

**BOROUGH OF PENNSBURY VILLAGE
ORDINANCE NO. ____ OF 2022**

AN ORDINANCE OF THE BOROUGH OF PENNSBURY VILLAGE, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 11, PART 2 OF THE CODE OF ORDINANCES (RESIDENTIAL UNIT LICENSING & REGISTRATION ORDINANCE) TO ADDRESS DISRUPTIVE TENANTS BY ADDING NEW DEFINITIONS, AMENDING EXISTING DEFINITIONS, PRESCRIBING DUTIES AND OBLIGATIONS OF OWNERS AND TENANTS WITHIN THE BOROUGH AND PENALTIES FOR VIOLATING SUCH DUTIES AND OBLIGATIONS.

WHEREAS, the Borough of Pennsbury Village (the “Borough”) is a local municipal government governed by the Borough Code, 8 Pa.C.S. § 101 *et seq.*, and has authority thereunder to enact ordinances to protect the health, safety and welfare of its citizens; and

WHEREAS, the Council of the Borough Pennsbury Village previously adopted Ordinance Number 138 of 2016 on January 1, 2017, as amended, which is codified in the Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances as the “Rental Unit Licensing & Registration Ordinance.”

WHEREAS, the Council of the Borough Pennsbury Village amended the Rental Unit Licensing & Registration Ordinance via Ordinance No. 141 of 2018 and No. 145 of 2019.

WHEREAS, the Council of the Borough Pennsbury Village desires to amend and restate Sections 202 and 207 of its Rental Unit Licensing & Registration Ordinance to promote public health, safety, and welfare by protecting the community from disruptive tenants.

WHEREAS, Borough Council desires to establish rights and obligations of owners and occupants of non-owner occupied dwelling units within the Borough, to encourage owners and occupants to maintain and improve the quality of rental housing within the community, and to require that owners and occupants share the responsibility to obey various codes adopted to promote public health, safety, and welfare.

NOW, THEREFORE, the Council of the Borough of Pennsbury Village hereby ordains as follows:

Section 1. Section 202 of Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances is amended to add the following definitions:

WORKING DAYS

Calendar days including Mondays through Fridays but not including Saturdays, Sundays, or Federal holidays

Section 2. Section 202 of Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances is amended to remove the term “OCCUPANCY LICENSE” and replace it with the following definitions:

OCCUPANCY LICENSE, RENTAL OPERATING LICENSE or LICENSE

A document issued by the BOROUGH to the OWNER of a RESIDENTIAL RENTAL UNIT, granting permission to operate such RESIDENTIAL RENTAL UNIT within the BOROUGH. Such LICENSE is required for the lawful rental and occupancy of DWELLING units under this Ordinance. This LICENSE does not warrant the proper zoning, habitability, safety, or condition of the DWELLING unit in any way.

Section 3. Section 202 of Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances is amended to remove the term “MANAGER” and replace it with the following definitions:

MANAGER

An adult individual designated by the OWNER of a NON-OWNER OCCUPIED DWELLING UNIT. The MANAGER shall be the agent or the OWNER for service of process and receiving notices or demands and to perform the obligations of the OWNER under this Ordinance and under rental agreements with OCCUPANTS.

Section 4. Section 207 of Chapter 11, Part 2 of the Borough of Pennsbury Village Code of Ordinances is deleted and replaced with the following to add the following definitions:

§ 207 - Disruptive Tenants

A. Owner’s Duties.

1. It shall be the duty of every OWNER to keep and maintain all RESIDENTIAL RENTAL UNITS in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances and to keep such property in good and safe condition.
2. Every OWNER shall be responsible for regulating the proper and lawful use and maintenance of every DWELLING which he, she, or it owns.
3. Every OWNER shall also be responsible for regulating the conduct and activities of the OCCUPANTS of every NON-OWNER OCCUPIED DWELLING UNIT which he, she or it owns in the BOROUGH, which conduct or activity takes on its premises.
4. In order to achieve those ends, every OWNER of a RESIDENTIAL RENTAL UNIT shall regulate the conduct and activity of the TENANTS thereof, both

contractually and through enforcement, as more fully set forth below. This subsection shall not be construed as diminishing or relieving, in any way, the responsibility of TENANTS or their GUESTS for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any OWNER of any responsibility or liability which OCCUPANTS or their GUESTS may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding or criminal law; nor shall this subsection be construed so as to require an OWNER to indemnify or defend TENANTS or their GUESTS when any such action or proceeding is brought against the TENANT based upon the TENANT's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon OWNERS other than that which is imposed by existing law.

5. This Ordinance is not intended to, nor shall its effect be to, limit any enforcement remedies which may be available to the BOROUGH against an OWNER, a TENANT or a GUEST.
6. 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 jointly and severally subject to prosecution for violation of this Ordinance.

B. Tenant's Duties.

1. The TENANT(s) shall comply with all obligations imposed unto by this Ordinance and all applicable codes and ordinances of the BOROUGH, as well as all State laws and regulations.
2. 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. The TENANT(s) shall conduct themselves and require other persons, including, but not limited to, GUESTS on the premises and within their RESIDENTIAL RENTAL UNIT with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby DWELLINGS by people occupying the same.
4. The TENANT(s) shall not engage in, tolerate, or permit others on the premises to cause damage to the RESIDENTIAL RENTAL UNIT or engage in DISRUPTIVE CONDUCT, or other violations of this Ordinance, BOROUGH codes, or applicable State laws.
5. The TENANT(s) shall not engage in, nor tolerate, not permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18. Pa.C.S. 101 et seq.) or Liquor Code (47 P.S. 1-101 et seq.),

or the Controlled Substances, Drug, Device and Cosmetics Act (35 P.S. 780-101 et seq) or applicable Federal laws.

6. The tenant shall comply with all lawful provisions of the RENTAL AGREEMENT entered into between OWNER and TENANT.
7. The tenant shall not intentionally cause, nor permit or tolerate others to cause, damage to the leased premises.
8. The TENANT shall permit inspection by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.
9. 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 RESIDENTIAL RENTAL UNIT and it shall be unlawful for any person to occupy the RESIDENTIAL RENTAL UNIT unless all notices and documents are posted as required.

C. Disruptive Conduct.

1. The TENANT(s) shall not engage in, nor tolerate, not permit others on the premises to engage in DISRUPTIVE CONDUCT or other violations of this Ordinance.
2. An individual from the police department providing services to the Borough or a member of the Borough's code enforcement department shall investigate alleged incidents of DISRUPTIVE CONDUCT and shall complete a DISRUPTIVE CONDUCT REPORT upon a finding that the reported incident constitutes DISRUPTIVE CONDUCT as defined herein.
3. The information filed in said DISRUPTIVE CONDUCT REPORT shall include, if possible, the identity of the alleged perpetrator(s) of the DISRUPTIVE CONDUCT and all other obtainable information, including the factual basis for the DISRUPTIVE CONDUCT described on the prescribed form.
4. A copy of the DISRUPTIVE CONDUCT REPORT shall be given or mailed to the OCCUPANT and mailed to the OWNER, operator, responsible agent, or MANAGER within ten (10) working days of the occurrence of the alleged DISRUPTIVE CONDUCT.
5. It shall be a violation of this Ordinance of any TENANT or any other person to engage in DISRUPTIVE CONDUCT as defined by this Ordinance.
6. In addition, after three (3) DISRUPTIVE CONDUCT incidents in any 12-month period by an OCCUPANT documented by DISRUPTIVE CONDUCT REPORTS, the OWNER, operator, responsible agent, or manger shall have ten (10) WORKING DAYS from the date of his/her receiving the notice of the third such DISRUPTIVE CONDUCT incident to begin eviction proceedings against

the TENANT(S). Failure to take such action will result in the immediate revocation of the occupancy LICENSE. The RESIDENTIAL RENTAL UNIT involved shall not have its LICENSE reinstated until the disruptive OCCUPANTS have been evicted, the magisterial district judge has ruled in the OCCUPANT's favor, the magisterial district judge has ruled in the OWNER's favor but has not ordered the eviction of the OCCUPANT(s), the OCCUPANTS have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive OCCUPANTS, upon eviction, shall not re-occupy any RESIDENTIAL RENTAL UNIT on the same premises involved for a period of at least one (1) year from date of eviction.

7. The content of the DISRUPTIVE CONDUCT REPORT shall count against all OCCUPANTS of the RESIDENTIAL RENTAL UNIT involved in the DISRUPTIVE CONDUCT.

D. Notices.

1. A notice shall be sent to the OWNER, operator, responsible agent, or MANAGER of a RESIDENTIAL RENTAL UNIT by regular first-class mail at the address stated for service on the most recent LICENSE application for the premises in question. If no address was included on the LICENSE application or if that address is invalid, notice shall be sent to the address of the record OWNER of the premises as listed in the deed and/or the address listed in the Allegheny County Tax Assessment Office. If such notice is not returned by the United States Postal Authorities within seven (7) calendar seven days of its deposit in the US Mail, then it shall be deemed to have been delivered to and notice received by the addressee on the seventh (7th) calendar day following its deposit in the United States Mail.
2. In the event that the notice is returned by the postal authorities, for whatever reason, then the notice may be affected by posting of the notice in a conspicuous place on the premises.
3. Any noticed required under this Ordinance that is personally given to the OWNER, operator, responsible agent, or MANAGER of a RESIDENTIAL RENTAL UNIT shall be deemed as notice given to the OWNER. A claim lack of knowledge by the OWNER, or agent, if applicable, of any violation hereunder cited shall be no defense to the closure of a rental unit, as long as all notices prerequisite to such proceedings has been given in accordance with the provisions of this ordinance.

E. Appeals

1. The OWNER and/or OCCUPANT may appeal the issuance of the DISRUPTIVE CONDUCT REPORT to the BOROUGH Council in accordance with Section 208.E of this Ordinance, as amended. The Appeal shall state

precisely why the DISRUPTIVE CONDUCT REPORT should not have been issued.

Section 5. Enforcement.

Any member of the police department providing services for the BOROUGH, and/or a member of the BOROUGH's code enforcement department is hereby authorized to enforce the provisions of this Ordinance.

Section 6. Repealer. As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

Section 7. Severability. If any of the provisions of this Ordinance shall be held invalid for any reason whatsoever, then unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 8. Effective Date. This Ordinance shall become effective upon adoption.

ORDAINED and ENACTED into law by the Borough Council of the Borough of Pennsbury Village, Allegheny County, Pennsylvania, this ____ day of _____, 2022.

ATTEST:

BOROUGH OF PENNSBURY VILLAGE

Rae Carol Wolff
Borough Manager

Steven Stecko, President
Pennsbury Village
Borough Council

Examined and approved this ____ day of _____, 2022.

Lucy Harper, Mayor