or instrument when signed by the chairman or vice-chairman of the Authority, or by an authorized use of their facsimile signatures, and by the secretary or treasurer or assistant treasurer of the Authority, or by an authorized use of their facsimile signatures, shall be held to have been properly executed for and on its behalf;

(k) To make, directly or indirectly, secured or unsecured loans to any purchaser or owner of a residential housing or a commercial or an industrial project for the purpose of financing the purchase, construction, rehabilitation, demolition or equipping of a residential housing or a commercial and industrial redevelopment program;

(l) To make loans to or deposits in order to enable a financial institution to finance the acquisition, construction, rehabilitation or equipping of a residential housing or a commercial and industrial redevelopment program.

2. Preparation and adoption of redevelopment proposal

(a) The Authority shall prepare a redevelopment proposal for all or part of any area certified by the City of Coatesville Planning Commission to be a redevelopment area.

(b) The Planning Commission's redevelopment area shall include those items required by the Urban Redevelopment Law.

(c) The Authority shall submit its redevelopment proposal to the Planning Commission for review. The Planning Commission shall, within forty-five days, certify to Coatesville City Council its recommendation on the redevelopment proposal, either of approval, rejection or modification, and in the latter event, specify the changes recommended.

(d) Upon receipt of the Planning Commission's recommendation, or at the expiration of forty-five days, if no recommendation is made by the Planning Commission, the Authority shall submit to City Council the redevelopment proposal with the recommendation, if any, of the Planning Commission thereon.

(e) The City Council upon receipt of the redevelopment proposal and the recommendation, if any, of the Planning Commission shall hold a public hearing upon said proposal. The redevelopment proposal with such maps, plans, contracts or other documents as form part of the proposal, together with the recommendation, if any, of the Planning Commission and supporting data shall be available for public inspection for at least ten days prior to the hearing.

(f) City Council shall approve or reject the redevelopment proposal as submitted. City Council shall not approve a redevelopment proposal unless it is satisfied that adequate provisions are made to rehouse displaced families, if any, without undue hardship.

(g) The redevelopment proposal may contain the form of the redevelopment contract with the redeveloper selected and upon

approval by City Council of the proposal, the Authority is authorized to execute the redevelopment contract. If the proposal does not contain the form of the redevelopment contract with a redeveloper selected, the Authority shall not execute a redevelopment contract with a redeveloper thereafter selected, until the said redevelopment contract shall have been approved by City Council and found to be in substantial conformity with the plan approved by City Council.

3. Preparation of a residential housing redevelopment program and commercial and industrial redevelopment program

(a) The Authority may develop a residential housing redevelopment program or a commercial and industrial redevelopment program.

(b) The Authority shall submit the redevelopment program to the Planning Commission for review and approval.

(c) The Planning Commission, within forty-five days, shall either approve, reject or modify the program. If the Planning Commission takes no action within forty-five days, the program shall be deemed approved on the forty-sixth day.

(d) Upon approval by the Planning Commission, or at the expiration of forty-five days, if no recommendation is made by the Planning Commission, the Authority is authorized to take such action as may be necessary to carry out the redevelopment program.

4. Blighted property removal

(a) The Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property, either within or outside of a redevelopment area and shall have the power to hold, clear, manage and/or dispose of said property for residential and related reuse or commercial or industrial reuse.

(b) Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a Vacant Property Review Committee by ordinance of City Council. The Committee shall be made up of members as determined in the said ordinance, but shall include at least one member of City Council, a representative of the Redevelopment Authority, a representative of the Planning Commission, and a representative to be designated by the City Manager.

(c) Blighted property shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the City of Coatesville, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years.

(8) Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(d) The Vacant Property Review Committee and the Planning Commission, upon making a determination that any property is blighted within the terms of this section, must certify said blighted property to the Redevelopment Authority, except that:

(1) No property shall be certified to the Redevelopment Authority unless it is vacant.

(2) No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent in accord

with the provisions of the City ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance.

(3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the responsible department or other officer or agency.

(e) At least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property if the Planning Commission certifies that disposition for residential or related use would not be in accord with the comprehensive plan.

ARTICLE II MEMBERSHIP and OFFICERS

1. Appointment and qualifications of members of Authority

City Council shall appoint, as members of the Authority, five citizens. A majority of the members of the Authority shall be residents of the City of Coatesville, and the remainder may be nonresidents who own and operate business in the City of Coatesville.

2. Tenure and compensation of members of Authority

The term of office shall be five years with the term of one member expiring each year. A member shall hold office until his successor has been appointed. Vacancies for unexpired terms shall be promptly filled by City Council. A member shall receive no compensation for his or her services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties.

3. Organization of Authority

The members shall select from among themselves a Chairman, a Vice-Chairman, a Secretary, a Treasurer and an Assistant Treasurer. It may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such

persons. Three members of an Authority shall constitute a quorum for its meetings. The Authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary, subject always to the supervision and control of the Authority.

The Authority shall designate at least one of its members to serve on the Vacant Property Review Committee and may designate an alternate. The Authority may designate members to serve on the Personnel Committee, the Executive Committee or upon such other committees as may be deemed necessary from time to time.

4. Interest of members or employees

No member or employee of an Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the Authority, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of the Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he or she shall disclose the same in writing to the Authority and to City Council, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

5. Registered Office

The registered office of the Authority shall be at 1 City Hall Place, Coatesville, PA 19320, until otherwise established by the Board .

6. Fiscal Year

The fiscal year of the Authority shall begin the first day of January of each year.

7. By-Law Amendments

These By-Laws may be amended from time to time by the members of the Authority. Any such amendment shall be proposed to the members at least ten (10) days prior to the date of the anticipated vote thereon, and a copy of the proposed amendment shall be made available to City Council and to the public at least seven (7) days prior to such date.

**ARTICLE III
MEETINGS**

The regular monthly meeting of the Authority shall be on the third Tuesday of each month, or at such other times as the Authority may from time to time designate. Notice of the meetings shall be published as required by law.

**ARTICLE IV
MEMBERS**

1. Unless otherwise provided by statute, all powers vested by law in the Authority shall be exercised by or under the authority of, and the business and affairs of the Authority shall be managed under the direction of the members of the Authority.

2. Personal Liability of Members.

(a) A member shall not be personally liable for monetary damages for any action taken, or any failure to take any action, unless (1) the member has breached or failed to perform the duties of his or her office under 15 Pa. C.S. Subchapter 17B; and (2) the breach or failure to perform constitutes self-dealing, willful misconduct or recklessness.

(b) The provisions of the paragraph above shall not apply to (1) the responsibility or liability of a member pursuant to any criminal statute or (2) the liability of a member for the payment of taxes pursuant to federal, state or local law.

(c) A member shall stand in a fiduciary relation to the Authority and shall perform his or her duties as a member, including duties as a member of any committee of the Board upon which the member may serve, in good faith, in a manner that the member may reasonably believe to be in the best interests of the Authority and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances.

3. Attendance (Amended May 20, 2013)

(a) An absence of a member from three (3) or more consecutive regular meetings of the Authority's members, OR from twenty (20) percent or more of the regularly scheduled meetings of the Authority within any one (1) year period, without an approved leave of absence granted by a majority vote of the Redevelopment

Authority's Board, shall be notified in writing of (a) his or her absences and (b) that any continued absence(s) by that member, without the aforesaid leave of absence having been granted, shall result in the Redevelopment Authority conducting a hearing, advance notice of which shall be given to all members in writing, to determine whether or not to declare a vacancy in that member's term. The hearing may be waived if such member resigns in writing or waives the public hearing in writing. Should the Board determine that a vacancy exists, it shall notify the City Manager and City Council of such vacancy and the need to fill such term, in accordance with the applicable provisions of the Pennsylvania Urban Redevelopment Law.

(b) The provisions of this section shall not preclude the removal of any member of the Authority when authorized by State law or Court Order.]

ARTICLE V OFFICERS

1. The Chairman and Vice-Chairman

The Chairman shall be the chief executive officer of the Authority and shall have general supervision over the operations of the Authority, subject, however, to the control of the members. The Chairman shall sign, execute and acknowledge in the name of the Authority deeds, mortgages, bonds, contracts or other instruments authorized by the members, except in cases where the signing or execution thereof is expressly delegated to some other officer or agent of the Authority; and, in general, shall perform all duties incident to the office of Chairman and such other duties as may from time to time be assigned by the members. In the absence of the Chairman, the same shall be performed by the Vice-Chairman.

The Chairman is the designated spokesperson for the Authority and shall be the liaison between the Authority and the Planning Commission and City Council.

2. The Secretary

The Secretary shall attend all meetings of the Authority and shall record all of the votes of the members and the minutes of the meetings; shall see that notices are given and records and reports properly kept and filed by the corporation as required by law; and, in general, perform all duties incident to the office of secretary, and such other duties as may, from time to time, be assigned by the members or the Chairman.

3. The Treasurer and Assistant Treasurer

The Treasurer and Assistant Treasurer shall have or provide for the custody of the funds or other property of the Authority and shall collect and receive or provide for the collection and receipt of monies received by the Authority; shall deposit all funds in his or her custody as treasurer in such banks or such other places of deposit as the Authority may from time to time designate; shall, whenever so required by the Authority, render an account showing all transactions as treasurer and the financial condition of the Authority; and, in general, shall discharge such other duties as may from time to time be assigned by the members or the Chairman. In the absence of the Treasurer, the same shall be performed by the Assistant Treasurer.

(a) **Deposits.** All funds of the Authority shall be deposited from time to time to the credit of the Authority in such banks, trust companies or other depositories as the members may approve or designate and all such funds shall be withdrawn only upon checks signed by two of the following: the Chairman or Vice-Chairman or Treasurer.

(b) **Financial Reports.** The Authority shall adopt an annual budget at its December meeting and shall, during the year, make such changes or amendments thereto as necessary. It shall make such financial reports as required by law and shall make such reports publicly available. The financial statements shall be prepared on the basis of generally accepted accounting principles. Statements that are audited or reviewed by a public accountant shall be accompanied by the report of the accountant.

AMENDED, RESTATED AND ENACTED BY THE REDEVELOPMENT AUTHORITY OF THE CITY OF COATESVILLE ON THE 17th DAY OF OCTOBER, 2000.