

**BOROUGH OF MAHANOEY CITY
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2011-2

**AN ORDINANCE OF THE BOROUGH OF MAHANOEY CITY,
SCHUYLKILL COUNTY, PENNSYLVANIA, REQUIRING
REGISTRATION OF RENTAL PROPERTIES; ESTABLISHING
AN ANNUAL OCCUPANCY REPORT AND ANNUAL
REGISTRATION OF UNITS; SETTING INSPECTION FEES AND
REGISTRATION FEES; AND ESTABLISHING PENALTIES FOR
THE VIOLATIONS THEREOF**

The Borough Council of the Borough of Mahanoy City, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, the Borough Council of the Borough of Mahanoy City recently enacted and ordained an ordinance adopting the Uniform Construction Code, pursuant to the Pennsylvania Construction Code Act, as its municipal building code; and

WHEREAS, the Borough Council of the Borough of Mahanoy City had previously adopted what is known as the BOCA Code for purposes of property maintenance; and

WHEREAS, the Borough Council of the Borough of Mahanoy City recently adopted the International Property Maintenance Code of 2009, along with amendments as made, as its maintenance code;

WHEREAS, the Borough Council of the Borough of Mahanoy City has adopted Ordinance No. 2005-7 dealing with nuisance properties; and

WHEREAS, Section 46202 of the Borough Code, 53 P.S. 46202 entitled "Specific Powers", authorizes any borough council to make and adopt ordinances concerning building, housing, property maintenance, plumbing and other regulations.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of Mahanoy City, Schuylkill County, Pennsylvania, in accordance with the powers permitted by the Borough Code (53 P.S. §46202) enacts and ordains the following:

ARTICLE 1
LANDLORD REPORTS

Section 1. Definitions.

The following words when used in this article shall have the meanings ascribed to them in this section except where the context clearly indicates or requires a different meaning:

LANDLORD - Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

PERSON - Any natural person, partnership, association, firm or corporation.

TENANT - That person or persons who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefore, but excluding those who are tenants for a period of less than thirty (30) days.

Section 2. Duty of lessor or owner - Information required.

All landlords, within thirty (30) days after the effective date of this Ordinance, or, in case of real estate thereafter acquired or thereafter rented or becoming available for rental, within thirty (30) days after the acquisition, rental or availability for rental thereof, as the case may be, shall report to the Borough Secretary, in writing, during regular business hours the number of parcels or units of real estate presently or hereafter rented or available for rental, a description (by address, unit or apartment number and/or some other meaningful method) of said parcels or units and the names of its tenants at the time of such report, together with a designation as to which unit or parcel is occupied by each.

Section 3. Duty of lessor or owner - Changes in lessees.

Any change in the occupancy of real estate or leased property or in the identity of the tenants from that shown in the report of the landlord as required in Section 2 hereof shall be reported by the landlords to the Borough Secretary within ten (10) days after such change. It is

intended hereby that landlords shall report a new tenant or a tenant who rents or leases a different unit or parcel of real estate and when a unit or parcel of their real estate becomes vacant.

Section 4. Duty of lessor or owner - Landlord's annual reports of occupancy and tenants.

Notwithstanding Section 3 noted above, landlords shall prepare an occupancy report annually, and submit the same to the Borough Secretary in writing, during regular business hours, said report shall contain the number of parcels or units of real estate presently rented or available for rental together with the names of its tenants at the time of such report, along with a designation as to which unit or parcel is occupied by each tenant. This report shall be issued regardless of whether there have been changes in the occupancy of said real estate or leased property or in the identity of the tenants from the report shown previously.

Section 5. Duty of lessor or owner - Forms.

The Borough Secretary may prepare a report form entitled "Status of Occupancy Report", which report form may require that information set forth above and such other pertinent information that the Borough Council by resolution may direct the Borough Secretary to incorporate into said report form. The failure to have such report forms, however, shall not excuse the obligation of landlords to provide the information required herein.

ARTICLE II

RESIDENTIAL RENTAL UNIT REGISTRATION AND INSPECTION

Section 6. Title.

This article shall be known as the "Residential Rental Unit Registration and Inspection Law."

Section 7. Definitions.

As used in this article, the following words shall have the following meanings, unless the context clearly indicates otherwise:

AGENT — Any person, corporation, copartnership, association or fiduciary who or which, for monetary consideration, aids in the rental of property as defined herein. When used in this article in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner and, as applied to corporations, the officers thereof.

CODES — The Fire Prevention, Building, Housing, Mechanical, Property Maintenance, Electrical and Plumbing Codes, as adopted by the Borough from time to time, and any rules and regulations promulgated thereunder.

OWNER — Any person, agent, operator, firm, corporation, partnership, association, property management group, housing authority or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this article in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner and, as applied to corporations, the officers thereof.

REGISTRATION LICENSE — The annual business privilege license assigned by the Borough of Mahanoy City issued to the owner/landlord of a real property rental unit.

RESIDENTIAL RENTAL UNIT — Any dwelling unit or structurally enclosed area including or intended to be used as the living quarters for one or more individuals and not

occupied by the owner thereof.

RESIDENTIAL RENTAL UNIT REGISTRATION NUMBER — The distinct registration number assigned by the Code Enforcement Officer to a residential rental unit.

Section 8. Registration required; specifications.

A. No owner or agent shall own or operate a residential rental unit unless and until a current Registration License, for each specific unit and use thereof, has been issued to the owner or agent by the Borough of Mahanoy City pursuant to this article.

B. The Registration License required by Subsection A shall be valid for the calendar year for which it is issued or, if issued during the calendar year, for the remainder of such calendar year. The license shall be renewable for successive calendar years when the licensed premises complies with the codes and all other applicable regulations. The license shall not be transferable and may be revoked, at any time, for noncompliance with the codes or any other applicable regulations.

C. Every owner or agent owning or operating any building requiring a license under Subsection A shall, on or before January 31 of each year, register such building and all such residential rental units with the Borough on forms provided by the Code Enforcement Officer or its designee.

D. Any owner or agent who transfers legal title to and/or operational control over any building and/or residential rental unit, requiring a license under Subsection A shall give notice of such transfer, in writing, to the Code Enforcement Officer within five (5) business days after having transferred ownership of or operational control over such building and/or residential rental unit.

E. Every owner, agent and/or operator of a licensed building or residential rental unit shall advise each occupant thereof, in writing, either in the lease between the parties or otherwise, of the maximum number of occupants permitted in the leased premises.

F. Each applicant for a Registration License required by Subsection A shall, at the time of application, pay an initial registration fee as may be determined by resolution of Borough Council (whether or not the residential rental unit is occupied at the time) and annually thereafter a renewal registration fee as may be determined by resolution of Borough Council (whether or not the residential rental unit is occupied at the time). A fee is not required for an owner-occupied dwelling unit or one that is not rented or for rent at any time during that calendar year. The renewal registration fee shall be due and payable on or before the thirty-first day of January of each year.

G. No owner or agent may offer for rent or assist in offering for rent, by advertising or otherwise, any residential rental unit without first ascertaining that a valid Registration License exists for such residential rental unit. Any advertisement for rent of a residential rental unit, including, but not limited to, newspaper, radio or television advertisement, placard advertisement or real estate listing, shall include the residential rental unit registration number assigned by the Borough.

H. Failure to register the residential rental units with the Code Enforcement Officer within thirty (30) days of the effective date of this Ordinance or within thirty (30) days following the purchase or conversion of a structure to a rental property shall constitute a violation of this article.

Section 9. Occupancy prohibited without certificate.

No residential rental unit shall be occupied by other than the owner thereof unless a Registration License has been obtained and a certificate of compliance, as required by the provisions of this article, is displayed at the structure in which the residential rental unit is located.

Section 10. Inspections.

A. Each residential rental unit shall be inspected by the Code Enforcement Officer or designee at least one (1) time in every three (3) year period, and, for such purpose and for any reinspection required hereunder, the Owner shall provide access to Borough representatives.

(1) As for any residential rental unit unoccupied or occupied by the owner on or after the effective date hereof, a certificate of compliance shall be issued and displayed prior

to occupancy of such residential rental unit by anyone other than the owner and subsequent inspections shall occur as set forth in Subsection A(2).

(2) As for any residential rental unit occupied by anyone other than the owner as of the effective date hereof and for all subsequent inspections, inspections required by this article shall be completed and the certificate of compliance issued and displayed not later than December 31 of the year for which inspection is required. In no event shall such an inspection be conducted prior to January 1 of the year for which inspection is required.

(3) When a certificate of compliance has been issued prior to a residential rental unit being occupied other than by the owner, said residential rental unit shall not be subject to reinspection under the terms of this article prior to the first applicable calendar year occurring after the calendar year subsequent to issuance of the initial certificate of compliance.

B. If there is a change of tenant within twelve (12) months of the last inspection under Section 10 A, the owner or agent shall file a "self-prepared compliance return", which will be on a form to be supplied by the Borough. This "self-prepared compliance return" shall indicate to the Borough that the owner or agent certifies, under penalty of law, that said rental unit conforms to the codes noted herein. If more than twelve (12) months have elapsed since the last inspection and a tenant of record changes, said unit must be reinspected in accordance with Section 10 A.

C. This inspection shall be for the purpose of determining compliance with the provisions of the codes as in effect in the Borough on the date of the inspection.

D. Failure of the owner to permit access to conduct such inspection shall be deemed a violation of this article.

E. For the purpose of enforcing this article, the Code Enforcement Officer or designee may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection of a residential rental unit.

Section 11. Certificate of compliance.

If the inspection of the residential rental unit discloses no Codes violations, the Code Enforcement Officer or designee shall issue a certificate of compliance to the owner within fourteen (14) days of the inspection. Issuance of a certificate of compliance shall not denote compliance with any applicable Code. The certificate of compliance shall be in such form as approved from time to time by the Code Enforcement Officer. The certificate of compliance shall be displayed in plain view within the residential rental unit or structure.

Section 12. Certificate of noncompliance.

If the inspection of a residential rental unit discloses Codes violations, the Code Enforcement Officer or designee shall issue a certificate of noncompliance within fourteen (14) days of said inspection. The certificate of noncompliance shall set forth the following:

- A. The street address or appropriate description of the subject property;
- B. The date of inspection;
- C. The identity of the inspector;
- D. A statement of the zoning district applicable to the subject property, together with an extract of the applicable ordinance(s) showing the uses permitted within that district;
- E. A statement of any variances and use permits granted to the subject property, together with the conditions and restrictions of such permits;

F. A statement as to whether there appears to be any nonconformity in the structures on the property or the uses being made thereof. This statement shall also indicate whether the property has been approved or designated as a nonconforming use;

G. A list of the codes violations;

H. The number of days in which the owner is to accomplish repairs, including a provision allowing for a reasonable time extension upon the owners showing of good faith compliance to the satisfaction of the Code Enforcement Officer; and

I. Notice that, if the conditions are not repaired within the time specified, the residential rental unit may be placarded as unfit for human occupancy or subject to rent withholding in accordance with Section-20C of this Ordinance.

Section 13. Reinspection.

A. Upon the expiration of the time specified to accomplish repairs or upon notice from the owner that the repairs have been accomplished, whichever occurs first, the Code Enforcement Officer or designee shall reinspect the subject residential rental unit.

B. In the event that such reinspection discloses that the owner accomplished the repairs, the Code Enforcement Officer or designee shall issue a certificate of compliance to the owner in accordance with Section 11 of this Ordinance.

C. In the event that such reinspection discloses that the owner failed to accomplish the repairs, the Code Enforcement Officer or designee shall issue a new certificate of noncompliance, in accordance with Section 12 of this Ordinance. Further, the owner shall pay a reinspection fee in an amount equal to the initial application fee as set forth in Section 14 of this Ordinance.

Section 14. Certificate application and fee.

A. **Inspections.** Upon application for a certificate of compliance and the payment to the Borough of a fee of \$75.00 for the first residential rental unit plus \$30.00 per residential rental unit thereafter, per individual parcel, the Code Enforcement Officer or designee shall review the pertinent Borough records and inspect the subject premises in accordance with

Section 10 of this Ordinance. A reinspection fee due to a unit being found non-compliant shall be \$30.00. All inspection fees shall be paid prior to the inspection regardless of the number of units. Failure to pay inspection fees shall be deemed a failure and/or refusal to comply with the provisions contained herein, and will be subject to the penalty contained in Section 20.

B. **Registration.** Upon application and payment to the Borough of a fee of \$30.00 per residential rental unit, the Code Enforcement Officer or designee shall review the pertinent Borough records and inspect the subject premises in accordance with Section 8 of this Ordinance.

C. **Revisions to Fee Schedule.** Inspection and Registration fees may be subsequently revised as determined by resolution of Borough Council.

Section 15. Nonliability of Borough.

The issuance of a certificate of compliance is not a representation by the Borough that the residential rental unit and/or the building in which it is located is in compliance with the various Borough Codes including, but not limited to, any Property Maintenance Code or Building Code. The issuance of a certificate of compliance indicates that the residential rental unit did not have any dangerous conditions as of the date of the inspection. However, neither the enactment of this Ordinance nor the issuance of a certificate of compliance shall impose any liability upon the Borough for any errors or omissions which resulted in the issuance of such certificate, nor shall the Borough bear any liability not otherwise imposed by law.

Section 16. Appeals.

The owner of a residential rental unit aggrieved by a decision of the Code Enforcement Officer or designee may, within thirty (30) days or the time fixed for repair, whichever is shorter, appeal the decision to the Borough Board of Building Code Appeals in accordance with the Borough Ordinances.

Section 17. Codes violations.

Nothing in this article shall preclude or prohibit the Code Enforcement Officer or designee from identifying any violations of the Borough Building Code or Borough Property Maintenance Code which exist and noting the same on any inspection report.

Section 18. Notice requirements.

A. Newspaper advertisement. The Borough Secretary shall each year cause notice to be published two (2) times in a newspaper of general circulation within the Borough. The initial notice shall be published during the first six (6) months of the calendar year this Ordinance shall become effective. Thereafter a notice shall be published during January of each calendar year and a second notice published during October of each calendar year. The notice shall set forth that inspection of residential rental units occupied other than by the owner is required during the year of publication, that inspection may be required before a residential rental unit is occupied by anyone other than the owner, that all residential rental units are required to be registered and where a copy of the ordinance may be obtained.

B. Deeds and agreements of sale. Every deed and agreement of sale executed and delivered on or after the effective date of this Ordinance with respect to any premises within the Borough which includes one or more residential rental unit shall include therein a notice substantially in the form which follows:

Residential rental units within the Borough of Mahanoy City which are occupied other than by the owner thereof are subject to registration and inspection requirements of the Borough Ordinances of the Borough of Mahanoy City.

Section 19. Delegation of authority.

Appropriate Borough officials are authorized and directed to take such actions as are necessary to effectuate this Ordinance.

Section 20. Violation and penalties.

A. Any owner or agent who has violated or permitted the violation of this Ordinance shall be subject to the following penalties:

(1) First violation: costs of prosecution and either a fine of \$300.00, or thirty (30) days imprisonment, or both.

(2) Second violation: costs of prosecution and either a fine of \$600.00, or sixty (60) days imprisonment, or both.

(3) Third and each subsequent violation: costs of prosecution and either a fine of \$1,000.00, or ninety (90) days imprisonment, or both.

B. Each violation of this Ordinance and each day the same is continued shall be deemed a separate offense. A separate violation shall exist for each unregistered or uncertificated residential rental unit and be deemed a separate offense.

C. In addition to the placarding of the premises, rent withholding and other civil remedies available to the Borough, the Borough may seek the enforcement of any order for corrections from the Court of Common Pleas of Schuylkill County.

This Ordinance shall become effective immediately.

ADOPTED AND ORDAINED THIS ____ day of _____, 2011.

BOROUGH OF MAHANROY CITY

By: _____
Thomas E. Oblas, Council President

Attest:

DOROTHY M. LEWIS, Secretary

APPROVED by the Mayor of Mahanoy City this ____ day of _____, 2011.

Nancy A. Petrirsch, Mayor

Borough of Mahanoy City

239 East Pine Street
P O B o x 6
Mahanoy City, Pennsylvania 17948

Phone: 570-773-2150

Fax: 570-773-0604

Over the past several months, the Council members of Mahanoy City Borough have adopted several new ordinances that will help to preserve and promote the health, safety, and welfare of the citizens and improve the quality of life in our borough.

Ordinance No. 2011-2, adopted, March 8, 2011, is one such ordinance, providing for the registration and inspection of residential rental properties. Each owner (landlord) of a residential rental property shall be responsible to register the property with the Borough. Registration forms are available at the Municipal Building and may be picked up during regular business hours. A registration fee is required and is to be paid at the time of registration. Upon registration, an inspection will be scheduled with the Borough's Code Official or appointed representative.

Information required at the time of registration will be the number of bedrooms in each unit, the number of occupants, and the name(s) of each occupant currently or prospectively residing in the dwelling.

All landlords must register their properties with the Borough by, April 30, 2011. Inspections will be scheduled for a later date. For further information or assistance, please call 570-773-2150.

BOROUGH COUNCIL

Borough of Mahanoy City

239 East Pine Street
P O B o x 6
Mahanoy City, Pennsylvania 17948

Phone: 570-773-2150

Fax: 570-773-0604

RENTER'S ORDINANCE SUMMARY

The purpose of this letter is to explain in detail the requirements of the Borough of Mahanoy City, Ordinance No. 2011-2, adopted the 8th day of March, 2011, known as the "Renter's Ordinance."

The purpose of the Ordinance is to promote a safe, clean, and secure environment for the residents of the Borough that rent property. Also, through registration of tenants, we have a tangible record that may be utilized by Police and Emergency Services to assure that all occupants are accounted for during an emergency situation.

The following is the protocol for registering and ultimately bringing each rental property into compliance and the fees associated with the process:

- i. Must register each rental unit utilizing the Rental Registration form supplied by the Borough, which requires the disclosure of the owner and each tenant residing at the prospective property. A copy of the Inspection List will be provided to the landlord at time of registration. The registration fee is **\$30.00, payable every time there is a tenant change.**
- ii. Must schedule an inspection with the Borough's appointed Code Enforcement Officer. At which time, the items on the Inspection List will be inspected for compliance. The inspection fee is **\$75.00 for the first unit and \$30.00 for each additional unit** if located on the same parcel of land. Re-inspection fees due to a property being found non-compliant shall be **\$30.00.**
- iii. If the rental unit is found to be compliant, the Borough Code Enforcement Officer shall issue a Certificate of Compliance, which is to be displayed inside each rental unit as close to the main entrance as feasible. The Certificate of Compliance shall be in effect for a period of no more than three (3) years or until such time the tenants change.

- iv. If the rental property is found to have deficiencies that require a re-inspection, the Borough Code Enforcement Officer shall issue a Certificate of Non-Compliance, stating what was found to be deficient and the amount of time that the owner has to bring the property into compliance. Occupancy of the rental unit will be prohibited until all deficiencies have been corrected, the unit has been re-inspected, and a Certificate of Compliance has been issued.

If you have any further questions, please do not hesitate to contact me at 570-773-2150 or 570-622-4055.

Sincerely,

Anthony F. Merklinger
alfred benesch & company
Borough of Mahanoy City Code
Enforcement Officer

Borough of Mahanoy City

239 East Pine Street
P O B o x 6
Mahanoy City, Pennsylvania 17948

Phone: 570-773-2150

Fax: 570-773-0604

Rental Registration

Owner(s) of Record: _____

Owner's address: _____

City: _____ State: _____ Zip: _____

Tenant(s) of Record: _____

Rental address: _____ Mahanoy City, PA 17948

Number of Bedrooms: _____ Total Occupant Load: _____

This property has been registered by the Code Enforcement Officer and is subject to the provisions of Ordinance No. 2011-2 of the Borough of Mahanoy City.

This the _____ day of _____, 20 __. License No. _____

Valid thru the 31st day of **January**, 20__

Issuing officer: _____

Signature

Print

Borough of Mahanoy City

Residential Rental Property Inspection Form

To Be Completed By Applicant:

Note: Initial inspection fee of \$75.00 per unit and \$30.00 each additional unit on same site, plus registration fee \$30.00, per rental unit, must be paid at time of application.

Owner/Agent: _____ Occupant: _____

Address: _____ Address of Unit(s): _____

Phone No: _____ Phone No: _____

Date of Occupancy: _____

MUST BE FILLED OUT BY APPLICANT (WILL BE VERIFIED DURING INSPECTION BY THE BOROUGH CODE OFFICIAL).

BASIC FACILITIES **YES NO**

- 1. Kitchen Facilities
 - Sink
 - Stove
 - Refrigerator
 - Cabinets
- 2. Room affording privacy with properly operating... Toilet
 - Lavatory sink
 - Bathtub or Shower
- 3. Hot and Cold Water supply to kitchen and bathroom
- 4. Heating System
 - Type _____
- 5. Central Air
- 6. Safe unobstructed means to exit leading directly to ground level
- 7. Structurally sound handrails balusters, stairways, decks and porches
- 8. House number clearly displayed
- 9. Sump Pump

Date Applicant Inspected: _____

Applicant's Signature

Applicant's Name Printed

ELECTRIC SERVICE **YES NO**

- 1. Minimum of (2) wall outlets and (1) light in each habitable room (all kitchen countertop, bathroom and at-grade receptacles must be GFCI protected.
- 2. Smoke Detectors (one in every sleeping area and min. one on every level, including basement)
- 3. Electrical Service capacity (amps) _____

SAFE SANITARY MAINTENANCE **YES NO**

- 1. Every public walkway, driveway entrance and curb is free of cracks, breaks, and tripping hazards and in good repair.
- 2. Every foundation, roof, exterior wall, door, skylight and window in good repair
- 3. Every interior wall, ceiling, stairs, and appurtenances are safe and in good repair.
- 4. Minimum (1) CO detector

Date Code Official Inspected: _____

Inspector's Signature

Inspector's Name Printed

Borough of Mahanoy City

239 East Pine Street
P O B o x 6
Mahanoy City, Pennsylvania 17948

Phone: 570-773-2150

Fax: 570-773-0604

Certificate of Non-Compliance

Date inspection was performed: _____

Owner of Record: _____

Rental Address: _____

Zoning District: _____ Permitted Uses: _____

Variances and/or Use Permits granted: _____

Conditions and/or Restrictions: _____

Non-conforming Use of Record: ____ Yes ____ No

List of Non-conformities: _____

Code Violations: _____

Must bring property into compliance within _____ days of receipt of this **certificate**.

Notice that, if the conditions are not repaired within the time specified, the residential rental unit may be placarded as unfit for human occupancy or subject to rent withholding in accordance with Borough Ordinance No.2011-2 as Adopted March 8, 2011 and as amended.

Inspector: _____

(Signature)

(Print)

Borough of Mahanoy City

239 East Pine Street
P O B o x 6
Mahanoy City, Pennsylvania 17948

Phone: 570-773-2150

Fax: 570-773-0604

Rental
Certificate of Compliance

Owner(s) of Record: _____

Owner's address: _____

City: _____ State: _____ Zip: _____

Tenant(s) of Record: _____

Rental address: _____ Mahanoy City, PA 17948

This property has been inspected by the Code Enforcement Officer and found compliant, in accordance with the Borough of Mahanoy City, Ordinance No. 2011-2 and shall be in effect until January 31, _____.

This the ____ day of _____, 20____.

Issuing officer: _____

(Signature)

(Print)