

BOROUGH OF McKEES ROCKS

ORDINANCE NO. 1753

AN ORDINANCE OF THE BOROUGH OF McKEES ROCKS ESTABLISHING A RESIDENTIAL RENTAL HOUSING LICENSING AND INSPECTION SYSTEM AND ESTABLISHING ADMINISTRATIVE PROVISIONS, FEES AND PENALTIES.

WHEREAS, the Borough has identified the need to ensure that rental properties are appropriately identified and maintained for the purpose of protecting the welfare, health and safety of residents; and

WHEREAS, a licensing and inspection programs have been upheld by Pennsylvania courts as an appropriate municipal exercise to protect properties and persons in the Borough; and

WHEREAS, the Borough has operated such a program via Ordinance with amendments and now wishes to restate the Ordinance in its entirety for simplicity for use and understanding by all persons and parties.

NOW BE IT ORDAINED, that Ordinance 1680, as amended, is restated in its entirety:

SECTION 1. PURPOSES AND FINDINGS

A. Purposes

- 1) The provisions of this ordinance shall apply annually to any structure or part thereof that is or shall be used as a regulated rental unit and constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance in the Borough of McKees Rocks, Pennsylvania; and
- 2) This ordinance shall govern the inspection, maintenance, and issuance of licenses for regulated rental units annually in the Borough of McKees Rocks, Pennsylvania.
- 3) This ordinance shall repeal and replace any previous ordinance addressing residential rental licenses. It is the intent of the Borough of McKees Rocks Council for this single ordinance to govern with regard to rental properties located within the Borough. However, other ordinances, including but not limited to those relating to

property maintenance and building code standards, continue to apply.

B. 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 disturbances which adversely affect the peace and quiet of the neighborhood at rental residential properties than at owner-occupied residential properties.
- 5) A systematic inspection process can avoid life threatening problems, such as a lack of functioning smoke detector and other dangerous code violations.
- 6) A licensing system provides the Borough and emergency responders up to date information to utilize for critical communication purposes.

Section 2. DEFINITIONS

A. As used in this Ordinance, the following terms shall have the following meanings. If a term is not defined in this Ordinance but is defined in the Borough Existing Structures Code or Construction Code, then that definition shall apply to this Ordinance.

- 1) **Business Days** — Days in which the offices of the Borough of McKees Rocks are open for public business.
- 2) **Borough** — The Borough of McKees Rocks, Allegheny County, Pennsylvania.
- 3) **Code** — Any Code or ordinance adopted, enacted, and/or in effect in and for the Borough of McKees Rocks concerning fitness for habitation or the construction, maintenance, operation, occupancy, use, vermin or rodent control, or public health matters of any Premises or Dwelling Unit. This

shall include, but not be limited to the Borough Existing Structures Code, the Electrical Code, the Construction Codes, solid waste ordinances, public health ordinances, and noise control ordinances.

- 4) Code Official – The duly appointed Code Official(s) having the duty to enforce this Ordinance, the Borough Existing Structures Code and similar codes of the Borough of McKees Rocks, and any assistants or deputies thereof.
- 5) Disruptive Conduct – Any form of conduct, action, omission, or behavior perpetrated, caused, or permitted at a rental unit by any tenant, occupant, or invited guest, which constitutes a violation of any of the following statutes or ordinances, or consists of any of the following behaviors:
 - a. Any public order offense relating to Adult Entertainment, Alcoholic Beverages, or Transient Retail Business pursuant to relevant Borough ordinances; or 18 Pa.C.S.A. § 5501 (Riot), 18 Pa.C.S.A. § 5502 (Failure to Disperse), 18 Pa.C.S.A. § 5503 (Disorderly Conduct), 18 Pa.C.S.A. § 5505 (Public Drunkenness), 18 Pa.C.S.A. § 5512 (Lotteries), 18 Pa.C.S.A. § 5513 (Gambling Devices, Gambling), or Pa.C.S.A. § 5514 (Pool Selling and Bookmaking) of the Pennsylvania Crimes Code.
 - b. Any offense involving a minor under 18 Pa.C.S.A. § 4304 (Endangering the Welfare of Children), 18 Pa.C.S.A. § 6110.1 (Possession of Firearm by Minor), 18 Pa.C.S.A. § 6301 (Corruption of Minors), 18 Pa.C.S.A. § 6308 (Purchase, Consumption or Possession of Alcoholic Beverages), 18 Pa.C.S.A. § 6310 (Inducement to Buy Alcoholic Beverages), 18 Pa.C.S.A. § 6310.1 (Selling or Furnishing Alcoholic Beverages to Minors), or 18 Pa.C.S.A. § 6319 (Solicitation of Minors to Traffic Drugs) of the Pennsylvania Crimes Code. Any firearms or weapons offense under the Pennsylvania Uniform Firearms Act, 18 Pa.C.S.A. § 6101 et seq.
 - c. Any public decency offenses under 18 Pa. C.S.A. § 5901 (Open Lewdness), 18 Pa.C.S.A. § 5902 (Prostitution); or 18 Pa.C.S.A. § 5903 (Obscene and Other Sexual Materials and Performances) of the Pennsylvania Crimes Code.
 - d. Any sanitation offense under storage of solid waste and/or rubbish ordinance; or 18 Pa.C.S.A. §6501 (Scattering Rubbish) of the Pennsylvania Crimes Code.

- e. Any animal offense under relevant Borough ordinances; or 18 Pa.C.S.A. §5511 (Cruelty to Animals) of the Pennsylvania Crimes Code.
 - f. Any drug offense under Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101 et seq.
 - g. Any loud or raucous yelling or shouting emanating from the rental unit that is plainly audible at a distance of 30 feet from the rental unit, or any yelling or shouting in common areas or exterior areas of the premises between the hours of 11:00 p.m. and 7:00 a.m. or at any time in a manner where the yelling or shouting is inherently likely to provoke an immediate violent reaction.
 - h. Any operation of any radio, musical instrument, television set, loudspeaker, sound amplifier, or similar device in a manner as to be plainly audible at a distance of 50 feet from the rental unit in which such device is located.
- 6) Disruptive Conduct Report — A written report of disruptive conduct on a standardized form to be completed by a police officer or by the Code Enforcement Officer upon the receipt of a guilty disposition, which shall be maintained by the Code Enforcement Officer.
 - 7) Disruptive Conduct Letter - A letter issued by the Building Code Official advising that a disruptive conduct report has been filed and referencing the date and time of the incident, a description of the conduct, and all rights under this article to appeal of the disruptive conduct determination.
 - 8) Dwelling – A building including one or more Dwelling Units.
 - 9) Dwelling Unit— A residential living area for one household that is used for living and sleeping purposes, and that has its own cooking facilities, and a bathroom with a toilet and a bathtub and/or shower.
 - 10) Guest — A Person on the premises of a Regulated Rental Unit with the actual or implied consent of an Occupant.
 - 11) Landlord — This term shall have the same meaning as "Owner."
 - 12) 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 Agreements with Occupants.

- 13) Occupant — An individual who resides in a Regulated Rental Unit.
- 14) Owner — One or more Person, jointly or severally, in whom is vested all or part of the legal and/or equitable 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 who is in possession of a Regulated Rental Unit.
- 15) Owner-Occupied Dwelling — A Dwelling in which at least one owner of record of the property resides as his/her primary dwelling and where no tenants reside.
- 16) Person — A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.
- 17) Police — Sworn law enforcement officers of the Police Department of the Borough of McKees Rocks, the Pennsylvania State Police, the Allegheny County Sheriff, the Allegheny County Police, or any other law enforcement officer acting within the scope of his/her authority.
- 18) Premises — Any parcel of real property in the Borough, including the land and all buildings and structures, on which one or more Regulated Rental Units is located.
- 19) Regulated Rental Unit — A Dwelling Unit or Rooming House 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.
- 20) 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.
- 21) Residential Rental License (“License”) — The License issued to the Owner of Regulated Rental Units under this Ordinance, which is required in order to lawfully rent and occupy Regulated Rental Units.
- 22) Rooming House 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 inn.

- 23) Tenant — An occupant of a Regulated Rental Unit with whom a legal relationship with the Owner is established by a lease, understanding, permission or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

Section 3. RENTAL LICENSE REQUIRED

A. Rental License

- 1) No person, firm or corporation shall operate, rent, or allow to occupy any structure or part thereof that is or shall be used as a regulated rental unit in the Borough of McKees Rocks for three (3) or more consecutive days, with or without compensation, any dwelling unit or rooming unit until a housing permit has been issued by the Code Official.
- 2) Occupancy of any rental property prior to permit issuance is a violation of this Code. In addition to the imposition of the penalties herein described, the Borough is entitled to fines of up to \$600.00 per day per violation of this Section. Each day that a violation(s) continues, after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense without further notices.
- 3) When as part of a property sale agreement or transfer, the owner of an owner-occupied single-family residential property negotiates a post-settlement agreement to stay in the property after the transfer of ownership to the purchaser, for a maximum of 180 days, the property is not required to have a Residential Rental License.

B. Application

- 1) Applications for licenses shall be made to the Code Official on forms furnished by the Borough of McKees Rocks. Forms must be complete and include all required fees.
- 2) List of Occupants – 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. Indicate a total number of Occupants per Regulated Rental Unit under the age of 18 without person identifying information.

- b. Furnish such list to the Borough annually in writing at the time of annual licensing; and
 - c. Notify the Borough in writing of any changes in the number or names of Occupants within 30 days after a change.
- 3) The Code Official shall issue a License to the applicant upon proof that all of the following requirements have been satisfied:
 - a. Zoning use permit has been issued for the purpose for which it will be used;
 - b. All required forms have been completed and fees paid;
 - c. Adequate proof of insurance on the property has been shown;
 - d. Act 90 verification as provided herein.
- 3.1) Certificate of Waiver. In the event that a previously licensed Regulated Rental Unit is unoccupied at the time that said Unit is otherwise due for licensure and/or inspection, the Owner must complete a separate application for a Certificate of Waiver for any/all relevant units. Applications shall include an Owner affidavit and acknowledgment of his/her duty to register Regulated Rental Units pursuant to this Ordinance in the event that the Unit(s) become occupied by a tenant or occupant. A fee of \$10.00 per unit shall be due for each Certificate of Waiver. Alternatively, an Owner may apply to disenroll a Unit as a rental unit using the same form and process. In the event that an Owner fails to obtain a Certificate of Waiver or approval to disenroll a Unit within thirty (30) days from the date licensure under this Ordinance is otherwise due, the Borough is entitled to fines of up to \$600.00 per day per violation of this Section. Each day that a violation(s) continues, after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense without further notices.
- 3.2) License Application Review and Denials.
 - a. Decisions shall be made within thirty (30) days of receipt of completed applications.
 - i. All decisions shall be made in writing to the applicant at the email address and/or mailing address provided for on the applicant.

- ii. Denials of a Residential Rental Licenses are subject to a Local Agency Law appeal at the applicant's cost consistent with the Borough's Fee Schedule, which may be amended by Resolution from time to time. Appeals must be made to the Borough Manager within ten (10) days from the mailing of the denial. Appeals must be in writing and state all grounds for appeal. The Borough may assign a hearing officer or other persons to hear the appeal within sixty (60) days.

- b. Act 90 Verification. All applicants who own real property located in the Borough of McKees Rocks or elsewhere in the Commonwealth of Pennsylvania for which there exists a final and unappealable tax, water, sewer, or refuse collection charges, or, a serious violation of State Law or Borough code as identified in 42 Pa. C.S. § 6131(a)(1)(ii), or where serious code violations exist on the property whereon the Regulated Rental Unit is situated may be denied a Residential Rental License.
 - i. This provision shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.
 - ii. All denials under this provision shall be issued in accordance with the requirements set forth in 42 Pa. C.S. § 6131(a)(4).
 - iii. All Residential Rental Licenses denied under this part shall be withheld until the applicant obtains a letter from the appropriate municipal authority or entity indicating that:
 - a) the property in question has no final and unappealable tax, water, sewer or refuse delinquencies;
 - b) the property in question is now in State law and code compliance; or
 - c) the owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or a code. Acceptance of the plan is contingent on the requirements set forth in 42 Pa. C.S. § 6131(b)(1)(iii)(A-B).
 - iv. In the event that the appropriate municipal entity fails to issue a letter under Subsection iii above, indicating tax, water, sewer, refuse, State law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in

question shall be deemed to be in compliance for purposes of the Residential Rental License application.

- v. Denials of a Residential Rental Licenses are subject to a Local Agency Law appeal consistent with Section 3(B)(3.1)(a)(ii).

C. Inspection

- 1) Upon completion of the appropriate application for inspection and licensing, each Regulated Rental Unit shall be subject to inspection by the Building Code Official or another duly authorized agent of the Borough on at least a triennial basis, meaning once every three (3) years.
- 2) The Building and/or Code Official or other agent shall determine whether the property is in compliance with applicable Borough Ordinances, including, without limitation, the Zoning Ordinance, Commercial Code, the Property Maintenance Code Ordinance, and applicable fire codes.
 - a. Notification of inspection.
 - i. The Owner or Manager shall be given notice indicating date and time of inspection. The Owner or Manager shall be responsible for notifying any occupant.
 - ii. The notice shall include the property address, unit or units to be inspected.
 - iii. No inspection will be conducted without prior notification to the Owner, Owner's representative, or Manager. Access to the dwelling unit for the purpose of conducting an inspection shall be the responsibility of the Owner or the owner-designated representative.
 - iv. An inspection may be scheduled upon written request of the Owner. Requested inspections shall be scheduled subject to the workload and scheduling demands of the Building Code Official.
 - v. Any required re-inspections shall be similarly scheduled as noted above.

- vi. Re-inspections for no-show appointments and/or verification of remediation from an initial inspection may be charged an additional fee of \$20.00 per inspection.
- b. Inspection Procedures
- i. The inspection will be conducted by the Building Code Official or other designated representative of the Borough.
 - ii. No inspection will be conducted unless the owner and/or the occupant or a designated representative of the owner and/or occupant is present. There must be at least one (1) person present that is at least 18 years of age or older.
 - iii. The Code Official shall follow standard inspection procedures.
 - iv. All inspections shall be conducted during regular business hours. After-hours and Saturday inspections may be scheduled, provided the date and times are mutually agreed upon by the owner and the Code Official.
 - v. Re-inspections and rescheduled inspections for failure of the owner or his/her/its designated representative will follow similar procedures.
- 3) This Ordinance shall not be construed as to limit any code official's or law enforcement's authority to conduct inspections or enforcement actions under other Borough Codes, valid search warrants or to require that a property be made available for inspection whenever there is probable cause that a violation of Borough Codes may be present.
- 4) Administrative Search Warrant – Within the limitations of Federal and State law, a Code Official may apply to a District Justice having jurisdiction for an administrative search warrant to enter and inspect a Regulated Rental Unit and the Premises. Such warrant is only required where access to a Regulated Rental is denied to the Code Enforcement Officer after a request to the owner or in the event of exigent circumstances.

D. Fees

- 1) License and Inspection Fee.

- a. A fee shall be paid by the Owner or Manager for the registration, licensing and inspection of Regulated Rental Units on an annual basis. This fee is intended to cover the Borough's actual costs for administering the program, for inspections and for related vehicle, office, administrative and overhead expenses.
- b. The annual fee for a Regulated Rental Unit shall be \$80.00 dollars per dwelling unit, \$20.00 per each rooming house unit and \$10.00 for each sleeping room in a fraternity or sorority. This fee shall include all inspections pursuant to this Ordinance, except those required for no-show appointments and re-inspections as described herein.
- c. Timing. Regulated Rental Units, beginning in January 1, 2019, shall be assigned to a Compliance Group Number 1 through 12, corresponding with the numerical month the Application is due and for which the License, if assigned will begin. Licenses shall extend for a rolling twelve (12) month period from the date of issuance, unless otherwise revoked or surrendered pursuant to this Ordinance. New Regulated Rental Units and those Regulated Rental Units which after a period of registered vacancy with a Certificate of Waiver become rented/occupied, must apply for a License within thirty (30) days of qualifying as a Regulated Rental Unit under this Ordinance.
- d. If a completed License Application and related fees have not been remitted within the required timeframe provided above, a late fee charge equal to twenty (20%) percent of the permit fee per unpaid unit shall be imposed after the date of permit payment due, and every 30 days thereafter. Such additional fee relates to the Borough's costs for enforcement of this Ordinance.
- e. Annual license, inspection fees, certificate fees and late fees may be amended by Resolution of Council from time to time.

2) Transferability

- a. Licenses shall be transferable upon change of ownership, provided that the number and location of Regulated Rental Units has not otherwise changed.
- b. The new Owner must complete an Application for a License Transfer within thirty (30) days of the change of the transfer as

measured by the date of filing with the Allegheny County Recorder of Deeds.

- c. The license transfer fee shall be \$80.00 dollars per dwelling unit, \$20.00 per each rooming house unit and \$10.00 for each sleeping room in a fraternity or sorority.
- d. The license issued pursuant to this Section shall be for twelve (12) months and renewable annually thereafter.
- e. The Code Official shall issue notice of the transferred License to the applicant upon proof that all of the following requirements have been satisfied:
 - i. Zoning use permit has been issued for the purpose for which it will be used;
 - ii. All required forms have been completed and fees paid;
 - iii. Adequate proof of insurance on the property has been shown;
 - iv. Act 90 verification as provided herein.
- f. Denials of a transferred license shall be in writing within thirty (30) days of application and shall be subject to a Local Agency Law appeal rights consistent with Section 3(B)(3.1)(a)(ii).
- g. In the event that an Owner fails to apply for a License Transfer as provided herein, the Borough is entitled to fines of up to \$600.00 per day per violation of this Section. Each day that a violation(s) continues, after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense without further notices.

E. Exemptions

- 1) The following shall not be subject to the provisions stated in this Ordinance:
 - a. Owner-Occupied Dwellings Units.

- b. Hotels and motels used for transient visitors to the area, but without units that serve the same purposes as rooming house units.
- c. Hospitals and State-licensed nursing homes and personal care homes.
- d. Bed and Breakfast Homes.
- e. Housing Authority – Dwelling units that are owned by the Allegheny County Housing Authority shall be exempted from the requirements of this Ordinance if the Borough of McKees Rocks determines that the Housing Authority’s inspection program is sufficient for serving the purposes of this Ordinance. Dwellings owned by the Housing Authority shall be required to comply with requirements of this Ordinance concerning evictions, disruptive conduct reports or and other provisions of this Ordinance, unless such provision is specifically preempted by State or Federal law.
- f. 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.

F. Violations and Penalties

- 1) It shall be unlawful for any Person, as either Owner or Manager of a Regulated Rental Unit, to operate without a valid, current Residential Rental License issued by the Borough authorizing such operation, or to violate any other provision of this Ordinance. It shall be unlawful for any Owner, Manager or Occupant to violate this Ordinance.
- 2) Any Person who violates a provision of this Ordinance shall upon conviction thereof before a District Magistrate or court of competent jurisdiction, be liable to pay a penalty of up to \$600.00 per day per violation. Each day that a violation(s) continues, after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense without further notices.
- 3) In addition to fines, an eviction of Occupants of a Regulated Rental Unit at the owner’s expense may be required under provisions of this Ordinance, and the Residential Rental License that grants the privilege to rent a Regulated Rental Unit may be revoked, suspended or withdrawn.

- 4) **Nonexclusive Remedies.** The penalty provisions of this Ordinance and the License nonrenewal, suspension and revocation procedures provided in this Ordinance shall not limit the ability of the Borough to enforce other Borough Ordinances and to utilize the penalties, remedies and procedures provided under such other Borough Ordinances and State law.

SECTION 4. OWNER'S DUTIES

A. General.

- 1) It shall be the duty of every Owner to keep and maintain all Regulated Rental Units in compliance with all applicable Borough Codes and to keep such property in good and safe condition.
- 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 3 for each Regulated Rental Unit. If a valid License has not been issued within the timeframe 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; 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 Ordinance be construed so as to require an Owner to indemnify or defend Occupants or their Guests when any such action or proceeding is brought against the Occupant based upon the Occupants 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.

B. Designation of Manager.

- 1) If the Owner is not a full-time resident of the Borough of McKees Rocks or a ten (10) air mile radius of the Borough of McKees Rocks, then the Owner shall designate a person to serve as Manager who does reside or work on a daily basis within a ten (10) air mile radius of the Borough of McKees Rocks. If the Owner is a corporation, a separate Manager shall be appointed unless an officer of the corporation is appointed as the Manager and such officer lives within a ten (10) air mile radius of the Borough of McKees Rocks. If the Owner is a partnership, a Manager shall be required if a partner does not reside within a ten (10) air mile radius of the Borough of McKees Rocks. Said partner shall perform the same function as a Manager. The Manager shall be the agent of the Owner for service of process and receiving of notices and demands, as well as for performing the obligations of the Owner under this Ordinance and under Rental Agreements with Occupants.
- 2) The legal name, mailing address, daytime physical address (not a post office box), email address where written communications may be sent 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, and such information shall be kept current and updated within five (5) business days after it changes.
- 3) The Manager shall be authorized to accept service of process on behalf of the owner.
- 4) 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.

C. Disclosure. The Owner or Manager shall disclose to the Occupant in writing on or before the commencement of the tenancy: 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.

D. Maintenance of Premises.

- 1) The Owner shall maintain the Premises in compliance with the applicable Codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- 2) However, the Owner and Occupant may agree that the Occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling if such responsibilities are established in writing. Such an Agreement may be entered into between the Owner and Occupant only if entered into in good faith and not for the purpose of evading the obligations of the Owner or Occupant.
- 3) The existence of an Agreement between Owner and Occupant shall not relieve an Owner of any responsibility under this Ordinance or other Borough Codes for proper repair and maintenance of a building or premises.

E. Rental Agreement and Addendum.

- 1) All Rental Agreements for Regulated Rental Units shall be in writing or otherwise legally enforceable.
- 2) The Owner and Occupant shall not include text in a Rental Agreement that is contrary to the provisions of this Ordinance.
- 3) 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, after the effective date of this Ordinance. The text of the Addendum shall be consistent with Appendix A, unless an alternative version is pre-approved by a Codes Enforcement Officer. The Owner shall secure a written acknowledgment from Occupants that the Occupants have received the Addendum. Upon oral or written request by the Borough of McKees Rocks, the Owner within 10 days of the request shall furnish to the Borough copies of the acknowledgment that the Occupants received the Addendum.

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

G. The Owner and Occupants shall comply with all provisions of the Pennsylvania Landlord—Tenant Act.

- H. Common Areas. The Owner shall be responsible to minimize Disruptive Conduct by Occupants and Guests in any Common Area and the premises and to maintain proper physical conditions in such areas. The Owner shall be required to ensure that Common Areas and the outside premises are in compliance with Borough Codes.
- I. Disruptive conduct.
- 1) Disruptive conduct prohibited.
 - i. It shall be the responsibility of every owner or landlord, or responsible agent, to regulate lawful and proper use of all rental units and to discourage and prevent as may be possible the occurrence of disruptive conduct through the rental agreement and the enforcement thereof.
 - ii. The tenants, occupants, and invited guests of rental units shall not engage in, nor tolerate, nor permit others on the premises to engage in disruptive conduct or other violations of the Borough Code or the laws of the Commonwealth of Pennsylvania.
 - iii. In order for such disruptive conduct to constitute an offense under this article, a citation must be issued by the Code Official or criminal charges must be filed by a police officer and successfully prosecuted or a guilty plea entered before a Magisterial District Judge or Court of Common Pleas Judge. If an appeal is filed from a decision of a Magisterial District Judge, the matter shall not be deemed to constitute disruptive conduct, unless a finding of guilty is affirmed by a final decision of appeal.
 - 2) Investigations and Notices.
 - i. Police officers or the Code Official, as the case may be, may investigate alleged incidences of disruptive conduct, and shall complete a disruptive conduct report upon finding that the reported incident constitutes disruptive conduct as defined herein.
 - ii. The information filed in the disruptive conduct report shall include the identity of the alleged perpetrator of the disruptive conduct and the factual basis for the issuance of the disruptive conduct report.

- iii. The Code Official or police officer shall issue a disruptive conduct letter within ten (10) business days of the filing of the disruptive conduct report and shall mail and/or email a copy of the disruptive conduct letter to the tenant or occupant, Owner or landlord, and, if applicable, Manager or responsible agent.
- iv. The tenant or occupant, owner or landlord, or responsible agent shall have ten (10) business days from the postmarked date of the disruptive conduct letter to appeal the disruptive conduct report. Said appeal shall be made in writing on a standardized form made available by the Borough. The appeal shall be made to Borough Council for consideration as to whether the alleged perpetrator engaged in disruptive conduct.
- v. The disruptive conduct report shall be counted only against those tenants or occupants who perpetrated, caused, or permitted disruptive conduct to occur. All alleged incidences of disruptive conduct that occur at a rental unit during a twenty-four-hour period shall, upon conviction as described herein, constitute a single count of disruptive conduct and shall be included on a single disruptive conduct report for the purposes thereof.
- vi. Nothing herein shall be construed as to preempt the right of a tenant or occupant to seek emergency assistance in response to the witnessing of a crime or a threat of imminent bodily harm, and any disruptive conduct report resulting from the exercise of such right shall not count against the tenant or occupant who sought emergency assistance unless a police officer concludes that said tenant or occupant perpetrated disruptive conduct and successfully prosecutes a citation or criminal charges as described herein. No disruptive conduct report shall be filed if the perpetrator of the disruptive conduct was an uninvited person.
- vii. No disruptive conduct report shall be filed if disruptive conduct is perpetrated by a person subject to a protection from abuse order or similar restraining order that prohibits said person from living in or visiting the rental unit of a tenant or occupant.

3) Eviction.

- i. In the event that three (3) disruptive conduct reports are filed against a tenant or occupant within an eighteen-month period at the same Regulated Residential Rental Unit, the owner or landlord or responsible agent shall have thirty (30) days from the

postmarked date of the third disruptive conduct letter to begin eviction proceedings against such tenant or occupant at its own cost, and shall continue such proceedings to completion, without interruption, until such tenants or occupants vacate the premises. The owner or landlord, or responsible agent, shall limit the eviction order to only those tenants or occupants who have accumulated three (3) disruptive conduct reports within an eighteen (18) month period. The owner or landlord, or responsible agent, must submit to the Code Official a copy of the landlord-tenant complaint as filed with the Magisterial District Judge and a copy of any/all final orders relating to the same.

- ii. Upon the execution of an eviction order, all persons subject to said order shall not, for a minimum period of two (2) years, be permitted to occupy any rental unit within the Borough that is owned by the same owner or landlord as the affected rental unit.
- iii. No owner or landlord shall be deemed to be in violation of this section in the event that the Magisterial District Judge rules in favor of the tenant during an eviction process initiated under the terms of this provision, or if legal action has resulted in a stay or reversal of an eviction order.
- iv. The Code Official shall maintain a list of all persons who were ordered to be evicted under this article along with the street address and apartment number of each affected rental unit. Such list shall be maintained for a minimum of three (3) years and shall be available for public inspection.

SECTION 5. OCCUPANT'S DUTIES

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 also comply with the occupancy limits of other Borough Codes.

B. Health Regulations. Occupants shall collect and dispose of all rubbish, garbage, and other waste in a clean and sanitary manner, and comply with Borough solid waste and recycling regulations.

- D. **Damage to Premises.** The Occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the Premises. Conduct which results in damages, either admitted or determined by the Magisterial District Judge, in excess of \$500.00 shall be considered Disruptive Conduct under this Ordinance.
- F. **Inspection of Premises.** Occupants shall permit Inspections by a Code Enforcement Officer of the Premises during Borough business hours, after receiving notice from the Owner, Manager or the Borough.

SECTION 6. SUSPENSION OR REVOCATION OF LICENSE.

- A. **General.** A Code Official may initiate the following enforcement actions against an Owner for violating any provision of this Ordinance that imposes a duty upon the Owner and/or for failing to regulate the breach of duties by Occupants as provided for herein.
- B. **Responses to Violations of this Ordinance and Other Borough Codes.**
 - 1) **Notice of Violations** — A Code Official shall provide written notification of violations of Borough codes and require that they be corrected within a reasonable maximum time period communicated in an Enforcement Notice.
 - a. A Code Official may determine that the Rental Unit is Unfit for Human Habitation, in which case it shall be vacated and remain vacated until certified by the Code Official as remediated and memorialized in writing.
 - b. For serious violations that do not require the property to be immediately vacated, a Code Official may require that the violations be corrected within 24 hours, or another time period stated on the notice or citation.
 - 2) **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 to locate alternative housing for the Occupants.

- 3) Suspension — A Code Enforcement Officer may suspend the license to rent a Regulated Rental Unit if violations of Borough Codes have not 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 is corrected.
 - a. 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.
 - b. 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.
- 4) Reinstatement – A Residential Rental License shall be reinstated if the Owner of a Regulated Rental Unit corrects the violations and has paid the Residential Rental License reinstatement fee of \$50.00.

C. Considerations for Revocation and Suspension of Licenses.

- 1) The Code Enforcement Officer, when deciding upon the sanctions provided in subsection (b) above, shall consider the following:
 - a. The effect of the violation on the health and safety off 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 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.

- 2) In addition to enforcing sanctions set forth above, a Code Enforcement Officer may establish reasonable conditions upon a Residential Rental License that will fulfill the purposes of this Ordinance.
- D. Any of the following may subject an Owner to sanctions as provided for in this Ordinance:
- 1) Failure to abate a violation of Borough Codes and ordinances that apply to the Premises within the time directed by the Code Official.
 - 2) Refusal to permit the Inspection of the Premises by a Code Official as required by this Ordinance.
 - 3) Failure to take steps to remedy and prevent violations of this Ordinance by Occupants of Regulated Rental Units as required by this Ordinance.
 - 4) Failure to evict Occupants after having been directed to do so by a Code Enforcement Officer as provided for in this Ordinance.
- E. Procedure for Suspension or Revocation of License. Following a determination that grounds for suspension or revocation of a License exist, a Code Official shall notify the Owner or Manager of the action to be taken and the reason therefor. Such notification shall be in writing and addressed to the Owner or Manager in question, and shall contain the following information:
- 1) The address of the Premises in question and identification of the affected Regulated Rental Unit (s).
 - 2) A description of the violation(s) which has been found to exist.
 - 3) A statement that the License for said Regulated Rental Unit (s) shall be suspended or revoked in the absence compliance. Deadlines shall be provided in the Notice. In the case of a revocation or suspension, the Notice shall state the date upon which such revocation will commence.
 - 4) A statement that during the License revocation or suspension, the Regulated Rental Unit shall not be rented for occupancy, except for any temporary conditional license extension that a Code Official may issue in writing.
 - 5) Information regarding the Appeal process.

- 6) The Notice shall be emailed, mailed via regular mail and posted on the licensed Property.
 - i. The Borough shall not be responsible for failing to provide notice where the Owner has not provided an up-to-date name and address for the Owner or the Manager for the Rental Unit.
 - ii. For purposes of this Ordinance, any notice required hereunder to be given to a Manager shall be deemed as notice given to the Owner.
 - iii. A claimed lack of knowledge by the Owner of any violation hereunder cited shall not be a defense to License denial, suspension or revocation or an eviction order as long as all required notices involving such proceedings have been sent to the last known address of the Owner.

F. Appeals.

Appeals from Notices of Licenses Suspensions and/or License Revocations shall be in writing to the Borough Manager within ten (10) business days from the date of the relevant Notice and shall be subject to a Local Agency Law appeal rights consistent with Section 3(B)(3.1)(a)(ii).

SECTION 7. MISCELLANEOUS PROVISIONS

A. Owners Separately Responsible.

- 1) 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 separately responsible for the duties imposed under the terms of this Ordinance and shall be separately subject to prosecution for the violation of this Ordinance.

B. Severability.

- 1) If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid by a court of law, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

C. Repealer.

- 1) All ordinances or parts of ordinances which clearly are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

D. Enactment and Effective date.

- 1) This Ordinance is hereby enacted as an Ordinance of the Borough of McKees Rocks, Allegheny County, Pennsylvania, and shall take effect on January 1, 2019 after the Ordinance's final passage by Borough Council and approval by the Mayor.

THIS ORDINANCE adopted by the Council of McKees Rocks Borough at a duly assembled public meeting held this 13 day of November, 2018.

ATTEST:

McKEES ROCKS BOROUGH



Manager/Borough Secretary

By: 

Council President



Mayor