

Chapter 11

Housing

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Part 1**Occupancy Permit****§11-101. Occupancy Permits Required; Information on Recycling Given Applicant; Recycling Containers Applied for and/or Received.**

Pursuant to the authorization contained in 53 P.S. §46202, the Borough of Glassport hereby requires all corporations, partnerships, businesses, agents, persons, residents or any other legal entity that makes a change in the occupancy of any structure that is currently occupied by any individuals to obtain an occupancy permit from the Secretary that will state the date of the change of the occupancy, the number of individuals that will occupy the business, dwelling house, structure, building or apartment, or the agents of said individuals. A fee in an amount as established from time to time by Borough Council shall be paid to the Secretary for obtaining such occupancy permit. The applicant shall be advised of the requirements for recycling in the Borough, the schedule thereof and shall apply for or otherwise receive the necessary bins or other containers used for recycling and pay all appropriate fees therefor.

(*Ord. 754, 8/10/1976, §1; as amended by Ord. 796, 5/13/1980, §1; by Ord. 830, 9/13/1983, §1; by Ord. 922-B, 12/29/1992, §1; and by Ord. 1077, 5/23/2006*)

§11-102. When Permit to Be Secured; Display and Exhibit.

The aforesaid permit must be secured by the persons referred to in §11-101 above prior to any new occupant occupying the premises or prior to any change in land use and a copy of the permit must be prominently displayed on the structure and exhibited on request by any officer of the Borough charged with enforcing this Chapter.

(*Ord. 754, 8/10/1976, §2, as added by Ord. 796, 5/13/1980, §2*)

§11-103. Penalty for Violation.

Any legal entity or person found to be in violation either by failing to secure the permit or failing or refusing to display or exhibit the same in compliance with this Part, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.. The Borough is likewise authorized to take such other actions, including proceedings in equity or law, to bring about.

(*Ord. 754, 8/10/1976, §2; as amended by Ord. 796, 5/13/1980, §3.1; and by Ord. 1077, 5/23/2006*)

§11-104. Permit Not to Be Issued until Past Real Estate Taxes Paid.

No occupant or owner of a structure who is required to obtain an occupancy permit under §101 shall be issued an occupancy permit for the structure when the Borough of Glassport real estate taxes are unpaid for the previous year or previous years. The Secretary shall not issue an occupancy permit to any person required under §11-101 to obtain an occupancy permit until all past real estate taxes for the previous year or previous years are fully paid. This Section shall be enforced under §11-103.

(*Ord. 754, 8/10/1976, §4; as added by Ord. 897, 5/15/1990*)

§11-105. Implementation; Institution of Proceedings.

The proper officers of the Borough are authorized and directed to take all steps necessary to implement the terms and provisions of this Part, and are further directed and authorized to institute appropriate proceedings before the District Justice with regard to any person which may fail to abide by the terms of this Chapter.

(*Ord. 754, 8/10/1976; as added by Ord. 922-B, 12/29/1992, §3*)

Part 2**Regulated Rental Unit Occupancy****§11-201. Purpose/Scope/Declaration of Policy and Findings.**

1. It is the purpose of this Part and the policy of the Council of the Borough of Glassport, in order to protect and promote the public health, safety, and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of all dwelling units in the Borough of Glassport and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers, and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety, and welfare. This Part provides for a system of inspections, issuance, and renewal of occupancy license; and sets penalties for violations. This Part shall be liberally construed and applied to promote its purposes and policies.

2. In considering the adoption of this Part, the Borough of Glassport makes the following findings:

A. There is a greater incidence of violations of various codes of the Borough at residential rental properties than at owner-occupied residential properties.

B. There is a greater incidence of problems with the maintenance and upkeep of residential properties that are rental units than at owner-occupied residential properties.

C. There is a greater incidence of disturbances, which adversely affect the peace and quiet of the neighborhood at residential properties that are rental units than at owner-occupied residential properties.

(Ord. 1062, --/2004, §1)

§11-202. Definitions.

Borough - the Borough of Glassport, Allegheny County, Pennsylvania.

Code - any code or ordinance adopted, enacted, and/or in effect in and for the Borough of Glassport concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Part: Building Code; Property Maintenance Code; Fire Prevention Code; National Electrical Code; One and Two Family Dwelling Code; Flood Plain Management Ordinance; Sidewalk Maintenance Ordinance; Solid Waste and Recycling Ordinance; International Mechanical Code; Zoning Ordinance; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

Code Enforcement Officer - the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Glassport, and any member of the Police Department of the Borough of Glassport or the Borough's Volunteer Fire Department so designated to carry out the duties noted herein.

Common area - in multiple unit dwellings, space that is not part of a regulated

rental unit and which is shared with other occupants of the dwelling whether they reside in a regulated dwelling units or not. Common areas shall be considered as part of the premises for purposes of this Part.

Disruptive conduct - any form of conduct, action, incident, or behavior perpetrated, caused, or permitted, by and occupant or visitor of a regulated dwelling unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident, or behavior constitute a criminal offense, or that perpetrated, caused, or permitted the commission of disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or Police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

Disruptive conduct report - a written report of disruptive conduct on a form to be prescribed therefore, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

Dwelling - a building have one or more dwelling units.

Dwelling unit - a room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purposes, having its own cooking facilities and a bathroom with a toilet and a bathtub or shower.

Guest - a person on the premises with the actual or implied consent of an occupant.

Landlord - one or more persons, 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 a mortgage holder in possession of a regulated rental unit. (Same as owner)

Manager - an adult individual designated by the owner of a regulated rental unit under §204. The manager shall be the agent of the owner for service process and receiving notices or demands and to perform the obligation of the owner under this Part and under rental agreement with occupants.

Multiple-unit dwelling - a building containing two or more independent dwelling units including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

Occupancy license - the license issued to the owner of regulated rental units under this Part, which is required for the lawful rental and occupancy of regulated rental units.

Occupant - an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania.

Owner - one or more persons, 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 a mortgage holder in possession of a regulated rental unit.

Person - a natural person, partnership, corporation, unincorporated association,

limited partnership, trust, or any other entity.

Police - Borough Police or any properly authorized member or officer of a municipal police department thereof or any other law enforcement agency having jurisdiction with the Borough of Glassport.

Premises - any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more regulated rental units is located.

Regulated rental units - a dwelling unit occupied by any person under a rental agreement.

Rental agreement - a written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under §11-207 of this Part, embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

Tenant - an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania. (Same as "occupant.")

(Ord. 1062, --/2004, §2)

§11-203. General Owner's Duties.

1. It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition.

2. As provided for in this Part, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he/she or it owns. As provided for in this Part, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit, which he/she or its owns in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.

(Ord. 1062, --/2004, §3)

§11-204. Designation of Manager.

Every owner who is not a full-time resident of the Borough of Glassport, or a resident elsewhere within 15 miles from the Borough of Glassport shall designate a manager who shall reside within 15 miles of the Borough of Glassport. If the owner is a corporation, a manager shall be required if any officer of the corporation does not reside within the aforesaid distance. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligation of the owner under this Part and under rental agreements with occupants. The identity, address, and telephone number(s) of a person who is designated as manager hereunder shall be provided by owner or manager to the Borough, and such information shall be kept current and updated as it changes.

(Ord. 1062, --/2004, §4)

§11-205. Disclosure.

The owner or manager shall disclose the occupant in writing on or before the commencement of tenancy:

A. The name, address, and telephone number of the manager, if applicable.

B. The name, address, and telephone number of the owner of the premises.

(Ord. 1062, --/2004, §5)

§11-206. Maintenance of Premises.

1. The owner shall maintain the premise 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. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between owner and occupant only if:

A. The agreement of the parties is not entered in good faith and not for the purposes of evading the obligations of the owner or occupant.

B. The agreement does no diminish or affect the obligations of the owner to other occupants in the premises.

3. In no case shall the existence of any agreement between owner and occupant relieve any owner of any responsibility under this Part or other ordinances or codes for maintenance of premises.

(Ord. 1062, --/2004, §6)

§11-207. Written Rental Agreement.

1. All rental agreements for regulated dwelling units shall be in writing and shall be supplemented with the addendum attached hereto as Appendix "A." No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to occupants by the owner shall be furnished before the signing of the rental agreement. The owner shall provide occupant with copies of the rental agreement and addendum upon execution. Owner shall further secure a written acknowledgment from the occupants that they have received the disclosures and information required by this Part.

2. *Terms and Conditions.* Owner and occupant may include in a rental agreement terms and conditions not prohibited by this Part or other applicable ordinances, regulations, and laws, including rent, term of agreement, and other provisions governing the rights and obligations of the parties.

3. *Prohibited Provisions.* Except as otherwise provided by this Part, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Part. A provision prohibited by this subsection included in a rental agreement shall be unenforceable.

4. *Attachment of Ordinance to Rental Agreement.* Following the effective date of this Part, a summary hereof in a form provided to owner by the Borough, at the time

of licensing, shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to any occupant. If a summary has been provided when the rental agreement was first executed a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part, the owner shall provide the occupants with a copy of the summary within 60 days after enactment of this Part.

5. Upon oral or written request by the Code Enforcement Officer the owner shall, within 10 days of such request, furnish to the Borough copies of acknowledgment that the occupants have received the disclosures and information required to be given and acknowledged as required by this Part.

6. Upon oral or written request by the Code Enforcement Officer, the owner shall, within 10 days of such request, furnish to the Borough for inspection purposes, copies of the leases the owner has entered into for regulated rental units.

(*Ord. 1062, --/2004, §7*)

§11-208. Complaints.

The owner shall reply promptly to reasonable complaints and inquiries from occupants.

(*Ord. 1062, --/2004, §8*)

§11-209. Landlord/Tenant Act.

The owner shall comply with all provisions of the Landlord/Tenant Act, 68 P.S. §250-101 *et seq.*, of the Commonwealth of Pennsylvania.

(*Ord. 1062, --/2004, §9*)

§11-210. Common Areas.

Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common area as if the owner were an occupant.

(*Ord. 1062, --/2004, §10*)

§11-211. Enforcement.

1. Within 10 days after receipt of written notice from the Code Enforcement Officer that an occupant of a regulated rental unit has violated a provision of this Part, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

2. Within 20 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report on a form provided by the Borough, setting forth what action the owner has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

3. The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so

shall be a violation of this Part.

4. In the event that a second violation occurs within a license year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupants who violated this Part and to not permit the occupant to occupy the premises during the subsequent licensing period.

5. Owner shall file a report with the Borough on a form to be provided by Borough specifically detailing the circumstances surrounding the eviction of any occupant for any reason. If any occupant is evicted for nonpayment of rent then owner must also furnish Borough proof that said occupant has been reported to a licensed credit reporting bureau.

(Ord. 1062, --/2004, §11)

§11-212. Code Violations.

Upon receiving notice of any code violation from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

(Ord. 1062, --/2004, §12)

§11-213. City May Make Repairs.

In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the Borough shall cause a violation to be corrected; and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment; shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to a judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this Section are not exclusive and the Borough and its Code Enforcement officer may invoke such other remedies available under this Part or other applicable codes, ordinances or statutes including, where appropriate, condemnation proceedings or declarations of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder. Nothing in this Section or Part shall be construed to shift the responsibility for keeping any premises in a safe condition from the owner of any such premises to the Borough. The Borough shall not be liable in any situation for failure to exercise the powers granted herein to remedy any such code violation.

(Ord. 1062, --/2004, §13)

§11-214. Inspection.

The owner shall permit inspections of any premises by the Code Enforcement Officer, as defined herein, at reasonable times upon reasonable notice.

(Ord. 1062, --/2004, §14)

§11-215. General Occupant Duties.

The occupant shall comply with all obligations imposed upon occupants by this Part, all applicable codes and ordinances of the Borough and all applicable provisions of State law.

(*Ord. 1062, --/2004, §15*)

§11-216. Health and Safety Regulations.

1. The maximum number of persons permitted in any regulated rental unit at any time shall not exceed one person for each 50 square feet of habitable floor space in a said regulated rental unit. The maximum number of persons permitted in the common area of any multiple unit dwelling at any time shall not exceed one person for each 15 square feet of common area on the premises.

2. The occupant shall dispose from his or her regulated rental unit all rubbish, garbage and other waste in a clean and safe manner in compliance with the Borough's Solid Waste Ordinance [Chapter 20] and all other applicable ordinances, laws, and regulations.

(*Ord. 1062, --/2004, §16*)

§11-217. Peaceful Enjoyment.

The occupant shall conduct himself or herself and require the other persons including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her 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 the persons occupying same.

(*Ord. 1062, --/2004, §17*)

§11-218. Residential Use.

The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit for no other purpose than as a residence.

(*Ord. 1062, --/2004, §18*)

§11-219. Illegal Conduct.

The occupant shall not engage in, tolerate, nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. §101 *et seq.*) or Liquor Code (47 P.S. §1-101 *et seq.*), or the Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. §780-101 *et seq.*).

(*Ord. 1062, --/2004, §19*)

§11-220. Disruptive Conduct.

1. The occupant shall not engage in, tolerate, nor permit others on the premises to engage in disruptive conduct, or other violations of this Part.

2. When police or the Code Enforcement Officer investigate an alleged incident of disruptive conduct, he or she 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 filled in said report shall include, if possible,

identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigation, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer within 7 working days. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within 10 working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Borough is the Code Enforcement Officer or police.

(Ord. 1062, --/2004, §20)

§11-221. Compliance with Rental Agreement.

The occupant shall comply with all lawful provisions of the rental agreement entered into between the owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.

(Ord. 1062, --/2004, §21)

§11-222. Damage to Premises.

The occupant shall not intentionally cause, permit, nor tolerate others to cause damage to the premises. Conduct with results in damages in excess of \$500 shall be considered a violation of this Part.

(Ord. 1062, --/2004, §22)

§11-223. Inspection of Premises.

The occupant shall permit inspections by the Code Enforcement Officer, as defined herein, of the premises at reasonable times, upon reasonable notice.

(Ord. 1062, --/2004, §23)

§11-224. License Requirement.

1. As a prerequisite to entering into a rental agreement or permitting the occupancy of any regulated rental unit (except as provided in subsection .3, below) the owner of every such regulated rental unit shall be required to apply for and obtain a license for each regulated rental unit.

2. A license shall be required for all regulated rental units.

3. The application for the license shall be in a form as determined by the Borough.

4. The owner shall maintain a current list of occupants in each regulated dwelling unit, which shall include their name, permanent address, and permanent telephone number. The owner shall furnish the list to the Borough upon request and shall notify the Borough of any changes in the number of occupants so that revisions can be made to the license.

5. The owner shall furnish with his or her application for license a copy of the written lease which the owner intends to have the occupants of each license dwelling unit execute. If the owner uses more than one form of lease, the owner shall furnish a copy of each form. The license will not be issued if the lease form does not meet the requirements of §11-207 of this Part.

6. The owner shall furnish with his or her application, for inspection purposes

only, the leases that have been entered into that will cover all or part of the license term. The license will not be issued if such leases are not furnished for inspection. Leases shall be furnished for all persons who have paid a deposit at the time the owner applies for a license or who have committed to residing in the premises.

(*Ord. 1062, --/2004, §24*)

§11-225. Annual License Term Fee and Occupancy Limit.

1. Each license shall have an annual term running from January 1 through December 31 each year.

2. Upon application for a license and prior to the issuance or renewal thereof, each applicant shall pay to the Borough an annual license and inspection fee, in an amount to be established from time to time by resolution of the Borough Council. Such resolution may provide for more than one fee scale for different categories of premises, to be more specifically set forth in the resolution.

3. The license shall indicate thereon the maximum number of occupants in each regulated rental unit.

4. No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this Part or any of the ordinances of the Borough of Glassport relating to land use and/or code enforcement, if any licensing fees under this Part are due and owing to the Borough, or if any taxes of any nature are due which are imposed on the real estate involved.

(*Ord. 1062, --/2004, §25*)

§11-226. Inspection.

1. All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Borough. Such inspection may take place when an application is submitted for a license, or at any time during the year.

2. The Code Enforcement Officer, as defined herein, is hereby designated as the official authorized to enforce this Part and to take appropriate measures to abate violations herein, for and on behalf of the Borough of Glassport. The Police and Fire Departments will also have authority to enforce this Part and take appropriate action to abate violations as indicated in the definition of Code Enforcement Officer herein.

3. This Section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspection of premises, whether or not subject to the permitting and inspection requirements of this Part or pursuant to any other ordinance or code.

(*Ord. 1062, --/2004, §26*)

§11-227. Search Warrant.

Upon showing of probable cause that a violation of this Part or any other ordinance of the Borough of Glassport has occurred, the Code Enforcement Officer or Police may apply to the magisterial district judge having jurisdiction in the Borough of Glassport for a search warrant to enter and inspect the premises.

(*Ord. 1062, --/2004, §27; as amended by Ord. 1077, 5/23/2006*)

§11-228. General Grounds for Nonrenewal, Suspension, or Revocation of License.

The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension, or revocation of the owner's license, for violating any provision of this Part that imposes a duty upon the owner, and/or for failing to regulate the breach of duties by occupants as provided for herein.

(Ord. 1062, --/2004, §28)

§11-229. Definition of Options.

1. *Formal Warning.* Formal written notification of at least one violation of this Part. Upon satisfactory compliance with this Part and any conditions imposed by the Code Enforcement Officer and/or Borough Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Office or by the Borough Council

2. *Nonrenewal.* The denial of the privilege to apply for license renewal after expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by the Borough Council.

3. *Suspension.* The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Officer or by Borough Council. The owner, after expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

4. *Revocation.* The immediate loss of the privilege to rent regulated rental units for a period of time set by the Code Enforcement Office or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

(Ord. 1062, --/2004, §29)

§11-230. Criteria for Applying for Discipline.

1. The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:

A. The effect of the violation on the health, safety, and welfare of the occupants of the regulated rental unit and other residents of the premises.

B. The effect of the violation on the neighborhood.

C. Whether the owner has prior violations of this Part and other ordinances of the Borough or has received notices of violations as provided for in this Part.

D. Whether the owner has been subject to disciplinary proceedings under this Part.

E. The effect of disciplinary action on the occupants.

F. The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.

G. The policies and lease language employed by the owner to manage the regulated dwelling unit to enable the owner to comply with the provisions of this Part.

2. In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and Borough Council may impose upon the existing or subsequent licenses reasonable condition related to fulfilling the purposes of this Part. (Ord. 1062, --/2004, §30)

§11-231. Grounds for Imposing Discipline.

Any of the following may subject an owner to discipline as provided for in this Part.

A. Failure to abate a violation of the Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.

B. Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by §11-226.

C. Failure to take steps to remedy and prevent violations of this Part by occupant or regulated rental units as required by §11-211 of this Part.

D. Failure to file and implement an approved plan to remedy and prevent violations of this Part by occupants of a regulated rental unit as required by §11-211 of this Part.

E. Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in §11-211 of this Part.

F. Three violations of this Part or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Part, there need be no conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the owner must have received notice in writing or this violation within 30 days after the Code Enforcement Officer received notice of the violation.

(Ord. 1062, --/2004, §31)

§11-232. Procedure for Non-renewal, Suspension, or Revocation of License.

1. *Notification.* Following a determination that grounds for non-renewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefore. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:

A. The address of the premises in question and the identification of the particular regulated rental unit(s) affected.

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

C. A notice that the regulated rental unit (s) is in violation of this Part with a specification of the grounds of the violation. Such violations must be cured within 30 days from the date of this notice.

D. Notice that each day the violation remains shall be a separate violation

and punishable under §11-233. The Borough shall further have the right to enjoin the obligations and duties created under this Part.

E. A statement informing the owner that he, she or it has a right to appeal the decision that the owner is in violation of this Part by submitting in writing to the Borough Secretary, within 30 days from the date printed on the notice, detailed statement of the appeal including the grounds therefore and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefore by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing such appeals, the amount of which shall be determined and established from time to time by Resolution of the Borough Council.

F. Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than 10 days from the date on which the appeal is filed.

G. The appellant and the Code Enforcement officer shall receive written notice of the hearing on appeal.

H. Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551-555. The appellant and all other parties having interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement office and any Police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing, or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decisions shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If the Borough Council deems it necessary or desirable, it may continue the hearing to subsequent time and date not later than 30 days from the initial hearing which time and date shall be openly announced at the initial hearing and in such case, that time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which substance of the decision is orally announced).

2. *Delivery of Notification.*

A. All notices shall be sent to the owner or manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt to deliver by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

B. If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within 5 days of its deposit in the U.S. Mail, then it shall be deemed to have been

delivered to and received by the address on the 5th day following its deposit in the U.S. Mail, and all time periods set forth under §11-232 above, shall thereupon be calculated from said 5th day.

(*Ord. 1062, --/2004, §32*)

§11-233. Basis for Violation.

It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or manager to exceed the maximum limit as set forth on the license, or to violate any other provision of this Part. It shall be unlawful for any occupant to violate this Part.

(*Ord. 1062, --/2004, §33*)

§11-234. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day of violation shall constitute a separate and distinct offense.

(*Ord. 1062, --/2004, §34; as amended by Ord. 1077, 5/23/2006*)

§11-235. Nonexclusive Remedies.

The penalty provision of this Part and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

(*Ord. 1062, --/2004, §35*)

§11-236. Notices.

1. For purposes of this Part, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

2. There shall be a rebuttable presumption that any notice required to be given to the owner under this Part shall have been received by such owner if the notice was given to the owner in the manner provided in this Part.

3. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension, or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Part.

(*Ord. 1062, --/2004, §36*)

§11-237. Change in Ownership Occupancy.

It shall be the duty of each owner of a regulated rental unit to notify the Code Enforcement Officer in writing of any changes in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any regulated rental unit or of the changing of a dwelling unit from owner occupied to nonowner occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this Part.

(Ord. 1062, --/2004, §37)

§11-238. Owners Severally 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 Part, and shall be severally subject to prosecution for the violation of this Part.

(Ord. 1062, --/2004, §38)

Appendix A

Addendum to Residential Rental Agreement

This Addendum to Residential Rental Agreement is made this ____ day of _____, 20____, and is incorporated into and shall be deemed to amend and supplement the Residential Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____. The Residential Rental Agreement and this addendum pertain to the premises described in said Agreement and located at _____. This addendum is required by §11-207 of the Regulated Rental Unit Occupancy Ordinance of the Borough of Glassport.

Additional Covenants and Obligations

In addition to the covenants and obligations set forth in the aforementioned Residential Rental Agreement, Tenant, and Landlord hereby covenant and agree as follows:

A. Landlord's Covenant and Obligations.

(1) Landlord shall keep and maintain the leased premises in compliance with all applicable codes and ordinances of the Borough of Glassport and all applicable State laws and shall keep the leased premises in good and safe condition.

(2) The manager for the leased premises shall be as follows:

(Name)

(Address)

(Telephone Number)

(3) The landlord shall be responsible for regularly performing all routine maintenance including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the tenant and which are identified as follows: _____

(4) The landlord shall promptly respond to reasonable complaints and inquiries from the tenant.

(5) The landlord shall comply with all applicable provisions of the Landlord Tenant Act of the Commonwealth of Pennsylvania.

B. Tenants' Covenants and Obligations.

(1) Tenants shall comply with all applicable codes and ordinances of the Borough of Glassport and all applicable State laws.

(2) Tenant agrees that the maximum number of person permitted within the regulated rental unit at any time shall be ____ and the maximum number of persons permitted within the common areas of the leased premises at any time

shall be _____.

(3) Tenant shall dispose of all rubbish, garbage, and other waste from the leased premises in a clean and safe manner in compliance with the Borough of Glassport ordinances.

(4) Tenant shall not engage in any conduct on the leased premises, which is declared illegal under Pennsylvania Crimes Code or Liquor Code or the Controlled Substance, Device and Cosmetic Act, nor shall tenant permit others on the premises to engage in such conduct.

(5) Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

(6) Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.

(7) Tenant shall not engage in, nor permit others on the leased premises to engage in, "disruptive conduct" which is defined as any form of conduct, action, incident, or behavior perpetrated, caused, or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely, offensive, riotous or that otherwise unreasonably disturbs other persons in their peaceful enjoyment of their premises such that a report is made to the police and/or Code Enforcement Officer. 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 a person to have perpetrated, caused, or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence.

(8) Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Regulated Rental Unit Occupancy Ordinance of the Borough of Glassport and that the issuance by any municipal officer of the Borough of Glassport of a Certificate of Noncompliance with said ordinance relating to the leased premises shall constitute a breach of the rental agreement of which this Addendum is a part. Upon such breach, landlord shall have the right and option to pursue any of the following remedies:

(a) Termination of the rental agreement without prior notice.

(b) Bring an action to recover possession of the leased premises without abatement of rents paid including reasonable attorney's fees and costs.

(c) Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs.

(d) Bring an action for damaged caused by tenant's breach, including reasonable attorney's fees and costs.

In Witness Whereof, the parties have hereunto set their hands and seals the date and year first above written.

Witness

Tenant

Witness

Landlord

