

Ordinance #56

An Ordinance of the Borough Council of the Borough of Deer Lake creating a duty upon every lessor/owner of any apartment, house, or other type of rental building to register with the Borough Secretary, provide information with regards to tenants/lessees and changes of tenants/lessees, and providing penalties for the violations of the provisions of this ordinance.

Be it enacted and ordained by the Borough Council of the Borough of Deer Lake of Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section 1 – Duty of Lessor/Owner

Every lessor/owner of any apartment, house, or other type of rental building used as a dwelling for tenants or lessees in the Borough of Deer Lake, shall be required to register the same with the Secretary of the Borough of Deer Lake.

Section 2 – Information Required

Said registration shall state the type of building leased and the name and address of each and every tenant/lessee of said building. In the event that an apartment, house, or any other type of rental building used as a dwelling is vacated, the owner shall notify the Borough Secretary of the same and at the same time include the name or names of the new lessees. These occupancy reports must be filed on or before February 28th of every year.

Section 3 – Changes in Lessees

It is the duty of the lessor/owner to keep the Borough of Deer Lake notified in reference to any and all changes as to the names and addresses of the lessees of their respective apartments, houses, or other rental buildings. Notification of said changes must occur within thirty (30) days after a new or additional person occupies the real estate owned or controlled by the lessor/owner.

Section 4 – Violation and Penalties

Any person or persons, firm, or corporation, who shall violate or permit, suffer, or allow anyone to violate any of the provisions of this chapter shall be guilty of an offense, and upon conviction thereof before the District Magistrate in and for the Borough of Deer Lake, shall be sentenced to pay a fine of not more than three hundred (\$300.00) Dollars and costs of prosecution and in default of the payment of such fine and costs, shall be imprisoned in the County Jail for a period of not more than thirty (30) days.

Duly enacted and ordained this 8th day of May, 1990, by the Council of the Borough of Deer Lake, Schuylkill, Pennsylvania, in lawful session duly assembled.

Approved: May 8th, 1990

DEER LAKE BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 82

AN ORDINANCE OF DEER LAKE BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING AN OWNER OF RENTAL PROPERTY IN THE BOROUGH TO APPLY WITH THE BOROUGH CODE ENFORCEMENT OFFICER FOR A RENTAL OCCUPANCY PERMIT, ALLOW AN INSPECTION OF THE RENTAL PROPERTY, AND OBTAIN A RENTAL OCCUPANCY PERMIT PRIOR TO RENTING THE PROPERTY; STATING OBLIGATIONS OF AN OWNER SELLING A RENTAL UNIT; STATING WHO HAS THE AUTHORITY TO ENFORCE THE ORDINANCE ON BEHALF OF THE BOROUGH; ALLOWING FOR SIMULTANEOUS ENFORCEMENT WITH OTHER ORDINANCES; STATING THAT THE BOROUGH IS NOT ISSUING A WARRANTY WITH RESPECT TO RENTAL PROPERTY; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

AND NOW, Be it enacted and ordained by the Borough council of Deer Lake, as follows:

Section 1. Definitions.

The following terms shall have the following meanings in this Ordinance unless the context clearly indicates otherwise.

"Code Enforcement Officer" - the person or other legal entity appointed by Deer Lake Borough Council as its code enforcement officer or as its assistant code enforcement officer.

"Owner" - any person or other legal entity having a legal or equitable interest in a parcel of real property, or any person or other legal entity holding title to a parcel of real property as recorded in the official records of the Commonwealth of Pennsylvania or Schuylkill County, or any person or legal entity having control over a parcel of real property, including the guardian of the estate of a person, or the executor or administrator of the estate of a person.

"Rental Unit" - each Structure or separately secured portion thereof offered by the Owner of the real property on which such Structure stands to a person or persons who is/are not the Owner thereof for residential purposes in return for the payment of rent or some other consideration. The term does not include a tenancy which is to last for less than thirty (30) days.

"Structure" - the building located on a parcel of real property in which a tenant will reside, or in which a tenant will reside in a separately secured portion thereof.

"Borough" - Deer Lake Borough, Schuylkill County, Commonwealth of Pennsylvania.

Section 2. Application.

A. The Owner of each Rental Unit in the Borough, within thirty (30) days after the effective date of this Ordinance, or, in case of a Rental Unit thereafter acquired or determined, within thirty (30) days after the acquisition or availability for rental thereof, shall apply to the Borough Code Enforcement Officer on a form approved by the Borough from time to time by Resolution, for a Rental Occupancy Permit. On the Application form in addition to all other information requested, the Owner shall list the names of all prospective tenants at the time of such Application. This Application shall be supplemented with the names of tenants if such names were not available at the time of the Application, but become available thereafter.

B. The Owner of each Rental Unit in the Borough having obtained a Rental Occupancy Permit following application pursuant to Section 2A, shall submit a new Application with Borough Code Enforcement Officer within thirty (30) days following the expiration of the Rental Occupancy Permit.

C. Any change in the occupancy (such as a previously rented Rental Unit becoming vacant) of the Rental Unit, or in the identity of the tenants thereof from that stated on the Application required by Section 2A or Section 2B, shall be reported by the Owner of the Rental Unit to the Borough Code Enforcement Officer, in writing, within ten (10) days after such change.

D. Any Owner of a Rental Unit who is not a natural person shall name an agent, who shall be a natural person, with an address and phone number, on the Application required by Section 2A or 2B, who may be contacted by the Borough to deal with issues pertaining to the Rental Unit, and who may be subject to being cited for any violations of this Ordinance. Any such agent shall sign the Application form and thereby acknowledge his/her legal obligations under this Ordinance.

E. The Borough may charge an Application fee, which shall be determined from time to time by Resolution, which must be paid in order for the Application to be considered complete.

Section 3. Inspections and Permit

A. The Owner of each Rental Unit shall allow an inspection of the Rental Unit and the Structure in which it is located to occur within thirty (30) days of the date the Owner either applied for a Rental Occupancy Permit under Section 2 of this Ordinance or should have applied under Section 2 of this Ordinance. The inspection shall be conducted by the Code Enforcement Officer or other designee of the Borough, and the purpose of the inspection shall be to insure compliance with the building and property maintenance codes of the Borough and the Commonwealth of Pennsylvania.

B. If the Code Enforcement Officer or other designee of the Borough determines that the Rental Unit and the Structure in which it is located are in compliance with all applicable codes, the Officer/designee shall issue a Rental Occupancy Permit to the Owner. The Rental Occupancy Permit will be valid for a period of two (2) years from the date of issuance. The Rental Occupancy Permit shall be on a form established by the Borough from time to time by Resolution.

C. If the Code Enforcement Officer or other designee of the Borough determines that the Rental Unit or the Structure in which it is located is not in compliance with all applicable codes, the Officer/designee shall issue a Certificate of Non-Compliance to the Owner. The Certificate of Non-

Compliance can be on a form determined by the Officer/designee, but shall be in writing, contain the words Certificate of Non-Compliance and a reference to this Ordinance, state the condition or conditions which are in violation of an applicable code, state the code which is being violated, and give the Owner a reasonable number of days to cure the condition(s). The Code Enforcement Officer or other designee of the Borough may declare any violations to constitute an emergency condition and require immediate action to mitigate the danger if the violations are of a serious enough character to constitute a danger to the public health.

D. If a Certificate of Non-Compliance has been issued, the Owner shall make the Rental Unit and the Structure in which it is located available for an inspection within thirty (30) days of a request by the Code Enforcement Officer or other designee of the Borough after the expiration of the days given the Owner to cure the condition(s) on any Certificate of Non-Compliance issued pursuant to Sec 3 C. After the inspection mandated by this subsection, the Officer/designee shall either issue a Rental Occupancy Permit pursuant to Section 3B or a Certificate of Non-Compliance pursuant to Section 3C. If the latter, the procedure of this subsection repeats itself until the violations are cured or the Owner removes the Rental Unit from consideration for lease.

E. Following the expiration of the Rental Occupancy Permit after two (2) years, the Owner shall follow the procedures of Section 2B of this Ordinance and allow an inspection of the Rental Unit and the Structure in which it is located to occur within thirty (30) days of a request by the Code Enforcement Officer or other designee of the Borough. The procedures of Section 3A through 3D are thereafter repeated.

F. A fee schedule for charges due to the Borough by the Owner for the inspections required by this Section can be adopted from time to time by Resolution. Any fee charged for an inspection shall apply not only to the inspection pursuant to Section 3A, but also to any follow-up inspection pursuant to Section 3D, and also to any inspections pursuant to Section 3E.

Section 4. Application and Rental Occupancy Permit Required.

A. No Owner shall lease or rent a Rental Unit to a tenant without having filed an Application with the Borough pursuant to Section 2 of this Ordinance.

B. Except as provided in Section 4C, no Owner shall lease or rent a Rental Unit to a tenant without allowing an inspection of the Rental Unit and the Structure in which it is located and obtaining a valid Rental Occupancy Permit issued pursuant to Section 3 of this Ordinance.

C. An Owner who is already leasing a Rental Unit to a tenant at the time of the effective date of this Ordinance is still required to comply with application procedures of Section 2 of this Ordinance and the inspection requirements of Section 3 of this Ordinance, but is not in violation of this Ordinance for allowing the tenant already renting the Rental Unit at the time of the effective date of this Ordinance to remain in possession of the Rental Unit through the term of that tenancy even though a Rental Occupancy Permit has not been issued.

Section 5. Change in Ownership.

If the Owner of any Rental Unit who holds a Rental Occupancy Permit from the Borough transfers legal title of the Rental Unit to another person or legal entity prior to the expiration of the Rental Occupancy Permit, said Owner/transferor shall notify the Borough Code Enforcement Officer, in writing, of the transfer within five (5) business days following the transfer. Said notice shall include the name and contact information of the transferee.

Section 6. Enforcement.

This Ordinance may be enforced by, and citations for violations of this Ordinance may be filed by any police officer employed by the Borough, by the Mayor, or by the person or legal entity appointed by the Borough as its Code Enforcement Officer.

Section 7. Simultaneous Enforcement

Nothing in this Section shall preclude a Code Enforcement Officer or other designee of the Borough from, simultaneously with complying with the requirements of this Ordinance, issuing against the Owner a notice of violation, citation or any other document to enforce an applicable building or property maintenance code of the Borough or the Commonwealth of Pennsylvania.

Section 8. Non-warranty.

The issuance of a Rental Occupancy Permit is not a representation by the Borough that the Rental Unit and/or the Structure in which it is located is in compliance with all building or property maintenance codes of the Borough or the Commonwealth of Pennsylvania. No tenant, prospective tenant or any other person should view this Ordinance, or any Rental Occupancy Permit issued pursuant to this Ordinance, as a warranty or representation by the Borough that the Rental Unit or the Structure in which it is located is free from any or all dangers, whether known, unknown, obvious or hidden. Borough is not making any warranty or representation to any person that the Rental Unit or the Structure in which it is located is safe or habitable. By this Ordinance, the Borough is not assuming any liability not otherwise imposed upon it by law.

Section 9. Penalties.

A. Any person violating any provision of this Ordinance is subject to prosecution by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person found in violation of any provision of this Ordinance shall pay a fine of not less than \$100.00 nor more than \$1,000.00, plus court costs, and/or may be imprisoned either for a violation of any provision of this Ordinance or for failure to pay a fine or costs for a term not to exceed ninety (90) days.

B. A separate offense shall arise for each day or portion thereof in which a violation of any provision of this Ordinance exists.

C. The Borough may enforce this Ordinance through an action in equity.

Section 10. Severability.

If any section, part, sentence, clause or portion of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by the Borough without the section, part, sentence, clause or portion found illegal or unenforceable.

Section 11. Repealer.

All prior Borough Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 12. Effective Date.

This Ordinance shall be effective immediately upon enactment or on the first day allowed by law thereafter, whichever occurs first.

ENACTED and ORDAINED, this 14 day of June, 2016.

BOROUGH OF DEERLAKE
Schuylkill County, Pennsylvania

BY: David B. Crouse
Council President

ATTEST:

Cheryl H. H. H.
Secretary

APPROVED:

William J. L. L.
Mayor