

ORDINANCE NO. 2023-06

AN ORDINANCE CHANGING AND AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LANSFORD, TO AMEND ORDINANCE NO. 2007-13 WHICH ESTABLISHED A RESIDENTIAL RENTAL HOUSING. LICENSING AND INSPECTION SYSTEM ALONG WITH ESTABLISHING ADMINISTRATIVE PROVISIONS, FEES AND PENALTIES FOR VIOLATIONS THEREOF,

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Lansford, the Code of Ordinances of the Borough of Lansford, specifically Ordinance No. 2007-13 the Residential Rental Licensing and inspection Ordinance is hereby amended to add the following:

PART 1

RESIDENTIAL RENTAL LICENSING AND INSPECTION

Section 101- Purposes and Findings

A. Purposes. This ordinance is intended to serve the following purposes:

1. To assist the Borough of Lansford in protecting and promoting the public health, safety and welfare of its citizens;
- 2- To establish rights and obligations of Owners and Occupants relating to the rental of certain residential units in the Borough of Lansford and to seek that Owners and Occupants properly maintain rental housing within the Borough;
- 3- To ensure that Owners, Managers and Occupants share responsibilities to comply with Codes, to prevent overcrowding and to prevent nuisances for neighboring residents; and
- 4- To provide for a system of inspections; issuance and renewal of licenses; and establish penalties for violations.

B. Findings. In considering the adoption of this ordinance, the Borough of Lansford makes the following findings:

- 1- This ordinance is enacted under the authority of the Borough Code of Pennsylvania.
- 2- There is a greater incidence and greater severity of violations of various Codes of the Borough at rental residential properties than at owner-occupied residential properties.
- 3- There is a greater incidence of problems with the maintenance and upkeep of rental residential properties than at owner-occupied residential properties.
- 4- There is a greater incidence of problems with maintenance and upkeep of rental residential properties where Owners do not reside within the Borough or nearby.
- 5- There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at rental residential properties than at Owner-Occupied residential properties.

6- A systematic inspection process can avoid life-threatening problems, such as a lack of functioning smoke detectors, faulty mechanical equipment and inadequate or unsafe electrical equipment.

SECTION 102. DEFINITIONS.

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number; words in the singular shall include the plural, and words in the masculine shall include the feminine and the neuter.

1. AGENT– Any person, corporation, co-partnership, association or fiduciary who aids in the rental of property as defined herein. When used in this article in a clause prescribing any activity or imposing a penalty, the term, as applied to partnerships and associations shall mean each partner and, as applied to corporations, the officers thereof.
2. BOROUGH– The Borough of Lansford
3. BOROUGH CODE– the building code officially adopted by the Borough Council, or such other codes officially designated by the Borough Council for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.
4. BUSINESS DAYS– Days in which the offices of the Borough of Lansford are open for business.
5. 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, vermin or rodent control, or any public health matters, use or appearance of any Premises, Dwelling or Dwelling Units. This shall include, but not be limited to, the Borough Property Maintenance Code, applicable PA Uniform Construction Codes, solid waste ordinances, public health ordinances, noise ordinances, the Zoning Ordinance, and general nuisance ordinances.
6. CODE ENFORCEMENT OFFICER– The duly appointed Code Enforcement Officer(s) having the duty to enforce this Ordinance, the Borough Property Maintenance Code and/or similar codes of the Borough of Lansford, and any assistants, deputies or police officers duly appointed.
- 7- COMMON AREA– In Multi-unit Buildings, space which is not part of an individual regulated rental unit and which is shared among Occupants of the Dwellings, Common Areas shall be considered as part of the Premises for the purposes of this Ordinance.

8. DISRUPTIVE CONDUCT– A form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or guest of a Regulated Rental Unit that is:

- a. in violation of Ordinances of the Borough of Lansford and that is so loud, untimely as to time of day, offensive, and/or nuisance causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others,
- b. involves music or noise that is disruptive to persons occupying a different dwelling unit,
- c. involves music or noise that is audible from a street, sidewalk or dwelling from a minimum distance of 25 feet away from the premises where the sound is originating,
- d. is the subject of a criminal citation for Disorderly Conduct, or
- e. is the subject of criminal charges under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code.
- f. any other act which injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the conduct in question.

In order for such Disruptive Conduct to constitute an offense under this Ordinance, a written report must be issued by a sworn Police Officer, Fire Chief or a Borough Code Enforcement Officer and notice must be sent to an Occupant and the Owner or Manager by the Police Department which shall maintain a record of the issuance of Disruptive Conduct reports. 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 said person to have perpetrated, caused or permitted the commission of Disruptive Conduct, as defined herein.

9. DISRUPTIVE CONDUCT REPORT– A written Report of “Disruptive Conduct” that is completed by a Police Officer, Fire Chief or Code Enforcement Officer who investigated the matter.

10- DWELLING– A building including one or more Dwelling Units.

11. DWELLING UNIT– a single habitable unit, providing living facilities for one or more persons, including permanent space for living, sleeping, eating, cooking and bathing and sanitation, whether furnished or unfurnished. There may be more than one Dwelling Unit on a premises.

12. GUEST– A person on the premises of a Regulated Rental Unit with the actual or implied consent of an Occupant or Owner.

13. LANDLORD– Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise. This term shall have

the same meaning as “Owner”.

14. INSPECTOR – any person authorized by Law or Ordinance to inspect buildings or systems, e.g. zoning, housing, plumbing, electrical systems, heat systems, mechanical systems and health necessary to operate or use buildings within the Borough of Lansford. An Inspector would include those identified in Section 111– Enforcement.

15. FIRE DEPARTMENT – The Fire Department of the Borough of Lansford or any member thereof, and includes the Fire Chiefs or a designee.

16. LET FOR OCCUPANCY – to permit, provide or offer for consideration, possession or occupancy of a building, dwelling unit, rooming unit, premise or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

17. MANAGER– An adult individual designated by the Owner of a Regulated Rental Unit under this Ordinance. The Manager shall be the agent of the Owner for service of process and receiving notices or demands and to perform the obligation of the Owner under this Ordinance and under Rental Agreement with Occupants.

18- MULTI-UNIT BUILDING– A building containing two (2) or more independent Dwelling Units completely separated from each other by vertical party walls including but not limited to double houses, row houses, town houses, condominiums, apartment houses, conversion apartments and converted single family dwellings.

19. OCCUPANT– a person age 18 or older who resides, lives or sleeps at a premises or having actual possession of said Residential Rental Unit.

20. OFFICE – The Borough Office of the Borough of Lansford.

21. OWNER– Any Person, Agent, Operator, firm corporation, partnership, association, property management group, housing authority, or fiduciary having a legal, equitable or other interest in any real property as recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a Court of competent jurisdiction. One or more person(s), 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 present use and enjoyment of the Premises, including but not limited to a mortgage holder or bankruptcy trustee who is in possession of a Regulated Rental Unit.

22. OWNER-OCCUPIED DWELLING UNIT – A Dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.
23. PERSON – any person, partnership, firm, association, corporation or municipal authority or any other group acting as a single unit.
24. POLICE DEPARTMENT– the Police Department of the Borough of Lansford, the Pennsylvania State Police, or any member of surrounding Police Departments under a mutual aid agreement sworn to enforce laws and ordinances in the Borough, and includes the Chief of Police or his designee.
25. PREMISES– Any parcel of real property in the Borough, including the land and all buildings and structures in which one or more Regulated Rental units are located unless it is within a dormitory that is owned by a college.
26. PROPERTY MAINTENANCE CODE– The Borough Property Maintenance Code, adopted as the International Property Maintenance Code of 2021, and any future amendments.
27. REGULATED RENTAL UNIT– A Dwelling Unit or Rooming Unit that is occupied for residential purposes and that is not: A) an owner-occupied dwelling and B) exempted by this Ordinance from needing a Residential Rental License.
28. RENT TO OWN– AN Owner who sells property to a renter under an agreement which requires the renter to pay monthly rental payments until such time a an agreed upon price has been met at which time the property is transferred from the Owner to the Tenant. During the term of the agreement, the property remains titled in the name of the Owner, who shall continue to be responsible for compliance with this ordinance during the term of the rent to own agreement.
29. RENTAL AGREEMENT– A written Agreement or other legally enforceable Agreement between Owner and Tenant which is required to be supplemented by the Addendum provided in this ordinance embodying the terms and conditions concerning the use and occupancy of a specified Regulated Rental Unit.
30. RESIDENTIAL RENTAL LICENSE– A document issued by the Borough to the Owner, operator, responsible agent or manager of a Residential Rental Unit granting permission to operate a residential rental unit in the Borough of Lansford. Such licenses are required for lawful rental and occupancy of residential rental units under this chapter, unless a Building Official has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a residential rental registration, or the residential rental unit is exempt from the license provisions of this chapter.

31. RESIDENTIAL RENTAL REGISTRATION— The document issued annually for a fee by the Borough of Lansford to the owner, operator, responsible agent, or manager of a residential rental unit evidencing the existence of said residential rental unit. This registration shall be required until the Building Official inspects the unit and issues a residential rental license. A residential rental registration shall be required for lawful rental and occupancy of residential rental units under this chapter, unless a Building Official has inspected the residential unit and issued a residential rental license or the residential rental unit is exempt from the registration provisions of this chapter. This registration does not warrant the proper zoning, habitability, safety, or condition of the residential unit in any way.

32- RESIDENTIAL RENTAL UNIT— (i) a Rooming Unit or (ii) a dwelling unit let for rent or (iii) residential unit occupied by any persons other than one occupied solely by the Owner and members of owner’s family. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each Rooming unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a hotel unit, excepting, to the extent permitted by applicable federal and state law, units occupied by the same person or persons for 30 or more consecutive days. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long term (greater than six (6) months) agreements of sale.

33. RESIDENTIAL RENTAL UNIT REGISTRATION NUMBER— The district registration number assigned by the Code Enforcement Office to a residential rental unit.

34. ROOMING HOUSING UNIT— A living unit that does not meet the definition of a Dwelling Unit and that is not within a Borough permitted hotel, or bed and breakfast. Any room or groups of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

35. TENANT— An occupant of a Regulated Rental Unit with whom a legal relationship with the Owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

36. UNRELATED PERSONS— Two or more persons who reside in a Dwelling Unit and who are not related to each other through blood, adoption, marriage or formal foster relationship. A person who is only related as a cousin shall be considered unrelated for the purpose of this Ordinance. The term “related” shall be restricted to the following relationship: spouse, parent, child, sister, brother, grandchild, great-grandchild, grandparents, great grandparents, aunt, uncle, or an equivalent of these same relationships in a “step” or “in-law” situation.

37. ZONING ORDINANCE– The Zoning Ordinance as officially adopted by the Borough of Lansford.

SECTION 103. APPOINTMENT OF AN AGENT AND/OR MANAGER

A. Each Owner who is not an Owner-occupant, or who does not reside in the Borough of Lansford or within a twenty (20) mile air radius of the Borough limits, shall appoint an Agent and/or manager who shall reside in the Borough or within a twenty (20) mile air radius of the Borough. No residential rental registration or residential rental license shall be issued to any residential rental unit owned or operated by a person who residing outside the aforementioned twenty (20) mile radius of the Borough of Lansford unless the information pertaining to the name, mailing address and telephone number of a designated responsible agent residing within the aforesaid twenty (20) mile radius is provided. Said named and designated responsible agent shall be authorized to accept service of process on behalf of the legal owner of said residential rental unit. For purposes of this section, a post office number is not acceptable for the responsible agent's address. This designation shall not be valid unless signed by the owner/operator and the responsible agent designated to act on behalf of the absentee owner/operator. The absentee owner/operator shall be required to notify the Borough of Lansford within thirty (30) days of any change in responsible agent.

B. The legal name, mailing address, daytime physical address (i.e., not a post office box) , and day time and evening telephone number(s) of a person who is designated as the Manager shall be provided in writing by the Owner to the Borough of Lansford, and such information shall be kept current and updated within five (5) business days after it has changed.

C. The Manager shall be authorized to accept service of process on behalf of the owner.

D. In addition, an Owner may designate an agent to serve all of the same purposes of the Owner. If an agent is designated, then the Borough is not required to provide separate notice to the owner.

E. The Owner or Manager shall disclose to the Occupant in writing on or before the commencement of the tenancy or occupancy, the name, address and telephone number of the Manager, or the name, address and telephone number of the Owner of the premises if a Manager is not required to be designated.

SECTION 104. DUTIES OF THE OWNER AND/OR AGENT.

A. General

1. The Owner has the duty to maintain the Premises in good repair, clean and sanitary condition and to maintain the Premises in compliance with the current Codes, Building Codes and Zoning Ordinance of the Borough of Lansford. The Owner may delegate

implementation of these responsibilities to an Agent.

2. As provided for in this ordinance, every Owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he/she or it owns. Every Owner shall be responsible to act to minimize Disruptive Conduct, through the rental contract and through its enforcement of leases on the premises by the Occupants of Regulated Rental Units.

3. A Residential Rental License is required by Section 107 hereof for each Regulated Rental Unit. If a valid License has not been issued within the time frame established by this Ordinance, or the License has been suspended or revoked, then the Rental Unit shall not be rented for residential use. If a Regulated Rental Unit is rented for residential use without a valid Residential Rental License, such action shall be a violation of this ordinance.

4. This Ordinance shall not be construed as diminishing or relieving, in any way, the responsibility of Occupants or their guests for their conduct or activity under any private cause of action, civil or criminal enforcement proceedings, or criminal law; nor shall this be construed so as to require an Owner to indemnify or defend Occupant or their guests when any such action or proceeding is brought against the Occupant based upon the Occupant'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 other enforcement remedies which may be available to the Borough against an Owner, Occupant or Guest thereof.

6. The duties of the Owner and/or Agent shall be to receive notices and correspondence, including service of process, from the Borough of Lansford, to arrange for the inspection of Rental Units, do or arrange for the performance of maintenance, cleaning, repair, pest control, snow and ice removal, and ensure continued compliance of the Premises with the current Codes, Building Codes and Zoning Ordinance in effect in the Borough of Lansford, as well as arrange for garbage removal.

7. The name, address and telephone number of the Owner and Agent, if applicable, shall be reported to the Borough Office in writing upon registering the Rental Units pursuant to Section 103 above.

8. No Dwelling Unit shall be occupied, knowingly by the Owner or Agent, by a number of persons that is in excess of the requirements outlined in 2021 International Property Maintenance Code, Chapter 4, Light, Ventilation and Occupancy Limits, Section PM-404.5, Overcrowding, or any update thereof.

9. All Rental Agreements for Regulated Units shall be in writing or otherwise legally enforceable and shall contain the names of all permitted occupants of the Residential Rental Unit. It shall be the responsibility of the owner or agent to produce a lease upon request from the Code Enforcement Officer whenever it is deemed necessary by the Code Enforcement officer to enforce the ordinances and zoning code.

10 The Owner or Occupant shall not include text in a Rental Agreement that is contrary to the provisions of this Ordinance.

11. Addendum to Rental Agreement. An Addendum to each rental Agreement for Regulated Rental Units shall be provided by the Owner to the Occupant before a Rental Agreement is presented for signing by an Occupant. Any alternative version of this Addendum must be pre-approved by the Code Enforcement Officer. The Owner shall secure a written acknowledgment from Occupant(s) that the Occupant(s) have received the Addendum. Upon oral or written request by the Borough of Lansford, the Owner, within ten (10) days of the request, shall furnish to the Borough copies of the acknowledgment that the Occupant(s) received the Addendum.

12. Evictions– In the event that an Occupant(s) of a regulated rental Unit is involved in a third Disruptive Conduct violation within any one (1) year period during which a Residential Rental License was required or the Occupant(s) is/are in violation of any federal, state or local law, the Police Department or Code Enforcement Officer shall issue a written statement to the Owner or his Manager to order him/her to evict the Occupant(s) of the Regulated Rental Unit. If the Disruptive Conduct was caused by only one Occupant then the Eviction Order shall be limited to that person. Occupant(s) shall be responsible to prevent their guests from engaging in Disruptive Conduct on the premises. Once an eviction is ordered, those Occupant(s) shall not be permitted to occupy any area on the same lot for a minimum period of two (2) years. In addition, once an eviction is ordered, those Occupant(s) shall not be permitted to occupy any Dwelling Unit or boarding/rooming house unit that is owned by the same person or entity within the Borough of Lansford for a minimum period of two (2) years. The Owner shall begin eviction proceedings within fifteen (15) days after receiving such statement and shall continue such proceedings until completion, without interruption, unless the Occupant(s) vacate the premises.

a. Failure of the Owner to carry out an order to evict Occupant(s) shall result in the suspension of the Residential Rental License and shall be a violation of this ordinance until such time as the Owner commences the eviction process. A second or subsequent failure to carry out an order to evict shall result in a revocation of the Residential Rental License, Suspension or revocation of the Residential Rental License may be appealed by the Owner to the Property Maintenance Board of Appeals or in the absence thereof to the Borough Council for a review of the decision to suspend or revoke the license within ten (10) days

of the issuance of the order to evict.

b. This ordinance shall not limit the ability of an Owner to evict tenants in compliance with State law for reasons other than violations of this Ordinance.

c. A requirement to evict Occupants shall not apply if a successful appeal is made to the Borough Council, or if the Magisterial District Judge rules in favor of the Occupant(s) during the eviction proceedings, or where a court appeal or other legal action has been filed that would lawfully prevent eviction.

d. The Police Department shall maintain a list of Occupants who were ordered to be evicted and the affected addresses. Such list shall be maintained for a minimum period of three (3) years and shall be available for public review in accordance with applicable laws.

13. Be aware of, and act to eliminate Disruptive Conduct in all Residential Rental Units under his/her control.

14. Employ policies to manage the Residential Rental Units under his/her control in compliance with the provisions of this Ordinance, and all applicable federal, state and local laws, ordinances and regulations.

15. Pay or insure payment of all real estate taxes, sewer rates, water rates, and trash collection fees to insure that such vital utilities are provided. No Owner or agent will be permitted to rent a dwelling out if property taxes, garbage fees, water fees and sewer fees are delinquent. Proof that said taxes and fees are current is required at the time of inspection, upon request of the Code Enforcement Officer and at the time of the annual rental license renewal. Failure to comply shall be deemed owner omission and cause for closure of the rental unit.

16. Obtain and maintain a Residential Rental License from the Borough for each Residential Rental Unit.

17. Within thirty (30) days of new occupancy of any Residential Rental Unit or upon change of occupancy or change in the number of occupants, provide the Borough with the names of all Occupants of the Residential Rental Unit.

18. Provide Trash and recyclable collection and disposal services and instruct occupants of the method of trash and recyclable collection (e.g. curbside or dumpster) and, if applicable, the day of the week of trash and recyclable pickup.

19. Provide each Occupant with a disclosure statement containing the requirements of this Regulation. Providing a copy of this Ordinance will satisfy this requirement.

20. Provide to each occupant of a Residential Rental Unit with the following:

- 1) the name, mailing address and telephone number of the Owner, responsible agent or Manager.
- 2) the telephone number to call to register complaints regarding the physical condition of the Residential Rental Unit.
- 3) the telephone number for emergency police, fire and medical services.

21. Provide and maintain smoke detectors in each Residential Rental Unit as required by established codes.

22. It shall be the responsibility of every owner, operator, responsible agent or manager to display the residential rental registration or residential rental license inside the residential rental unit. The residential rental registration or residential rental license shall include the following information:

- a) The name, mailing address and telephone number of the owner, responsible agent or manager;
- b) The evenings on which garbage is to be placed out for collection;
- c) The telephone number to call to register complaints regarding the physical condition of the residential rental unit;
- d) The telephone number for emergency policy, fire and medical services, and ;
- e) The date of expiration of the residential rental registration or residential rental license.

23. In order to protect the health, safety and welfare of the residents of the Borough, it is hereby declared that the Borough shall require hazard and general liability insurance for all property owners letting property for occupancy in the Borough.

a. Minimum coverage; use of insurance proceeds. All Owners shall be required to obtain a minimum of fifty thousand (\$50,000.00) dollars in general liability insurance, and hazard and casualty insurance in an amount sufficient to either restore or remove the building in the event of a fire or other casualty. Further, in the event of any fire or loss covered by such insurance, it shall be the obligation of the Owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property in adherence to the Borough Code and all applicable ordinances.

b. Property owners to provide Borough with insurance information. Owners shall be required to place their insurance company name, policy number and policy expiration date on their Rental Property Registration form, or, in the alternative, provide the Borough Office with a copy of the certificate of insurance. Neither a registration certificate nor rental license shall not be issued to any Owner or Agent unless the aforementioned information has been provided to the Borough office. The Borough office shall be informed of any change in policies for a particular rental property or cancellation of a policy for said property within thirty (30) days of said change or cancellation.

c. The Owner or Manager shall obtain and provide proof of insurance to the Borough when applying for a residential rental license or renewing same. Such insurance shall cover any liability for the property including but not limited to fire damage, water damage, personal injury of any sort, etc. equal to or in excess of an amount of the Fair Market Value of the property and shall remain in effect throughout the term of a residential rental licenses issued hereunder. The Owner or manager shall provide a copy of rental building insurance when applying for or renewing a residential rental license. The Owner or Manager shall also supply a copy of said insurance upon request from a Borough official. Failure to supply a copy of said insurance shall be grounds for denying issuance of a residential rental license upon application or for suspension of a license already issued when the Owner or manager does not comply with a demand for production of such insurance.

24. The Owner or Manager shall:

- a.) maintain a current list of all Occupants age 18 or older in each Regulated Rental Unit, which shall include their name, address and telephone number and shall be posted inside the unit within six (6) feet of the front door.
- b.) furnish such list to the borough annually in writing before January 1st of each year or upon request of a Borough official; and,
- c.) notify the borough in writing of any changes in the number or names of Occupants age 18 or older within 30 days whenever any change occurs.

25. Complaints. The Owner or Manager shall respond to and correct problems within thirty (30) days after receiving a valid complaint from an Occupant.

26. Common Areas. The Owner shall be directly responsible to minimize Disruptive Conduct and behavior by Occupants and Guests in any Common Area on the Premises. The Owner shall maintain acceptable physical conditions in such common areas and the Owner shall be required to ensure that Common Areas and the outside premises are in compliance with Borough Codes and Ordinances.

27. If a rental unit is condemned or otherwise closed due to the act or omission of the owner or agent, it shall be the responsibility of the owner to find housing for the occupants at the owner's expense.

28. It shall be the responsibility of the Owner or his agent to ensure that all tenants moving into or out from a regulated rental unit secure a required moving permit from the Borough.

29. If an Owner sells a property containing a regulated rental unit, the Owner shall notify the Borough within thirty (30) days of sale in writing of the transfer. If the premises

which has been sold has issues of non-compliance with borough ordinances or codes prior to the sale, the Owner shall provide the new Owner a copy of the Borough's violation report and provide the borough with a notarized copy stating that the new Owner personally accepts the Borough's violation report and will accept without conditions the violation report with the intent to bring the property into compliance within sixty (60) days unless extended by approval of the Borough Council. The signature of the Owner and Buyer shall be printed and signed on this form along with their personal addresses, the address of the property being sold and the date of the transfer.

SECTION 105. DUTIES OF THE OCCUPANT.

A. General

1. The Occupant shall comply with all obligations imposed upon Occupants by this ordinance, all applicable Codes and Ordinances of the Borough and all applicable provisions of State law.
2. A Regulated Rental Unit shall not be occupied by more than three (3) "unrelated persons" (as defined in Section 102) unless specifically permitted otherwise by the Borough Zoning Ordinance A Regulated Rental Unit shall also comply with the occupancy limits of other regulations.
3. Occupants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and occupants shall comply with Borough solid waste, sanitation and recycling regulations. Occupants shall keep that part of the premises, which occupant occupies or controls in a clean and sanitary manner.
4. Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, any conduct declared illegal under any federal statute, and/or under the Pennsylvania Crimes Code or Liquor Code or the illegal sale or distribution of controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act, or their successor laws.
5. Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in Disruptive Conduct or other violations of this Ordinance.
 - a. When Police investigate an allegation of Disruptive Conduct, the Police Officer 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 this Report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the Disruptive Conduct and the factual basis for the Disruptive Conduct.
 - b. When a Police Officer issues a Disruptive Conduct Report concerning a

Regulated Rental Unit, a copy shall be provided by the Police to the Code Enforcement Officer and the Borough Office but the Police Department will be the agency which maintains a record of the issuance of such Disruptive Conduct reports. The Police Department shall mail a copy of the Disruptive Conduct Report to an Occupant and the Owner or Manager upon receipt of the Report.

c. A criminal or civil citation is not required in order for a Disruptive Conduct Report to be issued.

d. If a citation is issued and successfully prosecuted or a guilty plea entered in a District Court, such citation automatically be considered a Disruptive Conduct Report. However, is an appeal of a citation is filed from a decision of a District Court, the matter shall not be deemed to constitute Disruptive Conduct unless a finding of guilty is affirmed by a final decision on appeal.

e. The Disruptive Conduct Report shall count against all Occupants of the Residential Rental Unit. More than one (1) Disruptive Conduct Report filed against the Occupants of a Residential Rental Unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report for the purposes herein.

6. The Occupant(s) shall not intentionally cause, nor permit, nor tolerate others to cause damage to the premises. Conduct which results in damages in excess of Five Hundred (\$500.00) Dollars shall be considered as presumptive evidence of Disruptive Conduct under this Ordinance.

7. Occupant(s) shall permit a Code Enforcement Officer to conduct inspections of the premises during Borough business hours, after receiving notice from the Owner, Manager or the Borough.

8. Conduct himself/herself 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.

9. use the trash and recyclable collection services provided by the Owner.

10. Use the Residential Rental Unit for no other purpose than as a residence.

11. Not allow persons other than those identified on the Residential Rental agreement and addendum to reside in the Residential Rental Unit.

SECTION 106. NOTICES

a. Whenever an Inspector, police officer, fire official designated borough official or Code Enforcement officer determines that any Rental Unit or Premises fails to meet the requirements

set forth in the applicable Codes, the Borough by and through its appointed agent shall issue a correction notice setting forth the violations and ordering the Occupant, Owner or Agent, as appropriate, to correct such violations. The notice shall:

- 1) be in writing;
- 2) describe the location and nature of the violation;
- 3) establish a reasonable time for the correction of the violation.

b. All notices shall be served upon the Occupant, Owner or Agent, as applicable, personally or by certified mail, return receipt requested. A copy of any notices served solely on an Occupant shall also be provided to the Owner or Agent. In the event service is first attempted by mail and the notice is returned by the postal authorities marked "unclaimed" or "refused", then the Code Enforcement Officer or Police Department can attempt delivery by personal service on the Occupant, Owner or Agent, as applicable. The Code Enforcement Officer, Police Department or any other designee so appointed by Council shall also have the option of posting the notice at a conspicuous place on the Premises in lieu of personal service upon the owner or agent. If personal service directed to the Owner or Agent cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the Owner or Agent, as applicable, at the address stated on the most current registration application for the Premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five (5) days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the United States Mail.

c. For purposes of this Ordinance, any notice hereunder that is given to the Agent shall be deemed as notice given to the Owner.

d. There shall be a rebuttable presumption that any notice that is given to the Occupant, Owner or Agent under this Ordinance shall have been received by such Occupant, Owner or Agent if the notice was served in the manner provided by this Ordinance.

e. Subject to subparagraph d above, a claimed lack of knowledge by the Owner or Agent, if applicable, of any violation hereunder cited shall be no defense to closure of rental units hereunder, as long as all notices prerequisite to such proceedings have been given and deemed received in accordance with the provisions of this ordinance.

f. All notices shall contain a reasonable time to correct, or to take steps to correct violations of the above. The Occupant, Owner or Agent to whom the notice was addressed may request additional time to correct violations. Requests for additional time must be in writing and either deposited in the U.S. Mail (post-marked) or hand-delivered to the Borough Office within five (5) days of receipt of the notice by the Occupant, Owner, or Agent. The Borough retains the right to deny or modify time extension requests. If the Occupant, Owner or Agent is attempting in good faith to correct violations but is unable to do so within the time specified in the notice, the Occupant, Owner or Agent shall have the right to request such additional time as may be needed

to complete the correction work, which request shall not be unreasonably withheld.

g. Failure to correct violations within the time period stated in the notice of violation shall result in such actions or penalties as are set forth in this ordinance. If the notice of violation relates to actions or omissions of the Occupant, and the Occupant fails to make the necessary correction, the Owner or Agent may be required to remedy the condition. no adverse action shall be taken against the Owner or Agent, for failure to remedy a condition as long as the Owner or Agent is acting with due diligence and taking bona fide steps to correct the violation, including but not limited to pursuing remedies under a lease agreement with an Occupant or Tenant. The Borough shall not be precluded from pursuing an enforcement action against any Occupant or Tenant who is deemed to be in violation.

h. Notices hereunder may be sent by a code enforcement officer, police officer, inspector, borough solicitor or any other person duly designated by council to issue such notices.

i. A Code Enforcement Officer or designated Borough Official may determine that the Rental Unit is unfit for human habitation, in which case it shall be vacated and remain vacated until such situation is corrected to the satisfaction of the Code Enforcement Officer or designated Borough Official.

j. For serious violations that do not require the property to be immediately vacated, a Code Enforcement Officer or designated Borough Official may require that the violations be corrected within no less than 24 hours, or any other time period stated on the notice from the Code Enforcement Officer.

SECTION 107. RENTAL REGISTRATION AND LICENSE REQUIREMENTS

a. A Residential Rental License shall be required for all occupied Regulated Rental Units. No Person shall hereafter occupy, allow to be occupied, advertise for occupancy, solicit occupants for, or let to another person for occupancy any Rental Unit within the Borough for which an application for license has not been made and filed with the Borough Office and for which there is not an effective license. A copy of said License shall be posted within six (6) feet inside of the front doorway by either the Owner or Manager. Initial application and renewal shall be made upon forms furnished by the Borough Office for such purpose and shall specifically require the following minimum information:

- 1) Name, mailing address, street address and phone number of the Owner, and if the Owner is not a natural person, the name, address and phone number of a designated representative of the Owner.
- 2) Name, mailing address, street address and phone number of the Agent of the Owner, if applicable.
- 3) The street address of the Premises being registered.
- 4) The number and types of units within the Premises (Dwelling Units or Rooming

Units).

- b. The Owner or Agent shall notify the Borough Office of any changes of the above information within thirty (30) days of such change on a form provided by the Borough.
- c. The application for registration and licensing shall be made by personally filing an application with the Borough Office by January 1, 2024. Thereafter, any new owner shall file an application before the Premises is let for occupancy, or within thirty (30) days of becoming an Owner of a currently registered Premises. One application per dwelling unit is required, as each dwelling unit will receive its own license.
- d. Upon receipt of the initial application or any renewal thereof and the payment of applicable fees as set forth herein, the Borough office shall issue a Rental Registration License to the Owner within thirty (30) days of receipt of payment of the required fees.
- e. Each new license issued hereunder, and each renewal license, shall expire on December 31 of each year. The Borough Office shall mail license renewal reminders to the Owner or designated Agent on or before December 1 of each year. Renewal applications and fees may be returned by mail or in person to the Borough Office. A renewal license will not be issued unless the application, addendum and appropriate fee has been remitted.
- f. The Borough shall issue a Residential Rental License if the Owner provides the name, mailing address and phone number of a designated responsible agent or Manager (if applicable), pays the registration fee, submits a complete and accurate Occupant listing for the Residential Rental Unit by the registration deadline of each year and is current on real estate taxes, sewer/water/trash fees for the Residential Rental Unit and the residential rental unit is in compliance with all Borough ordinances, state and federal law. The Owner or Agent must also supply the names of occupants age eighteen (18) or older, on an addendum form provided by the Borough.
- g. A License or inspection by itself shall not warrant that a Rental Unit is lawful, safe, habitable or in compliance with all Borough Codes.

SECTION 108. INSPECTION OF RESIDENTIAL RENTAL UNITS

- a. Each Residential Rental License shall have an annual term and each Regulated Rental Unit shall be subject to a minimum of at least one inspection every two (2) years. The Code Enforcement Officer shall require that a Regulated Rental Unit be made available for inspection in a designated year and then re-inspect on a schedule of one inspection every two (2) years. The Borough is not obligated to complete all inspections within this schedule. If the borough, through no fault of the Owner, Manager or Tenant, was not able to complete an inspection of a Regulated Rental Unit in the designated year, the borough may inspect the Unit in one or more following years.

b. Prior to initial occupancy of newly constructed Residential Rental Units, newly created Residential Rental Units, or substantially rehabilitated Residential Rental Units (as documented by a certificate of occupancy), the Owner or Manager shall register with and make written application to the Borough for a Residential Rental License as herein provided.

c. Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Borough. A minimum thirty (30) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the Residential Rental License.

d. The Borough by and through its designated agent shall inspect Residential Rental Units after completion of the initial inspection under this Ordinance in accordance with a systematic program. The Borough may also inspect Residential Rental Units upon a change in occupancy of the Residential Rental Unit, upon receipt of complaints, upon occurrence of Disruptive Conduct at such Residential Rental Unit, or for any other reason.

e. If the Borough inspector, upon completion of the inspection, finds that the applicable Codes have not been met, the duly designated inspector appointed by the Borough shall issue notices, and, if appropriate, commence enforcement actions under the procedure set forth in the Ordinance which has been violated. The following notices shall be issued to the Owner of the Residential Rental Unit or the Manager. Notice provided to the Manager shall be deemed notice provided to the Owner.

1. If the duly appointed inspector of the Borough finds violations warranting condemnation of the Residential Rental Unit under the Residential Rental Unit Ordinance, in addition to the remedies under the Residential Rental Unit Ordinance, the Enforcement officer shall:

(A) Issue a Ten (10) day Notice of Violation; and

(B) If after ten (10) days from the date of the ten (10) day Notice of Violation, a reinspection reveals that the violations are not corrected and arrangements satisfactory to the enforcement officer have not been made, the Residential Rental Licenses for the Residential Rental Unit shall be revoked until the issue has been satisfactorily resolved, and if the Residential Rental Unit is vacant, it shall remain vacant.

2. If the Enforcement Officer finds violations not warranting condemnation of the Residential Rental Unit under the Residential Rental Unit ordinance, the Enforcement Officer shall issue a Thirty (30) day Notice of Violation.

(A) If after the thirty (30) days from the date of the Thirty Day Notice of Violation, the first reinspection reveals that all violations have not been corrected, the Enforcement Officer shall issue a second Thirty (30) day Notice of Violation.

(B) If after thirty (30) days from the date of the second Thirty Day Notice of Violation, a second reinspection reveals that all violations have not been corrected, the Enforcement Officer shall revoke the rental license for the rental unit, and if the Residential Rental Unit is vacant, it shall remain vacant.

f. A fee will be charged to the Owner for the initial inspection and for each reinspection. The Borough shall maintain a list of all Residential Rental Units and their Ownership that have been the subject of prosecution during the preceding five (5) years.

g. In the event that any officer named hereunder as an enforcement officer believes that any Residential Rental Property is not in compliance with any of the provisions of this ordinance or any other Borough Ordinance, state statute or regulation, said officer is hereby empowered to seek an administrative search warrant from the Magisterial District Court or any other applicable court to permit entry into and onto the premises for the purpose of determining compliance with local and state laws and ordinances.

h. The following time extensions shall apply for the requirements to have a rental Unit inspection, unless there is evidence of a possible code violation on the property. These time extensions shall only apply if the property has not been subject of any Code enforcement actions (other than items that were satisfactorily corrected within 30 days), and has no outstanding taxes, fines, or fees due to the Borough of Lansford or a Municipal Authority servicing the Borough.

1. If an Owner or Manager provides evidence that a Regulated Rental Unit was newly developed within the last six(6) years and was inspected by the borough after construction, then an inspection is not required under this Ordinance for the first four (4) years after the effective date of this Ordinance.

2. If an Owner or Manager provides evidence that a Rental Unit has been occupied by the same Occupants for the last two (2) years, then a Code Enforcement Officer may allow an inspection to be delayed to once every four (4) years.

3. If an Owner or Manager provides evidence that a Regulated Rental Unit was substantially rehabilitated within the last six (6) years in the determination of the Code Enforcement Officer and was inspected by the borough after rehabilitation, then an inspection is not required under this Ordinance for the first Two (2) years after the effective date of this Ordinance.

4. If a Regulated Rental Unit was inspected by the borough for Code compliance within the previous four (4) years, then an inspection under this section may be delayed to result in a minimum of two (2) years until the next inspection.

i. To minimize disruption to occupants, owners and managers are encouraged to attempt to schedule inspections during times when a Rental Unit is unoccupied between tenants.

SECTION 109. SALE OR TRANSFER OF RESIDENTIAL RENTAL UNITS

A Residential Rental License shall not be transferred. In the case of licensed Residential Rental Units that are sold or transferred, the new Owner shall secure a Residential Rental License for each Residential Rental Unit and have each Residential Rental Unit inspected. Failure to secure a Residential Rental License for each Residential Rental Unit within sixty (60) days of the date of the sale or transfer of ownership shall result in the revocation of the Residential Rental License and/or prosecution hereunder.

SECTION 110. FEES

- a. Annual license Fee. The annual fee for a Residential Rental Unit shall be One Hundred Dollars (\$100.00) per dwelling unit. Sixty Dollars (\$60.00) per each rooming house unit and Thirty Dollars (\$30.00) for each sleeping room in a fraternity or sorority. The fee for a calendar year shall be paid by January 1st of each year. If the annual fee is not paid by January 1st, an additional fee of Twenty Dollars (\$20.00) shall apply for each subsequent month. This fee is intended to cover the borough's actual costs for administering the program and for inspections, and related vehicle, office, administrative and overhead expenses.
- b. If a second inspection is needed for a dwelling unit or rooming house unit because the unit was found to be in violation of borough codes during the initial inspection, then an additional fee of Seventy-Five Dollars (\$75.00) shall apply. For each subsequent inspection that is needed in any two (2) year period, an additional fee of One Hundred Dollars (\$100.00) shall apply.
- c. The fee to reinstate a revoked Residential Rental License shall be One Hundred Dollars (\$100.00) per dwelling unit or One Hundred Dollars (\$100.00) per rooming house building.
- d. All fees provided in this ordinance may be revised by written resolution and approved by Borough Council from time to time.
- e. A Residential Rental Unit shall not be issued or renewed if the Owner has not paid any fines and costs arising from enforcement of this Ordinance or any Codes of the Borough of Lansford relating to land use and/or Code Enforcement, or if any licensing fees under this Ordinance are past due to the Borough.
- f. If a second or subsequent inspection is needed for a dwelling unit or rooming house unit because the Code Enforcement Officer was not able to enter the unit at the time that had been scheduled with the Owner or Manager, then an additional fee of Seventy-Five Dollars (\$75.00) shall apply.

SECTION 111. ENFORCEMENT.

- a. The following persons are hereby authorized to enforce this ordinance.

1. The Chief of Police
2. Any Police Officer
3. Code Enforcement Officer
4. The Fire Chief
5. Health Officer
6. Any other borough designee.

b. The designation of any person to enforce this Ordinance or authorization of an inspector, when in writing, and signed by a person authorized herein is to designate or authorize an Inspector to enforce this Ordinance, shall be prima facie evidence of such authority before the Magisterial District Judge, Court of Common Pleas, or any other Court, administrative body of the Borough, or of this Commonwealth, and the designating Director or Supervisor need not be called as a witness thereto.

SECTION 112. FAILURE TO CORRECT VIOLATIONS

a. If any person shall fail, refuse or neglect to comply with a notice of violation as set forth in Section 111, the Borough shall have the right to file an enforcement action with the Magisterial District Judge against any Person the Borough deems to be in violation. If, after hearing, the Magisterial District Judge determines that such Person or Persons are in violation, the Magisterial District Judge may assess fines in accordance with Section 114 on a daily basis until such violations are corrected. Such order shall be stayed pending any appeal to the Court of Common Pleas.

b. A Residential Rental License shall be denied and may be revoked if there is a failure to abate any violation of this ordinance or any other code violation noted in any inspection of Rental Housing within the time specified in the notice to abate the violation unless an appeal is pending hereunder of the notice to abate the violation.

c. A Residential Rental License shall also be denied or revoked in the event of three (3) violations of this ordinance and/or any other Borough Code or ordinance that apply to the Residential Rental unit or premises during the term of the license. Before an occurrence may be considered a violation there must either be (i) a summary conviction or (ii) the Borough must send the Owner a written notice of the violation within thirty (30) days of the incident and the period for the Owner to file an appeal from the determination of the office have expired.

d. Non-Renewal--A Code Enforcement Officer shall delay or deny the renewal of a Residential Rental License if there are outstanding violations of borough codes for that Rental Unit that have not been corrected at the time of license renewal. If the violations are not a threat to safety of occupants or other members of the public, a Code Enforcement Officer may permit the current Occupants to continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of non-renewal, with the time limit removed when he violations of borough codes are corrected. A Code Enforcement Officer may issue a Temporary

License that is conditioned upon certain actions being taken within a maximum time period.

e. Revocation --The immediate revocation of the license to rent a Regulated Rental Unit shall occur if a Code Enforcement Officer determines that violations of borough codes present a threat to the safety of occupants or other members of the public. Such revocation shall occur until violations of borough codes are corrected and the property has been re-inspected. Upon revocation, the Owner shall take immediate steps to evict the Occupants and/or locate alternative housing for the occupants.

f. Suspension-- A Code Enforcement Officer may suspend the license to rent a Regulated Rental Unit until violations of borough codes have been corrected within a time limit established by a Code Enforcement Officer, Such suspension shall continue until such time as a violation(s) of borough codes are corrected.

1. If the violations are not a threat to safety of occupants or other members of the public, a Code Enforcement Officer shall permit the current Occupants to continue to reside in the premises for a reasonable period of time established by a Code Enforcement Officer in the notice of suspension.

2. A Code Enforcement Officer may suspend the license to rent a Regulated Rental Unit if the Owner or his/her designated Manager are not available or do not respond to contacts by a Code Enforcement Officer, or if the name and contact information for the Owner or Manager are no longer valid, or if the Manager no longer represents the Owner.

g. Reinstatement-- A Residential Rental License shall be reinstated if the Owner of a Regulated Rental Unit corrects the reason for the revocation of the Residential Rental License and has paid the Residential Rental License reinstatement fee.

h. Criteria for applying sanctions

1.) The Code Enforcement Officer or designated Borough official, when deciding upon the sanctions shall consider the following:

A.) The effect of the violation on the health and safety of Occupants of the Regulated Rental Unit, other residents of the premises and neighboring residents.

B) Whether the Owner has prior violations of this Code and whether those violations were satisfactorily corrected in a timely manner.

C) The effect of sanctions upon the Occupants, particularly when the Occupants did not cause the violation.

D) The actions taken by the owner to remedy the violation(s) and to prevent future violations, including any written plan submitted by the Owner and good faith efforts of the Owner to bring the property into compliance.

i. In addition to enforcing sanctions set forth, a Code Enforcement or designated Borough Official may establish reasonable conditions upon a Residential Rental license that will fulfill the purposes of this ordinance.

j. Grounds for imposing sanctions

1) Any of the following may subject an Owner to sanctions as provided for in this section.

A) Failure to abate a violation of borough codes and ordinances that apply to the Premises within the time directed by the Code Enforcement Officer and/or designated Borough Official.

B) Refusal to permit the Inspection of the Premises by a Code Enforcement Office or designated Borough Official as required by this ordinance.

C.) Failure to take steps to remedy and prevent violations of this ordinance by Occupants of Regulated Rental Units as required by this ordinance.

D) Failure to evict Occupants after having been directed to do so by a Code Enforcement or designated Borough Official as provided for in this ordinance.

k. Procedure for Non-Renewal, Suspension or Revocation of License.

1) Following a determination that grounds for non-renewal, suspension, or revocation of a License exist, a Code Enforcement Officer and/or a designated Borough Official shall notify the Owner or Manager of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the Owner or Manager in question, and shall contain the following information:

A) The address of the Premises in question and identification of the affected Regulated Rental Unit(s).

B) A description of the violation which has been found to exist.

C) A statement that the License for said Regulated Rental Unit(s) shall be suspended, revoked, or will not be renewed for the next License period unless the violation is corrected within the time deadline provided in the notice. In the case of revocation, the notice shall state the date upon which such revocation will commence.

D) A statement that during the license non-renewal or revocation, the property shall not be rented for occupancy except for any temporary conditional license extension that a Code Enforcement Officer or designated Borough Official may issue.

E) Information regarding the appeal process.

SECTION 113. APPEALS

a. Any Person Aggrieved by any decision of the Enforcement officer, designated Borough

Official or Police Officer in regard to a Police Incident Report or the revocation of a Residential Rental License may appeal to Borough Council in accordance with the provisions of this section. Such appeal must be filed, in writing, within ten (10) working days from the date of the Report or notice of revocation. An application for appeal may be made when it is claimed that the provisions of this Ordinance have been improperly applied or administered or that factual errors were made by the Code Enforcement Officer or designated Borough Official, or for such other grounds under this Ordinance as the applicant may allege. A fee of Two Hundred Fifty (\$250.00) Dollars shall be paid in advance by the person requesting the hearing for each appeal to the Lansford Borough Secretary. The fee may be changed by the Borough Council by Resolution from time to time as the Council deems appropriate. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a decision on such appeal within forty-five (45) days. Borough Council shall render a written decision, copies of which shall be provided to the Enforcement Officer and the appellant.

b. The Property Maintenance Board of Appeal or in their absence Borough Council shall also hear all appeals of enforcement matters under the latest edition of the Borough of Lansford Property Maintenance Code. The appeal provisions in such Code are hereby included by reference.

c. The Property Maintenance Board of Appeals is hereby established and shall consist of five (5) members who are appointed by Borough Council. The members shall serve staggered five (5) year terms, with at least one term ending each year.

1. A minimum of three (3) votes shall be needed for any action by the Board, such as to delete a Disruptive Conduct Report or to halt an order for eviction. A 2 to 2 vote shall be considered to have been no action, in which case the determination of the Code Enforcement Officer or designated Borough Official shall stand.

2. Two alternate members of the Property Maintenance Board of Appeal may also be appointed by the Council, who may be named to serve when regular members are unable to serve.

3. Decisions of the Property Maintenance Board of Appeals may be appealed to the Court of Common Pleas, provided notice is filed in writing with the Borough Solicitor's office within thirty (30) days after the party's receipt of the decision of the Property Maintenance Board of Appeals.

4. The Property Maintenance Board of Appeal shall have the authority to elect its own officers and to establish and revise rules and regulations for its own procedures, actions and meetings.

5. Decisions of the Property Maintenance Board of Appeals shall be provided in writing to the Code Enforcement Officer or designated Borough Official and to the last known address of the Owner, the Manager, if applicable and the affected Occupants within ten (10) days after the conclusion of a hearing on a matter.

6. Any compensation for the members of the Property Maintenance Board of Appeals

shall require approval by Borough Council.

7. A stenographic record is not required for meetings of the Property Maintenance Board of Appeals. A tape recording may occur and a record of the decisions or actions of the Property Maintenance Board of Appeals shall be kept in writing and signed by the Chairperson of the Board of Appeals.

d. The Borough of Lansford Board of Health, if established, shall continue to hear appeals concerning health regulations. The Borough of Lansford Zoning Hearing Board shall continue to hear appeals concerning the Zoning Ordinance. The Borough of Lansford UCC Board of Appeals shall continue to hear appeals as provided in the PA UCC Code and in the Borough of Lansford Code of Ordinances on matters applicable thereto. In the absence of any of the required board of appeals, the borough council shall hear appeals in lieu of such appeals board.

SECTION 114. FAILURE TO COMPLY WITH THIS ORDINANCE; PENALTIES

a. The penalties and remedies for a violation of Borough Construction Codes or the Borough Property Maintenance Code shall be as established in such other Code.

b. Any person who violates a provision of this Ordinance shall upon conviction thereof in a District Court be liable to pay the following penalties:

- 1) A First Violation on a lot or premises in a calendar year— a fine of Three Hundred (\$300.00) Dollars
- 2) A Second Violation on a lot or premises in a calendar year— a fine of Four Hundred Fifty (\$450.00) Dollars
- 3) A Third Violation on a lot or premises in a calendar year— a fine of Six Hundred (\$600.00) Dollars
- 4) If an Owner fails to obtain a Residential Rental License that is required, a fine of Six Hundred (\$600.00) Dollars per unit shall apply.
- 5) For each week that a violation continues to exist after the time limit established for correction of the violation by a Code Enforcement Officer or designated Borough Official without same having been appealed, shall constitute a separate offense for which the Owner may be fined separately.
- 6) In addition, an eviction of Occupants of a Regulated Rental Unit may be required under provisions of this ordinance, and th Residential Rental License that grants the privilege to rent a Regulated Rental Unit may be revoked, suspended or withdrawn.

c. Owner or Agent shall not be held liable for the actions of Occupants who allow additional occupancy in any Rental Unit without the Owner or Agent's written permission, provided that Owner or Agent takes reasonable steps to remove or register such unauthorized Occupants within ten (10) days of learning of their unauthorized Occupancy in the Rental Unit. Any Occupant who allows additional occupancy in a rental Unit without first obtaining the written permission of the Owner or Agent is in violation of this Ordinance and shall, upon conviction thereof after notice

and a hearing before the Magisterial District Judge, be sentenced to pay a fine of \$600.00 for each additional occupant permitted by an Occupant and \$100.00 per additional Occupant per day for each day that Occupant continues to allow each such additional Occupant to occupy the Rental Unit after Occupant is given written notice of such violation by Owner or Agent or pursuant to Section 4 above.

d. It shall be a violation of this Ordinance to commit or to permit any other person to commit any of the following acts:

1. To lease, let, or allow the occupancy of a Residential Rental Unit without obtaining a Residential Rental License where required by this Ordinance.
2. To refuse to permit inspections under this Ordinance for a Residential Rental Unit.
3. To fail to perform the duties established by this Ordinance if such person is an Owner or Manager of a Residential Rental Unit.
4. To fail to perform the duties specified herein if such Person is an Occupant of a Residential Rental Unit.
5. To place false information on or to omit relevant information from an application for a Residential Rental License.
6. To fail to comply with any other provision of this Ordinance.

e. The Borough may take such civil or equitable action in any court of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Ordinance.

f. The provisions of this ordinance governing revocation, suspension or non-renewal of Residential Rental Licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate. The remedies and procedures of this Ordinance are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Property Maintenance Code, Zoning Ordinance or any other code or ordinance.

SECTION 115. APPLICABILITY AND EXEMPTIONS TO THE ORDINANCE

A. The following shall not be considered Regulated Rental Units for the purpose of this ordinance:

- 1- Owner-occupied Dwelling Units, provided that not more than two (2) unrelated individuals, in addition to the Owner and his/her relatives, occupy the Dwelling Unit at any given time.
- 2- Hotels and motels used for transient visitors to the area, but without units that serve the same purposes as rooming house units.
- 3- Hospitals and State-licensed nursing homes and personal care homes.
- 4- Bed and Breakfast homes as defined in the Borough's zoning ordinance.

- 5- One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are related to the owner.
6. Housing Authority– Rental Units owned by Public Authorities as defined under the Pennsylvania Municipal Authorities Act, and Dwelling Units that are part of an elderly housing multi-unit building which is 75% occupied by individuals over the age of sixty-five shall be exempted from the requirements of this ordinance for a regularly scheduled borough inspection and for payment of a Rental Housing Licensing Fee if the Code Enforcement Officer annually determines in writing that the Housing Authority’s inspection program is sufficient for serving the purposes of this section. Dwellings owned by the Housing Authority shall be required to comply with requirements of this ordinance concerning evictions, disruptive conduct reports and other provisions of this ordinance, as applicable, unless such provision is specifically preempted by Federal or State law.
7. Multi-Dwelling units that operate under the Internal Revenue Service Code Section 42 concerning entities that operate with an elderly component.

SECTION 116. OWNERS SEPARATELY RESPONSIBLE

If any Regulated 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 separately subject to prosecution for the violation of this Ordinance.

SECTION 117. CONFIDENTIALITY OF INFORMATION

All registration information collected by the Borough under this Ordinance shall be maintained as confidential and shall not be disseminated or released to any individual, group or organization for any purpose except as provided herein or as required by law. Information may be released only to authorized individuals when required during the course of an official Borough, state or federal investigation or inquiry.

SECTION 118. SAVING CLAUSE

This ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date thereof and any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION 119. SEVERABILITY

If any section, clause or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable without the invalid section.

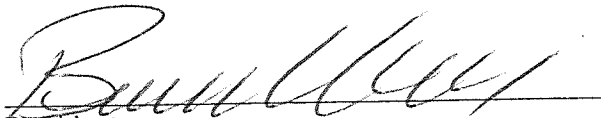
The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

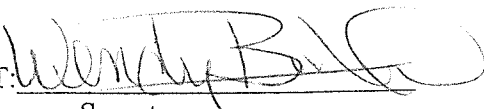
SECTION 120. EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2024.

DULY ENACTED AND ORDAINED, This 13 day of December 2023 by
the Council of the Borough of Lansford, Carbon County, Pennsylvania.

BOROUGH OF LANSFORD:

BY: 
President

ATTEST: 
Secretary

Approved this _____ day of _____, 2023

Mayor