

ORDINANCE NO. 20 – 2017  
BOROUGH OF WEST CHESTER  
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER,  
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE  
OF THE BOROUGH OF WEST CHESTER, SPECIFICALLY  
CHAPTER 94A TITLED, "STREAM PROTECTION FEE", TO  
AMEND SECTION 94A-7 TITLED "BILLING AND PAYMENT"  
AND SECTION 94A-11 TITLED "APPEALS".

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester, as follows:

**SECTION 1.** Chapter 94A, Section 94A-7, Subsection E, of the Borough Code shall be amended by inserting the word "due" before the word "date" on the first line thereof.

**SECTION 2.** Chapter 94A, Section 94A-11, Subsection C, of the Borough Code shall be amended by deleting the word "Manager" and inserting the words "Director of Public Works".

**SECTION 3.** Chapter 94A, Section 94A-11, of the Borough Code shall be amended by deleting Subsection D and adding the following new Subsection D, which shall provide as follows:

- D. The Director of Public Works or his/her designee shall review the issues raised by the Appeal and conduct an inspection of the Property if necessary. Within thirty (30) days of the filing of the Appeal, the Director shall issue a written decision on the Appeal and mail it to the Property Owner by USPS First Class Mail. The date of the decision shall be the date of mailing. The Director may adjust the Fee applicable to the Property based on the decision and in accordance with the provisions of this chapter.

**SECTION 4.** Chapter 94A, Section 94A-11, of the Borough Code shall be amended by adding the following new Subsection E, which shall provide as follows:

- E. The Property Owner may file an appeal in writing from the decision of the Director of Public Works and request for a hearing to the Office of the Borough Manager on a form provided by the Borough. The appeal must be received by the Borough within ten (10) days of the date of the decision under Section 11.D hereinabove. Untimely appeals will be dismissed without further action or hearing. The appeal shall be heard and decided by the Borough Manager or his/her designee in accordance with Sections 553 through 555 of the Pennsylvania Local Agency Law. Written notice of

the date, time and place of the hearing shall be mailed to the Property Owner by USPS First Class Mail to the address on the appeal form. A stenographic record of the hearing shall be made. The appearance fee of the stenographer shall be shared equally by the Property Owner and the Borough. The cost of the transcript shall be paid by the party requesting the transcript or taking an appeal under Section 11.F herein below. The Borough Manager or his/her designee shall issue a written decision on the appeal within thirty (30) days of the conclusion of the hearing and mail the decision to the Property Owner and the Borough Director of Public Works by USPS First Class Mail the day following the date of the decision. The date of the decision shall be the date of mailing.

**SECTION 5.** Chapter 94A, Section 94A-11, of the Borough Code shall be amended by re-lettering existing Subsections E and F as Subsections F and G, respectively.


**SECTION 6. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 7. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 12th DAY OF December, 2017.

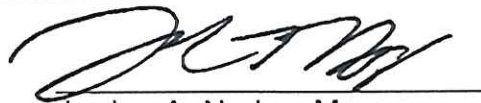
ATTEST:

  
Michael A. Perrone, Secretary

COUNCIL FOR THE BOROUGH  
OF WEST CHESTER

BY:   
Diane C. LeBold, President

APPROVED THIS 12th DAY OF December, 2017.

  
Jordan A. Norley, Mayor