

ORDINANCE NO. 138 OF 2016

AN ORDINANCE OF THE BOROUGH OF PENNSBURY VILLAGE, ALLEGHENY COUNTY, PENNSYLVANIA, REGULATING RESIDENTIAL RENTAL UNIT OCCUPANCY AND PROVIDING FOR LICENSING, INSPECTIONS AND PENALTIES FOR NONCOMPLIANCE.

RENTAL UNIT LICENSING & REGISTRATION ORDINANCE

WHEREAS, it is the purpose of this Ordinance and the policy of the Council of the Borough of Pennsbury Village, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and tenants relating to the rental of certain residential rental units in the Borough of Pennsbury Village and to encourage owners and tenants to maintain and improve the quality of rental housing within the community.

WHEREAS, in recent years, many formerly private owner-occupied units have been turned into residential rental units. Those rental units have often times been rented to individuals who, because they have no ownership interest in the property, have allowed the properties to fall out of compliance with applicable building and fire codes.

WHEREAS, it is the policy of the Borough to implement a mechanism by which the owners, managers and tenants share responsibilities to comply with the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of inspections, issuance and renewal of occupancy licenses and sets penalties for violations.

WHEREAS, in addition to the foregoing, the Council of the Borough declares the following purposes of this Ordinance:

- A. To promote, protect and facilitate the public health, safety and the general welfare of the community and to protect and to promote the safety of residential tenants and other inhabitants in the Borough from fire and other preventable hazards.
- B. To prevent one or more of the following: loss of health, life or property from fire, explosions, noxious gases, and other dangers or hazards.
- C. To provide protection against fire, explosion and other hazards in the interest of the public health, safety and general welfare.
- D. To help ensure a basic level of habitability in all rental units

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of Pennsbury Village, the Code of Ordinances is amended as follows:



§ 201 Title.

Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances shall be known as the Borough of Pennsbury Village "Rental Unit Licensing & Registration Ordinance."

§ 202 Definitions.

BOROUGH - The Borough of Pennsbury Village, Allegheny County, Pennsylvania.

CODE - any code or ordinance adopted, enacted and/or in effect in and for the Borough concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following which are in effect as of the date of the enactment of this Ordinance: The Uniform Construction Code (hereinafter "UCC") the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER - the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Pennsbury Village, as may be appointed from time to time, and any assistants or agents.

COMMON AREA - any open area within a structure shared by tenants or that the tenants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any tenant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrence.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer and Borough.

GUEST - a person on the premises with the actual or implied consent of a tenant.



LANDLORD-TENANT ACT - The Landlord and Tenant Act of 1951, 68 P.S. §§ 250.101, *et seq.*

MANAGER - an adult individual designated by the owner of a residential rental unit.

OCCUPANCY LICENSE - the license issued to the owner of residential rental units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

OWNER - one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.

OWNER-OCCUPIED UNIT - a unit in which the owner resides on a regular, permanent basis.

PERSON - a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

POLICE - the Police Department of the Borough of Carnegie or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Pennsbury Village.

PREMISES - any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

RENTAL AGREEMENT - a written or oral agreement between owner and tenant embodying the terms and conditions concerning the use and occupancy of a residential rental unit. The term rental agreement shall include any agreement, whether written, oral, electronic, or otherwise, that permits the occupancy of a Residential Rental Unit for any period of time in return for payment or other consideration.

RESIDENTIAL RENTAL UNIT - any unit within the Borough of Pennsbury Village which is occupied by someone other than the owner of the real estate, as determined by the most current deed, and for which the owner of the said parcel of real estate received any value, including but not limited to money or the exchange of services for such occupancy.

TENANT - an individual who resides in a rental unit with whom a legal relationship with the owner/landlord is established by a lease, occupancy agreement, or any other type of agreement, whether written or otherwise, or by the laws of the Commonwealth of Pennsylvania, permitting occupancy of residential rental unit for any period of time.

UNIT - such term shall include all residential rental units and owner-occupied units.

VIOLATION NOTICE - the written notice delivered by the Code Enforcement Officer advising the owner and / or manager of an alleged violation of this Part.



**§ 203 Licenses and Inspection.**

1. License Requirement.

A. Every owner who rents, leases, or operates any residential rental unit in the Borough to any tenant shall apply for and obtain a rental operating license for each residential rental unit owned by the owner in the Borough.

B. The application for the license shall be in a form as established by the Borough and made available in the Borough office. All applications shall provide the information required pursuant to this Ordinance and shall be accompanied by the required fee. The Borough shall have no duty to process any application unless the same is complete.

2. Application Requirements. The Owner shall provide the following information with the application:

A. The street address of the unit where the residential rental unit to be licensed is located and the Allegheny County Department of Real Estate Block and Lot number as assigned to such unit.

B. The name, mailing address, and telephone number of the owner(s) or manager to which notices should be sent pursuant to this Ordinance.

C. The name and address of all tenants in the residential rental unit that are currently occupying or are proposed to occupy the unit.

D. The information as set forth in Section 204.2 below.

3. Inspection Requirement. Upon application for a license, and prior to issuance of a license, the owner shall schedule an inspection of the residential rental unit(s) with the Code Enforcement Officer. The inspection shall be completed as follows:

A. The Code Enforcement Officer shall inspect the residential rental unit and record the inspection on a written Inspection Report. The Inspection Report shall be signed and dated by the owner of the residential rental unit or the manager who shall be present at the time of the inspection.

B. Subsequent to initial inspection and licensing of any residential rental unit(s), the Code Enforcement Officer shall inspect all residential rental units once a year and record the inspection on a written Inspection Report. The Inspection Report shall be signed and dated by the owner of the residential rental unit or his or her manager who shall be present at the time of the inspection.

C. Owners of any residential real rental unit(s) or his or her manager shall permit access to the unit(s) so that the Code Enforcement Officer may complete all



inspections necessary to determine compliance with this and any other applicable ordinances of the Borough. Refusal to allow entry to the residential rental unit(s) by the Code Enforcement Officer shall be a violation of this Ordinance.

4. Annual License Term, Fee and Occupancy Limit.

A. Each license shall have an annual term running from January 1st through December 31<sup>st</sup> of the year in which it is issued.

B. Upon application for a license and prior to issuance or renewal thereof, each owner/applicant shall pay to the Borough an annual license and inspection fee, in an amount to be established, from time to time, by resolution of the Council of the Borough of Pennsbury Village. The fee to be submitted with the application for a license shall initially be Two Hundred Fifty and 00/100 (\$250.00) Dollars, for each residential rental unit. The said fee shall be paid by May 1<sup>st</sup> of each year.

C. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Ordinance or any of the ordinances of the Borough of Pennsbury Village relating to land use and/or code enforcement, or if any licensing fees under this Ordinance are due and owing the Borough.

5. Denial of Application. In the event that a license is denied by the Code Enforcement Office based upon owner's failure to comply with the obligations hereunder, the owner shall have the right to appeal to the Borough Council of the Borough of Pennsbury Village within thirty (30) days of mailing of the notice of denial of the application. The hearing before the Borough Council shall be governed by the Local Agency Law.

6. Date of Compliance. All owners of a residential rental unit must file an application for the issuance of a license with the Code Enforcement Officer by May 1, 2017.

§ 204 Owner's Duties

1. Residential Rental Unit Registration. Every owner of a residential rental unit that holds an existing license must register the unit with the Borough in accordance with the following schedule:

A. Annual Registration. All owners shall register their respective residential rental units with the Borough prior to May 1 of each calendar year by providing the information as set forth below in §206.2 and providing a check in the amount of the annual inspection fee. To the extent that an owner fails to comply with the registration requirement on or before the respective date specified above, a late fee of One Hundred and 00/100 (\$100.00) Dollars shall be imposed for the violation.

B. Sale of Residential Rental Unit. The grantee that purchases a residential rental unit and seeks to continue said use shall notify the Borough within five (5) days of any purchase or transfer of a residential rental unit provided the information as set forth in §206.2 below.

C. Changes in Tenants. The owner of a residential rental unit must update



the registration information on record with the Borough Manager within ten (10) days of any changes of the information set forth in §206.2.

D. Residential Use. The tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.

2. Annual Registration Information. Registration information shall be provided by all owners and shall include the following:

- (1) Owner name, address, telephone number.
- (2) Local manager name, address, telephone number (an emergency contact person).
- (3) Property address and number of residential rental units.
- (4) Maximum occupancy per residential rental unit.
- (5) Emergency telephone number.
- (6) Actual number of tenants.
- (7) Names and addresses of current tenants.
- (8) Total number of pets in each unit.

3. Manager. Every owner of a residential rental unit who is not a full-time resident of the Borough, and/or who does not live within fifteen (15) miles of the boundaries of the Borough, shall designate a manager who shall reside within fifteen (15) miles from the Borough. If the owner is a corporation, limited partnership, limited liability company, or other separate legal entity, a manager shall be required if an officer or partner of the legal entity does not reside within the above referenced area. An officer or partner living within the prescribed area shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receipt of notices and demands, as well as for performing the obligations of the owner under this Ordinance and under rental agreements with tenants. The identity, address and telephone number(s) of the individual designated as manager hereunder, or the officer or partner living in the prescribed area, shall be provided to the Borough and such information shall be kept current and updated as it changes.

4. Disclosure:

A. The owner shall disclose to the tenant in writing on or before the commencement of the tenancy:

- (1) The name, address and telephone number of the manager, if applicable.
- (2) The name, address and telephone number of the owner of the residential rental unit.



B. Before a tenant initially enters into or renews a rental agreement for a residential rental unit, the owner or manager shall furnish the tenant with the most recent inspection report relating to the residential rental unit.

5. Maintenance of Residential Rental Unit.

The owner shall maintain the residential rental unit in compliance with the applicable codes of the Borough as well as all applicable local, state, and federal laws. The owner shall regularly and promptly perform all routine maintenance and repairs necessary to fulfill this obligation.

6. Rental Agreement.

A. All disclosures and information required to be given to tenants by the owner shall be furnished at or before the commencement of the landlord tenant relationship. The owner shall provide tenant with copies of any rental agreement and addendum upon execution.

B. Terms and Conditions. Owner and tenant may include in a rental agreement terms and conditions not prohibited by this Ordinance or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the right and obligations of the parties.

C. Prohibited Provisions. Except as otherwise provided by this Ordinance, no rental agreement may provide that the tenant or owner agrees to waive or to forego rights or remedies under this Ordinance. A provision prohibited by this subsection included in a rental agreement is unenforceable.

D. Provision of Summary of Ordinance to Tenant. Following the effective date of this Ordinance, a summary of this Part shall be provided to the tenant at or before the commencement of the landlord tenant relationship. If a summary has been provided at or before the commencement of the landlord tenant relationship, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Ordinance, the owner shall provide the tenants with a copy of the summary within sixty (60) days after enactment of this Ordinance.

E. The owner shall secure a written acknowledgment from tenants that the tenants have received the disclosures and information required by this Ordinance.

F. The owner shall furnish to the Borough within ten (10) days of a request from the Borough, copies of any rental agreement that the owner has entered into for residential rental units including acknowledgment that the tenants have received the disclosures and information required by this Ordinance.

7. Smoke Alarms and Carbon Monoxide Detector Installation. Within sixty (60) days of the passage of this Ordinance, all owners of residential rental units in the Borough shall be required to install smoke alarms and carbon monoxide detectors, regardless of the tenant load, at the following locations:



1. On the ceiling or wall outside each separate sleeping area in the immediate vicinity of the bedrooms;
  2. In each room used for sleeping purposes;
  3. In each story within a dwelling unit, including, but not including crawl spaces; and
  4. In each kitchen.
8. Records. The owner shall maintain at the licensed residential rental unit and provide upon demand the following:
- A. The current license and current inspection report issued by the Code Enforcement Office of the Borough.
  - B. A list showing the names of the authorized tenants of the residential rental unit.
  - C. The total number of persons who the Landlord authorizes to occupy the residential rental unit.
9. Complaints. The owner and/or manager shall reply promptly to reasonable complaints and inquiries from tenants.
10. Landlord-Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act.

#### §207 Tenant's Duties

1. General. The tenant shall comply with all obligations imposed upon tenants by this Ordinance, all applicable codes and ordinances of the Borough and all applicable provisions of State Law.
2. Residential Use. The tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.
3. Illegal Activities. The tenant shall not engage in, nor tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101 *et seq.*) or Liquor Code (47 P.S. §1-101 *et seq.*), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101 *et seq.*).
4. Disruptive Conduct.
  - A. The tenant shall not engage in, nor tolerate, nor permit others on the premises to engage in, disruptive conduct or other violations of this Ordinance.
  - B. When police or the Code Enforcement Officer investigate an alleged



incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information provided in the report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct set forth on the prescribed form. Where the police make such investigation, said police officer shall submit a copy of the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within three (3) working days of the occurrence.

5. Disruptive Conduct. It shall be a violation of this Ordinance for any tenant or any other person to engage in disruptive conduct as defined by this Ordinance.

6. Compliance with Rental Agreement. The tenant shall comply with all lawful provisions of the rental agreement entered into between owner and tenant.

7. Damage to Premises. The tenant shall not intentionally cause, nor permit or tolerate others to cause, damage to the premises.

8. Inspection of Premises. The tenant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

9. Removal or Defacement of Notice. It shall be a violation of this Ordinance for any person to remove or deface any notice or document required to be posted within a rental unit and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.

#### §208 Violations; Noncompliance; Enforcement; Penalties

A. Enforcement. This Ordinance shall be enforced by the Code Enforcement Officer of the Borough.

B. General. Where the Code Enforcement Office determines that any residential rental unit fails to meet the requirements set forth in this Part or in applicable rules and regulations issued pursuant thereto, they shall issue a violation notice setting forth the alleged violations and advising the owner or manager that such violations must be corrected. The notice shall:

- 1) Be in writing;
- 2) Set forth the alleged violations of this Part or of applicable rules and regulations issued pursuant thereto;
- 3) Identify the residential rental unit in violation;
- 4) Provide a reasonable time, not to exceed thirty (30) days, for the correction



of any violation alleged;

- 5) Be mailed to the owner or manager of the residential rental unit by certified mail, return receipt requested, addressed to the last known place of residence of the owner or manager. If one or more persons whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice on the residential rental unit or by causing such notice to be published in a local newspaper for 2 consecutive days.

C. Noncompliance.

- 1) Within ten (10) days after receipt of written notice from the Code Enforcement Officer that there has been a violation of this or any other Ordinance, the owner shall take immediate steps to remedy the violation and/or take steps to assure that there is not a reoccurrence of the violation.
- 2) Within twenty (20) days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
- 3) The Code Enforcement Officer shall review the report and may reinspect the residential rental unit. If the steps necessary have been taken to bring the residential rental unit into compliance, the Code Enforcement Officer shall approve the plan. The owner shall enforce the plan and failure to do so shall be a violation of this Ordinance.
- 4) The owner of a residential rental unit shall pay a reasonable fee of \$75.00, which may be adjusted annually by Resolution of the Borough Council, to cover the cost of each and every re-inspection required under this Ordinance as a result of an alleged violation.
- 5) In the event that owner fails to cure the alleged violation, the Code Enforcement Officer shall issue a notice of suspension which shall result in the immediate loss of the privilege to rent such residential rental unit until all violations are cured. Upon suspension, the owner shall take immediate steps to evict the tenants.
- 6) If a parcel of real estate in noncompliance with the terms and conditions of this or any other ordinance of the Borough is sold, then the parcel of real estate shall remain in noncompliance until all violations are cured and the residential rental unit is re-inspected and deemed compliant by the Code Enforcement Officer.
- 7) An owner of a noncompliant residential rental unit who desires to sell said unit



shall notify the purchasers, in writing, prior to the sale that the residential rental unit is not in compliance with this Ordinance. In addition, an owner selling a noncompliant residential rental unit shall notify the Code Enforcement Officer of the pending sale, in writing, within thirty (30) days prior to closing on the sale of said parcel of real estate.

D. Penalties. In addition to a suspension of a license, the Borough may impose the following fines for noncompliance with this Part:

- 1) An owner that violates any of provision of this Ordinance shall upon conviction thereof be sentenced to pay a fine of \$500.00 for each and every offense. Each day of the said violation shall be a separate offense.
- 2) Fines as imposed through this ordinance shall be collected as allowable by law.
- 3) Each day during which any owner of a residential rental unit violates any provision of this chapter shall constitute a separate offense.
- 4) This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough or its agents or representatives to such equitable or other remedies as may otherwise be available with or without process of law.
- 5) In addition to the fines set forth herein, the Borough shall be entitled to reasonable attorneys' fees and court costs incurred in enforcing this ordinance. The said fees shall be added to any penalties set forth above.
- 6) The owner of all residential rental units in the Borough shall have the responsibility of making sure that all tenants within their residential rental units comply with and abide by this Ordinance.

E. Appeal of Code Enforcement Officer's Decision. In the event that the Code Enforcement Office issues a violation notice or otherwise enforces the provisions of this Ordinance, the owner shall have the right to appeal such decision to the Borough Council of the Borough of Pennsbury Village within thirty (30) days of mailing of the notice of violation, suspension, or revocation of the license. The hearing before the Borough Council shall be governed by the Local Agency Law.

#### § 209 Miscellaneous Provisions

1. Notices. For purposes of this Ordinance, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

- A. There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner



if the notice was given to the owner in the manner provided by this Ordinance.

- B. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

2. Owners Severally Responsible. If any residential rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance and shall be severally subject to prosecution for the violation of this Ordinance.


3. Severability. If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void, or unenforceable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.


Effective Date: This Ordinance shall become effective on January 1, 2017.

ENACTED AND ORDAINED into law by the Borough of Pennsbury Village, Allegheny County, Pennsylvania, this 13<sup>th</sup> day of December, 2016.

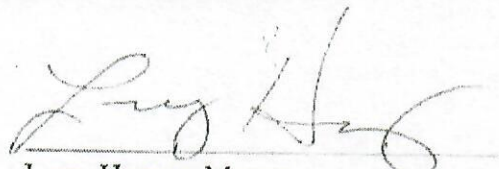
BOROUGH OF PENNSBURY VILLAGE

Attest:

  
Reese Freemer,  
Borough Manager

  
Steve Stecko,  
President of Council

EXAMINED AND APPROVED BY ME this 13<sup>th</sup> day of December, 2016

  
Lucy Harper, Mayor