

RENTAL

ORDINANCE NO. 428

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING ALL LANDLORDS TO OBTAIN RENTERS PERMIT

BE IT ORDAINED AND ENACTED by the Council of the Borough of Susquehanna Depot, County of Susquehanna, Commonwealth of Pennsylvania, in regular meeting assembled, that

SECTION 1: Definitions and Interpretation. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

DWELLING - Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital, or nursing home.

- a. Dwelling, single family - A detached building, designed for or occupied exclusively by one family.
- b. Dwelling, two-family - A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- c. Dwelling, mobile home - A vehicle or part thereof, used for permanent living or sleeping quarters, so designed that it can be transported on a highway, and standing on wheels which can be placed on a foundation or on rigid supports except for a travel trailer as defined herein, and containing not more than one dwelling unit, but excluding prefabricated homes or sections thereof, which when assembled are over 19 feet in width.
- d. Dwelling, multi-family - A building designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units.
- e. Business Unit - A parcel of real estate, with or without improvements located thereon utilized by any person or persons for any commercial activity or purpose.

- f. Dwelling Unit - One (1) or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

Such buildings will consist of the following:

1. Limited Apartments - A multi-family dwelling containing 3 to 5 dwelling units and not exceeding 2 ½ stories in height.
 2. Row Houses - A multi-family dwelling containing 3 to 6 dwelling units, and not exceeding 2 ½ stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.
 3. Garden Apartment- A multi-family dwelling containing 6 to 12 dwelling units and not exceeding 3 stories in height.
- g. Family - Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five (5) persons, excluding servants, living together as a household in a dwelling
- h. Person - Any individual, partnership, association, firm or corporation.
- i. Landlord - A lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Borough of Susquehanna, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building or dwelling unit located in the Borough of Susquehanna.
- j. Tenant - A person who has the use, either by himself or herself, or with others, of a dwelling unit or a business unit owned by a person other than himself or herself, for a period exceeding thirty (30) days.

SECTION 2: Within thirty (30) days from the effective date of this Ordinance , each landlord shall submit to the Borough Secretary, a report form supplied by the Borough Secretary, which includes the following information:

1. List of the dwelling units and business units owned by the landlord, located within the Borough of Susquehanna limits, whether occupied or not occupied, and any parcels of real estate which are leased to tenants for the purposes of erecting, parking or in any way maintaining a dwelling unit on said property.

2. Address of each dwelling unit and business unit.
3. Brief description of each dwelling unit or business unit.
4. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.
5. Names of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

SECTION 3: After the effective date of this ordinance, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the Borough of Susquehanna Depot by Agreement of Sale, by Deed, or by any other mean, shall, within thirty (30) days thereafter, report to the Borough Secretary the information and date as set forth in Section 3 above, and on forms to be provided by the Borough Secretary.

SECTION 4: After the effective date of this Ordinance, each and every landlord of property within the Borough of Susquehanna Depot shall report to the Borough Secretary on a report form to be supplied by the Borough Secretary, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord, or change of occupancy of any dwelling unit located on property owned by any landlord within the Borough of Susquehanna Depot. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected, and the forwarding address of the old tenant or tenants if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a "tenant" until that person has resided in such landlord's establishment for a period exceeding thirty (30) days. In the event that a dwelling unit or business was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Borough Secretary. All reports required by this section shall be made within ten (10) days after landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

SECTION 5: Any person owning any property within the Borough of Susquehanna Depot which is rented to one or more persons for residential purposes who willfully or negligently fails to submit tenant lists as required by Section 2, above, shall be liable for, in addition to other penalties herein provided, such sums as would have been billed by the Borough if such tenant list had been provided less any sums actually received from such tenants for the fiscal year for which the list was not provided.

SECTION 6: Within thirty (30) days from the effective date of this Ordinance, each landlord who owns rental property shall submit to the Borough Secretary, a one fully executed rental permit application for each dwelling unit along with an application fee of fifty (\$50.00) per application. The rental permit application fee shall be paid on an annual basis for each dwelling unit to the Borough Secretary in the form of a check made payable to the Borough of Susquehanna Depot. Said fees and rental permit applications may be brought to the Borough Secretary at the Borough of Susquehanna Depot office or mailed to P.O. Box 277, 284 Erie Boulevard, Susquehanna, Pennsylvania 18847.

SECTION 7: Upon the submission of a rental permit application and application fee, the Susquehanna Borough Code Enforcement Officer, along with the Susquehanna Fire Marshall or Deputy Fire Marshall, if necessary, shall perform an inspection of said dwelling unit prior to an issuance of a rental permit by the Borough. A time and date for said inspection shall be established by the Code Enforcement Officer. If the rental property passes the initial inspection, then the Borough shall refund twenty-five (\$25.00) dollars of the fifty (\$50.00) dollar application fee to the landlord. If a rental property fails the initial inspection, then twenty five (\$25.00) dollars of the fifty (\$50.00) application fee shall be retained by the Borough to be applied toward a second inspection of the premises. If any rental property requires more than two inspections because of a landlords failure to cure any code violations, the landlord shall pay a fee of twenty-five (\$25.00) dollars for the cost of each additional inspection.

SECTION 8: All dwelling units for rent must meet The BOCA Basic/National Existing Structures Code/1984 guidelines as amended. Any code violations shall be remedied within a time period to be set by the Code Enforcement Officer but shall not exceed thirty (30) days from the date of discovered violation. Should any code violation(s) be a threat to the health and or safety of the tenant or tenants within the dwelling unit or should the structure an/or equipment be condemnable pursuant to E.S. Code - 106.1 through E.S. Code 106.2, the dwelling unit shall be declared uninhabitable and the tenant or tenants shall have to evict from said premises until said code violation(s) are corrected and all repairs made. If any code violations not related to health or safety are not remedied within the time limit given by the Code Enforcement Officer, the Code Enforcement Officer can declare the dwelling unit uninhabitable until the code violations are cured and remove the tenants from the dwelling unit or, if the unremedied code violations were not within the control of the landlord, the Code Enforcement Officer may grant an extension to the landlord allowing him time to rectify said violations.

SECTION 9: If a landlord fails to remedy any code violations within the time allotted by the Code Enforcement Officer, a rental permit shall be denied to said landlord for that particular dwelling unit. Any landlord who has been denied a rental permit may within thirty (30) days of said denial appeal the Code Enforcement Officer's decision to the Codes Enforcement Appeals Board using the procedures contained in The BOCA Basic/National Existing Structures Code/1984 for their appeal of code violations. Should the landlord not agree with a decision issued by the Codes Enforcement Appeals Board, the landlord can appeal said decision to the Susquehanna County Court of Common Pleas.

SECTION 10: Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance, shall, upon conviction of a summary offense by a District Justice be fined not less than twenty five (\$25.00) dollars nor more than three hundred (\$300.00) dollars for each offense, shall be ordered to pay to the Borough of Susquehanna Depot any losses incurred by the Borough as provided in Section 3, together with the costs of this action, and in default of payment thereof, be committed to the Susquehanna County Correctional Facility for a period not exceeding thirty (90) days.

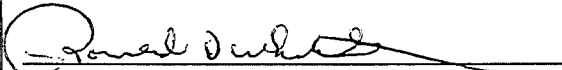
SECTION 11: The Code Enforcement Officer shall be required to keep a record of every application, inspection performed and permits issued in the Borough of Susquehanna Depot. The Borough of Susquehanna Depot shall be required to send renewal applications to all landlords two (2) months prior to the permit renewal date.

SECTION 12: If any sentence, clause, section, or part of this Ordinance is for any reason found unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Susquehanna Depot that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 13: All Ordinances or parts of Ordinances are hereby repealed insofar as they are in conflict with the terms of this Ordinance.

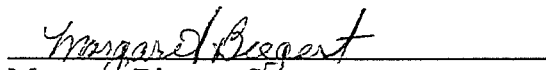
SECTION 14: This Ordinance shall take effect immediately upon its adoption.

Ordained and Enacted this the _____ day of _____, A.D., 2002 by the Borough of Susquehanna Depot in regular meeting assembled.



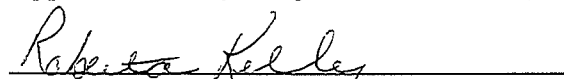
Ronald Whitehead, President of Council
(SEAL)

Attest:



Margaret Biegert, Secretary

Approved this 21 day of October, 2002



Roberta Kelly, Mayor

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR AMENDMENTS TO ORDINANCE NO. 428, Sections 1, 6, 7, 8, and 10 REQUIRING ALL LANDLORDS TO OBTAIN RENTERS PERMIT.

BE IT ORDERED AND ENACTED by the Council of the Borough of Susquehanna Depot, County of Susquehanna, Commonwealth of Pennsylvania, in regular meeting assembled.

THE BOROUGH OF SUSQUEHANNA DEPOT HEREBY ORDAINS AS FOLLOWS:

SECTION 1 of Ordinance 428, The following provisions shall be added:

DEFINITIONS AND INTERPRETIONS:

Disruptive Conduct: Any form or conduct action, incident or behavior perpetrated, caused or permitted by any Tenant(s) or visitor(s) of residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons or of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaint of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident, or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused, or permitted the commission of disruptive conducted as defined herein. The Tenant(s), Owner(s), and the responsible Agent(s) shall be notified of any such occurrences in writing.

Owner: The legal or beneficial holder of title to a residential unit.

Residential Rental Unit: Any structurally enclosed area including or intending to include sleeping facilities.

Residential Unit: Any structurally enclosed area including or intending to include sleeping facilities.

SECTION 6 of Ordinance 428, the following provisions shall be added:

The rental permit application fee shall be changed from Fifty Dollars (\$50.00) per application to Seventy-five Dollars (\$75.00) per application. The rental permit application and fee shall be due and payable on or before April 30 of each year. In the event said fee is not paid on or before April 30 of each year there shall be a penalty of Twenty-five Dollars (\$25.00) added to said application fee.

SECTION 7 of Ordinance 428 shall be modified as follows:

If the rental property passes the initial inspection then the Borough shall refund Twenty-five Dollars (\$25.00) of the Seventy-five Dollar (\$75.00) application fee to the landlord. If a rental property fails the initial inspection the entire Seventy-five Dollars (\$75.00) application fee

shall retained by the Borough with Fifty Dollars (\$50.00) of said application fee to be applied to the first inspection and Twenty-five Dollars (\$25.00) to be applied to the second inspection fee of Fifty Dollars (\$50.00). All inspections performed on said premises shall be charged at the rate of Fifty Dollars (\$50.00) per inspection. Any rental property that requires more than two inspections because of the landlords failure to cure any code violations the landlord shall pay a fee of Fifty Dollars (\$50.00) for the cost of each additional inspection. The Borough of Susquehanna Depot council is empowered to change these fees by motion passed by the majority of the members of the Borough of Susquehanna Depot council.

SECTION 8 of Ordinance 428

TENANT'S DUTIES: Tenants shall comply with all applicable codes and ordinances of the Borough of Susquehanna Depot.

Inspection of Premises. The Tenants shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an Owner's approval at any reasonable time.

Disruptive Conduct. The Tenant(s) shall not engage in nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of this Ordinance.

Police Report. When police including State Police investigate an alleged incident of disruptive conduct, the police report shall note a finding as to whether or not the reported incident did in his or her judgment constitute disruptive conducted as defined herein. The information filed on said report shall include, if possible, the identity or identities of the alleged perpetrator 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 report containing the disruptive conduct report to the Code Enforcement Officer. In all cases notice of the disruptive conduct shall be mailed to the Owner or his Agent as soon as reasonable after the occurrence of alleged disruptive conduct.

a. After three (3) disruptive conduct incidents in any twelve (12) month period by a Tenant(s), the Owner shall immediately begin eviction proceedings against the Tenants. Failure to take such action will result in the immediate revocation of Residential Rental Permit. This paragraph is not intended to limit the Owner from initiating eviction actions prior to the third disruptive incident.

COMPLIANCE:

Once a residential rental unit has passed inspection and the owner has been granted a permit by the Borough of Susquehanna Depot for that unit, no further inspections will be required of the residential rental unit until either:

1. A change in the ownership of the residential rental unit takes place; or

2. A change in the tenants of the residential rental unit; or
3. Reported or observed code violations are reported to the Borough of Susquehanna regarding a residential rental unit.

Nothing in the section shall be interpreted to diminish or restrict any powers of the Borough of Susquehanna Depot, through its Code Enforcement Officer or other duly appointed person or entity, from inspecting a residential rental unit pursuant to any other duly adopted ordinance.


SECTION 10 of Ordinance 428

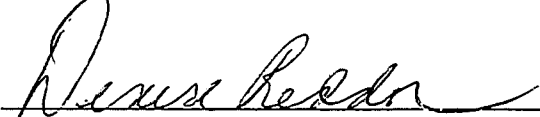
VIOLATIONS AND PENALTIES: In addition to the above fines, any person who shall be found guilty of violating any of the provision of this Ordinance, shall pay, in addition to any fees, costs or penalties ordered by the Court, to the Borough of Susquehanna any related costs incurred by the Borough, together with the costs of prosecution, including, but not limited to, attorney's fees, filing costs and cost of prosecution.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.

BOROUGH OF SUSQUEHANNA DEPOT

February 27, 2008


Michael Matis, President of Council


Denise Reddon, Mayor

ATTEST:


Ann Stewart, Secretary