

ORDINANCE

NO. 510

AN ORDINANCE TO ASSIST THE BOROUGH OF STONEBORO IN PROTECTING AND PROMOTING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF ALL CITIZENS RESIDING IN THE BOROUGH OF STONEBORO THROUGH THE ESTABLISHMENT OF RIGHTS AND OBLIGATIONS OF OWNERS AND OCCUPANTS RELATING TO THE RENTAL OF CERTAIN UNITS, AND TO ENSURE THAT HOUSING UNITS ARE PROPERLY MAINTAINED, AND TO ENSURE THAT OWNERS AND OCCUPANTS SHARE RESPONSIBILITIES TO COMPLY WITH THE CODES THAT PREVENT OVERCROWDING, AVOID NUISANCES FOR NEIGHBORING RESIDENTS, AND TO PROVIDE FOR A SYSTEM OF INSPECTIONS AND FOR THE ISSUANCE AND RENEWAL OF LICENSES, AND TO ESTABLISH FEES FOR INSPECTIONS AND PENALTIES FOR VIOLATIONS.

SECTION 101: SHORT TITLE

This Ordinance shall be known and may be cited as the "Borough of Stoneboro Non-Owner Occupied Inspection and Licensing Ordinance."

SECTION 102: INTENT

The provisions of this Ordinance shall apply to all existing non-owner occupied and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, from fire and other hazards, and for safe and sanitary maintenance; and shall govern the inspection, maintenance, and issuance of licenses for non-owner occupied units in the Borough of Stoneboro, Mercer County, Pennsylvania.

SECTION 103: APPLICABILITY

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this specify different requirements, the most restrictive shall govern.

SECTION 104: APPLICATIONS OF OTHER ORDINANCES

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provision of the Uniform Construction Code of Pennsylvania, International Building Code, International Plumbing Code, International Fire Code, NFPA 101 Life Safety Code, and NFPA 70 National Electrical Code.

SECTION 105: PROVISIONS TO BE IN CONTINUATION OF EXISTING REGULATIONS

The provisions of this part shall not affect any act done, or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the ordinances in place prior to the adoption of this Ordinance.

SECTION 106: REQUIREMENTS NOT COVERED BY ORDINANCE

No structure, the construction and use of which complied with all code and other such requirements in effect at the time of construction, shall be required to be altered in use or structure by the provisions of this ordinance, except in the event of a clear public safety hazard.

If there is a clear public safety hazard, the Code Official shall be authorized to enforce provisions of this ordinance, or other recognized relative ordinances, retroactively.

SECTION 107: TERMS AND DEFINITIONS

107.1 Terms defined in other codes. All terms that are not described in Section 107.4 herein, shall have the meanings ascribed to them as stated in the most recent editions of the Pennsylvania Uniform Construction Code, International Building Code, International Fire Code, International Plumbing Code, NFPA 101 Life Safety Code, and the NFPA 70 National Electrical Code.

107.2 Terms not defined. Where terms are not defined in Section 107.4 herein and through the methods authorized in Section 107.1 and 107.3, such terms shall have ordinarily accepted meanings such as the context implies.

107.3 Definitions

DWELLING. A building having one or more dwelling units.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation,

IMMINENT DANGER, A condition which could cause serious or life-threatening injury or death at any time,

LANDLORD, this term shall have the same meaning as "owner."

NON-OWNER OCCUPIED. A residential dwelling unit in which the owner of record of the property does not reside at the property,

MULTI-UNIT DWELLING, A building containing two or more independent dwelling units, including, but not limited to, double houses, row houses, townhouses, condominium, apartment houses, and conversion apartments.

NON-OWNER OCCUPIED, A residential dwelling unit in which the owner of record of the property does not reside at the property; including but not limited to: rental units, article of agreements/land contract arrangements, and units being occupied by non-owners at the permission of the owners where there is not a Contractual arrangement.

OCCUPANCY: The purpose for which a building or portion there for is utilized or occupied.

OCCUPANT, Any individual residing or sleeping in a building, or having Possession of a space within a building,

OWNER OCCUPIED DWELLING UNIT, a dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.

PERSON-IN-CHARGE/PROPERTY MANAGER, An adult individual designated by the owner as the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this article and under rental agreements with occupants.

PROPERTY MAINTENANCE VIOLATION, Any conflict or violation of the International Code Council, Property Maintenance Code, as amended from time to time.

REGULATED RENTAL UNIT, A dwelling unit or rooming unit leased or rented to a person or persons.

RENTAL LICENSE, The license issued, subsequent to an inspection of the premises by the Borough's designated Code Enforcement Officer, to the owner of a regulated rental units under this Ordinance, which is required in order to lawfully rent and occupy regulated rental units. Until a regulated rental unit has been inspected and a license issued, the rental license shall be considered a rental registration.

ROOMING HOUSE, A building arranged or occupied for lodging, with or without meals for compensation and not occupied as a one-family or two-family dwelling.

ROOMING UNIT, Any room or group of rooms in a rooming house forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

TENANT, A person, corporation, partnership or group, whether or not the legal *Owner* of record; occupying a regulated rental unit,

SECTION 108: RENTAL LICENSE

108.1 License required. No person, firm, or corporation shall operate, rent, or contract with another for occupancy, any non-owner occupied unit in the Borough of Stoneboro unless a rental inspection has been conducted and a rental license has been issued by a Code Official.

108.2 Application. Applications for inspection and licensing shall be made to the Borough Secretary on forms furnished by the Borough of Stoneboro, which applications shall include:

A. The name, address, and telephone number of the owner, or the owner's authorized agent, and of the operator or person responsible. Every owner who is not a full-time resident of the Borough of Stoneboro, and does not reside within a 50-mile radius of the Borough, shall designate a "person-in-charge" or Property Manager who shall reside within a 50-mile radius of Stoneboro, Pennsylvania

B. The location of the structure by street and number.

C. The number of regulated units available for occupancy at a single address, structure or premises.

D. The actual number of occupants and the maximum number of occupants permitted per regulated rental unit

E. Name of current tenant or occupants at the time of licensing,

F. Such other related information as the Borough may reasonably require.

108.3 Inspection Procedures. Inspection procedures shall be provided to license applicants at the time of application as outlined per the Regulated Non-Owner Occupied Licensing and Inspection Application Procedures as adopted by resolution of Council.

108.4 Issuance or Refusal The Borough of Stoneboro shall issue a license to the applicant upon proof that all of the following requirements have been satisfied:

1. Zoning use permit has been issued for the purpose for which it will be used;
2. A regulated unit inspection has been completed;
3. The structure complies with the provisions of this ordinance and all other applicable codes and/or ordinances;
4. The proper fee has been submitted for the regulated unit inspection and licensing.

108.5 Exemptions. Any unit that is regulated by the Section 8 Housing program and has at least a bi-annual inspection is exempt from the inspection required herein. The annual or bi-annual inspection report will need to be provided to the Borough to qualify for this exemption. A License will still be required under the provision of this Ordinance.

108.6 Fee. The fee for an Inspection shall be established by resolution of Borough Council and may be amended from time to time.

108.7 Transferability. Licenses shall be transferable upon change of ownership, providing the permitted use has not changed. The new owner or designated operator is required to promptly notify the Borough upon change of ownership.

SECTION 109: TIME FOR APPLICATION

109.1 Existing Rentals at Time of Adoption. All applications for inspections and licenses shall be made on or before January 1, 2019.

109.2 Bi-Annual Application. Rental Licenses shall be valid for two years from the date of issuance.

SECTION 110: FAILURE TO COMPLY-VIOLATIONS & PENALTIES

110.1 Failure to comply. Any property owner or occupant who maintains any tenant occupied, non-owner occupied regulated unit or property, who fails to comply with the inspection application procedures set forth herein, or fails to abate the violations of an inspection report, or who knowingly remits any false or fraudulent information, shall, by said conduct, violate the provisions of this ordinance, and shall upon conviction be subject to a fine of not less than \$50 and not more than \$600; and, in default of payment Of said fines and costs, shall be subject to a term of imprisonment of not to exceed 30 days. Each 30-day period subsequent to a required filing date in which a property owner shall fail to comply with this ordinance shall constitute a separate offense.

SECTION 111: RENTAL LICENSE SUSPENSION FOR OUTSTANDING VIOLATIONS AND IMMINENT DANGER

111.1 Imminent danger. Whenever an imminent danger to community health, safety, or welfare exists at a property, the Borough's designated Code Official is authorized and empowered to order and require any structure on the property vacated within ten (10) days from the date of the order. At the end of the ten (10) days, a notice shall be posted at each entrance to the structure(s) stating that occupancy of the structure is unlawful and any person occupying the structure will be prosecuted as if they were dwelling in a unit without a License in accordance with Section 110.1 set forth above.

111.2 Outstanding violations. The Borough's designated Code Official may revoke the license when a violation has not been corrected after a period of ninety (90) calendar days.

111.3 Suspension Procedures:

111.3.1 Notification. The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner as to the effective dates of the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

111.3.2 Term of suspension and effective date. The effective date of a suspension shall commence on the day of notification per the written notification. As served in person or as mailed via certified mail, a suspension shall be in effect until such time as the violation is abated.

111.3.3 Effect of suspension. While under suspension, the regulated unit(s) subject to suspension, if occupied, may be required to be vacated and secured.

111.4 Appeal Procedures.

111.4.1 Request for appeal. Appeals of suspension initiated by the Borough shall be heard by the Stoneboro Borough Building Code Board of Appeals in accordance with the procedures established for appeals by the Borough. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

111.4.2 Appeal application deadline. Those wishing to appeal the decision of the Borough's designated Code Official shall do so within 30 calendar days upon receipt of the written decision.

111.4.3 Request for appeal. A written request for appeal shall be made at the Stoneboro Borough Municipal Building. The appeal request shall include any relevant materials for the appeal including the written decision of the Code Official and all applicable fees.

111.4.4 Fees. The fees for appeals under this Ordinance shall be established from time to time by resolution of Borough Council.

111.4.5 Hearing date. The hearing shall be scheduled and conducted within thirty (30) calendar days of the applicants request unless both parties agree in writing to an extension in time.

111.4.6 Notice of hearing. The Board of Appeals hearing shall be advertised in accordance with the Borough Code and the Borough shall notify the property

Owner or person-in-charge in writing by first class mail no later than 10 business days prior to the hearing date,

111.4.7 Request for continuance. If the property owner or person-in-charge is unable to attend the scheduled meeting of the Board of Appeals, a written request for continuance shall be submitted to the Borough, detailing why the hearing should not be held as scheduled, and when the property owner or person-in-charge would be able to attend.

111.4.8 Promulgation of decision. The decision of the Board of Appeals shall be made within 15 business days after the close of evidence, and shall be forwarded by certified mail to the property owner or person-in-charge, the Borough's designated Code Office, and the Borough Manager.

111.4.9 Appeals to the Court of Common Pleas. Appeals to the decision of the Stoneboro Borough Building Code Board of Appeals shall be made to the Court of Common Pleas of Mercer County, Pennsylvania.

SECTION 112: FEE SCHEDULE

A Regulated Unit License shall be renewed bi-annually on or before the date of expiration; except in the event that a violation should occur. The permit and license fee shall be as follows:

A. **REGULATED UNIT INSPECTION AND LICENSE:** as provided by resolution by Borough Council and as amended from time to time.

B. **REINSPECTION FOR FAILED INSPECTION(S):** If violations are found and correction is required and a re-inspection is necessary to verify compliance, the initial re-inspection shall be at no cost. Fees for subsequent re-inspections required to verify compliance shall be established by resolution by Borough Council and as amended from time to time.

SECTION 113: SAVING CLAUSE

That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in court, or any rights acquired" or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any portion of this Ordinance is ruled invalid by a court of competent jurisdiction the remainder shall remain in full effect.

SECTION 114: SEVERABILITY

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof as bail be held to be illegal, invalid or unconstitutional by any court of competent

Jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance.

SECTION 115: REPEALER

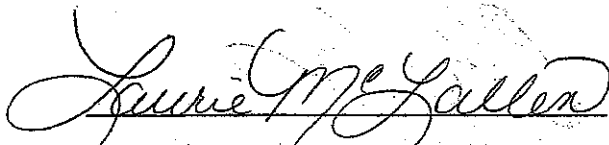
This Ordinance shall be incorporated in the Stoneboro Borough Code of Ordinances and all other Ordinances or parts thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

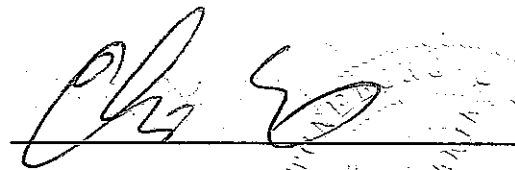
SECTION 116: EFFECTIVE DATE.

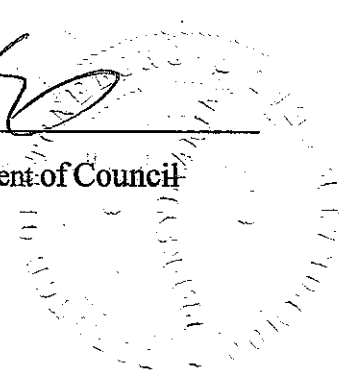
This Ordinance shall become effective in accordance with law, upon approval of Stoneboro Borough Council, Mercer County, Pennsylvania on May 1, 2018

ENACTED AND ORDAINED this 1st day of May 2018.

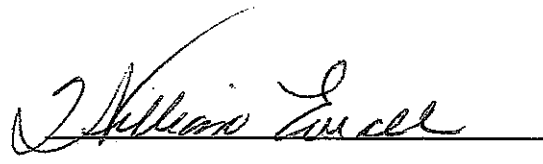
Attest


Laurie McLallen, Borough Secretary


Chris Ewing, President of Council



Examined and approved by me this
1st day of May, 2018


William Everall, Mayor