

BILL NO. 9

1st READING 4/13/2016

PASSED 4/27/2016

NO. 9, 2016

AN ORDINANCE

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, REPEALING ARTICLE 1703, "BOCA NATIONAL EXISTING STRUCTURES CODE" IN ITS ENTIRETY, AND ADOPTING A NEW ARTICLE 1703 OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, PENNSYLVANIA, 1978, AS SUPPLEMENTED AND AMENDED; SAID ARTICLE SHALL BE ENTITLED "USES REQUIRING AN ANNUAL PERMIT" TO PROVIDE FOR THE INSPECTION OF CERTAIN PREMISES EITHER ON AN ANNUAL BASIS OR UPON THE CHANGE IN USE OR OCCUPANCY OF THE PREMISES; SETTING PERMIT FEES; AND PROVIDING FOR PENALTIES FOR NONCOMPLIANCE WITH SUCH ARTICLE, IN ADDITION TO OTHER EXISTING REMEDIES.

THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:

BE IT ENACTED and it is hereby enacted and ordained by the Council of the City of Chester, Delaware County, Pennsylvania, as follows:

Section 1. The current Article 1703, entitled "BOCA National Existing Structures Code", of the codified ordinances of the City of Chester is hereby repealed in its entirety.

Section 2. A new Article 1703, entitled "Uses Requiring A Permit" is hereby enacted to read as follows:

"1703.01 ADPOTION AND PURPOSE.

For the purpose of establishing regulations for the safe and sanitary use and occupancy of buildings to ensure compliance with all applicable City ordinances this Article provides for the inspections of buildings and the issuance of permits and provides for penalties for noncompliance with the ordinance.

1703.02 SINGLE FAMILY RESIDENCES AND DUPLEX RESIDENCES

a. No owner shall occupy or let to any other occupant any dwelling unit unless a Use and Occupancy Permit has been obtained from the Department of Public Safety. The applicant shall supply such information in writing as the Department requires and shall pay a fee for each Use and Occupancy Permit. If additional inspections are necessary to ascertain compliance with City ordinances the Building Code Official may charge an additional inspection fee for each inspection subsequent to the first inspection. The Council of the City of Chester shall establish by Resolution the fees for inspections and for the issuance of the permit.

b. No owner shall occupy the premises, or allow the premises to be occupied, unless a Use and Occupancy Permit is obtained. The Department shall not issue a permit unless the premises are in compliance with all applicable City ordinances and the permit fee and inspection fees have been paid.

c. Any owner who is required to obtain a Use and Occupancy Permit under this Article shall be subject to all remedies allowed by law including prosecution and fines under any applicable City ordinance and in addition thereto they shall be denied the right to recover possession of the premises or to collect rent during any period of noncompliance

1703.03 MULTI-FAMILY DWELLINGS

a. A multi-family dwelling is any premises containing more than two residential units. No person shall operate a multi-family dwelling unless they have obtained from the Department of Public Safety an annual Use and Occupancy Permit for the premises. The applicant shall supply such information in writing as the Department requires and shall pay a fee for each Use and Occupancy Permit. If additional inspections are necessary to ascertain compliance with City ordinances the Building Code Official may charge an additional inspection fee for each inspection subsequent to the first inspection. The Council of the City of Chester shall establish by Resolution the fees for inspections and for the issuance of the permit

b. Each multi-family dwelling permit shall remain in force for a period of one year from the date of issuance unless sooner revoked by the Department.

c. Every multi-family dwelling permit shall be displayed in a conspicuous place within the multi-family dwelling.

d. No permit required by this Article shall be transferable unless the new owner or operator gives written notice to the Department within ten days after the transfer of ownership or control. Such notice shall include the name and address of the person succeeding to the ownership or control.

1703.04 SINGLE ROOM OCCUPANCY FACILITIES

a. No person shall operate a single room occupancy facility or let to another for occupancy any single room unit unless they have obtained an annual Use and Occupancy Permit for the rooming unit. A single room occupancy facility is one where single rooms are available for long-term residential rental purposes, not a hotel or a dormitory facility. The applicant shall supply such

information in writing as the Department requires and shall pay a fee for each Use and Occupancy Permit. If additional inspections are necessary to ascertain compliance with City ordinances the Building Code Official may charge an additional inspection fee for each inspection subsequent to the first inspection. The Council of the City of Chester shall establish by Resolution the fees for inspections and for the issuance of the permit.

b. Each single room occupancy permit shall remain in force for a period of one year from the date of issuance unless sooner revoked by the Department.

c. Every single room occupancy permit shall be displayed in a conspicuous place within the premises.

d. No permit required by this Article shall be transferable. Each new owner or operator must obtain a new Use and Occupancy Permit prior to taking possession of the single room occupancy premises.

1703.05 COMMERCIAL PREMISES

a. No person shall operate any commercial premises unless they have obtained an annual Use and Occupancy Permit for the commercial use. The applicant shall supply such information in writing as the Department requires and shall pay a fee for each Use and Occupancy Permit. If additional inspections are necessary to ascertain compliance with City ordinances the Building Code Official may charge an additional inspection fee for each inspection subsequent to the first inspection. The Council of the City of Chester shall establish by Resolution the fees for inspections and for the issuance of the permit.

b. Each commercial permit shall remain in force for a period of one year from the date of issuance unless sooner revoked by the Department.

c. Every commercial occupancy permit shall be displayed in a conspicuous place within the premises.

d. No permit required by this Article shall be transferable. Each owner or operator must obtain a new Use and Occupancy Permit prior to taking possession or control of the commercial premises.

1703.06 APPEAL RIGHTS

Any person who has been issued a notice in connection with the enforcement of any provision of this Article may request a hearing on the matter before the Director of Public Safety, provided the person files in the office of the Director a written request for such hearing. Said request must be received by the Director within five (5) days after the notice was served or posted. Upon receipt of a written request for a hearing the Director shall schedule a time and place for the hearing and give the petitioner written notice thereof. At such hearing the petitioner may present any evidence he has to show the notice should be modified or withdrawn.

1703.99 PENALTY

a. Any person who violates any provision of this Article or fails to comply with any requirement hereof shall, upon conviction in a summary proceeding, be liable for the following fines:

- i. First violation fine of Five Hundred Dollars (\$500.00).
- ii. Second violation a fine of Seven Hundred Dollars (\$700.00).
- iii. Third and each subsequent violation thereafter a fine of One Thousand Dollars (\$1,000.00).

b. This penalty section shall not limit the rights of the City of Chester to take any and all necessary legal action to force the abatement of any violation and/or nuisance which rights shall include, but not be limited to, the temporary or permanent closure of the premises, and any other remedies permissible under any code or ordinance of the City of Chester and law of the Commonwealth of Pennsylvania. Any penalties listed above shall be in addition to any other legal action taken by the City of Chester.

Section 3. Effective Date. This Ordinance shall be effective immediately upon its adoption.

Section 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or any part thereof, other than that so declared invalid.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

WE HEREBY CERTIFY that this Ordinance passed Council this 27th day of April, A.D. 2016.


MAYOR

Attest: 
CITY CLERK