

BOROUGH OF MT. OLIVER

ORDINANCE NO. 978

AN ORDINANCE OF THE BOROUGH OF MT. OLIVER AMENDING CHAPTER 183 OF THE MT. OLIVER BOROUGH CODE OF ORDINANCES TO REGULATE AND REQUIRE LICENSES FOR THE RENTAL OF RESIDENTIAL RENTAL UNITS, TO ESTABLISH RIGHTS AND DUTIES OF RESIDENTIAL LANDLORDS AND TO IMPOSE PENALTIES FOR VIOLATION

WHEREAS, the Council of the Borough of Mt. Oliver (“Borough Council”) finds that, in many cases, rental properties within the Borough have been poorly maintained, with adverse impact on the public safety, the safety of tenants and property values; and

WHEREAS, Borough Council finds that complaints about tenant behavior are frequent, often requiring police response and undue consumption on Borough resources; and

WHEREAS, Borough Council finds that the enjoyment and value of nearby nonrental properties are adversely affected by landlords who allow rental properties to deteriorate and fail to police tenant behavior; and

WHEREAS, Borough Council finds that the licensing of landlords will allow the continued rental of residential units with appropriate incentives and accountability for landlords to maintain rental properties and control inappropriate or disorderly tenant practices; and

WHEREAS, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(14) of the Borough Code authorizes the Borough to define and prohibit disorderly conduct; and

WHEREAS, on April 17, 2000, the Council of the Borough of Mt. Oliver enacted Ordinance No. 845, which regulates the rental of residential rental units; and

WHEREAS, the Council of the Borough of Mt. Oliver finds that new requirements are necessary in furtherance of the public health, safety and welfare; and

WHEREAS, the Council of the Borough of Mt. Oliver desires to repeal Ordinance No. 845 and replace it with the Ordinance set forth below.

NOW THEREFORE, the Council of the Borough of Mt. Oliver hereby ordains, as follows:

I. Chapter 183 of the Mt. Oliver Borough Code of Ordinances is hereby amended to read, in its entirety, as follows:

Article 1. Landlord Licensing & Duties

Section 183-1. Definitions.

As used in this Section, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Building Inspector – The duly appointed Building Inspector of the Borough of Mt. Oliver.

Code Enforcement Officer – The duly appointed Code Enforcement Officer of the Borough of Mt. Oliver.

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 residential rental unit.

Person – A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

Premises – Any parcel or real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more residential rental units is located.

Rental License – A municipal permit, in the form of a license, issued by the Borough pursuant to this Ordinance authorizing rental of any residential rental unit.

Residential Rental Unit – A dwelling unit rented to or available for rent by tenants or otherwise occupied by persons other than the record owner of the premises, but not limited to, units in single-family dwellings, two-family dwellings, multi-family dwellings and other buildings of similar character.

Tenant or Occupant – A person who resides in a residential rental unit.

Section 183-2. License Required.

A. It shall be unlawful for any Owner to lease, rent, or otherwise allow any Residential Rental Unit in the Borough of Mt. Oliver to be occupied, unless a Rental License has been issued by the Building Inspector or Code Enforcement Officer.

B. Each Rental License shall have a term of one year.

C. A Rental License shall not be issued until:

1. All overdue and/or delinquent real estate taxes, refuse, sewage, and other outstanding fees or fines that are owed by the Owner to Mt. Oliver Borough have been paid in full.
2. The Owner has fully provided the required registration information and paid all associated fees as provided in Section 183-3.
3. The Premises and Residential Rental Unit for which the Rental License is sought have been inspected by the Building Inspector or Code Enforcement Officer and have been deemed to be compliant with the Borough Property Maintenance Code as provided in Section 183-4.

Section 183-3. Application for License.

A. Prior to leasing, renting or otherwise allowing any Residential Rental Unit to be occupied, every Owner of a Residential Rental Unit shall make application with the Code Enforcement Officer, on forms to be supplied by the Borough, containing the following information:

1. A description of the Residential Rental Unit(s) for which the Rental License is sought by street number, parcel ID number, apartment number, or other indicia sufficient to distinguish the Residential Rental Unit from all others.
2. The number of Residential Rental Units located at the Premises.
3. The name, address, and telephone number of the Owner. If the Owner is a corporation, the registration statement shall provide the names, addresses, and telephone numbers of all officers and directors of the corporation. If the Owner is a trust, partnership, or any other form of unincorporated association, the registration statement shall provide the names, addresses, and telephone numbers of all partners or principals with an interest of 10% or greater.
4. The name, address, and telephone number for the person or business responsible for maintaining the Premises, if different than the Owner. In the case of an Owner who does not reside within the a twenty-five mile radius of the Premises, the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this chapter and/or for receipt of service or notice related to compliance and/or enforcement of this chapter and/or the building or zoning ordinances of the Borough of Mt. Oliver.
5. The names and telephone numbers of each Tenant or Occupant 18 years of age or older.

B. A fee shall accompany the application at a rate to be set by resolution of Borough Council, which may also be designated in the Borough Fee Schedule.

C. The Owner shall notify the Borough of changes to the Tenant or Occupant listing within ten days of such change by submitting updated names and telephone numbers for each Tenant or Occupant on the form prepared and provided by the Borough. In so doing, the Owner shall notify the Borough of the name of the Tenant or Occupant who is no longer residing at or occupying the Residential Rental Unit.

D. Within thirty (30) days prior to the expiration of a Rental License, an Owner of a Residential Rental Unit shall make an application with the Code Enforcement Officer, on a form to be supplied by the Borough and containing the information required pursuant to Section 183-3(A) above, for a renewal of the Owner's Rental License. A fee shall accompany the renewal application at a rate to be set by resolution of Borough Council, which may also be designated in the Borough Fee Schedule.

E. If a Rental License application or Rental License renewal application is denied, the Building Inspector or Code Enforcement Officer shall notify the Owner and any Tenant or Occupant, if the Rental Unit is occupied, in writing, and the reason for denial shall be stated in the denial notice.

Section 183-4. Inspections.

A. The Owner shall permit the Building Inspector or Code Enforcement Officer to inspect the Premises and each Residential Rental Unit for which a Rental License application or Rental License renewal application is submitted. Upon inspection, if the Building Inspector or Code Enforcement Officer determines that the Premises and Residential Rental Unit comply with the Borough Property Maintenance Code and all amounts referenced in Section 183-3(A)(1) have been paid in full, the Building Inspector or Code Enforcement Officer shall issue a Residential Rental License.

B. Each Residential Rental Unit is required to be inspected by the Building Inspector or Code Enforcement Officer prior to the issuance of a Rental License or renewed Rental License. This inspection shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the Residential Rental Unit.

C. If the Premises and/or Residential Rental Unit fails to comply with the provisions of the Borough Property Maintenance Code, the Building Inspector or Code Enforcement Officer shall notify the Owner in writing of the deficiencies within 10 days of the inspection. The Owner shall be given 30 days from the date of the notice to abate all violations and schedule a re-inspection of the Premises and Residential Rental Unit. A fee shall accompany the re-inspection at a rate to be set by resolution of Borough Council, which may also be designated in the Borough Fee Schedule.

Section 183-5. Revocation of Rental License.

A. The Building Inspector or Code Enforcement Officer is authorized to revoke a Rental License under the following conditions:

1. A Residential Rental Unit has become noncompliant with the Borough Property Maintenance Code, and the Owner or his/her agent fails to remedy the violation within the time frame specified within the applicable code.
2. The Owner fails to provide all required documentation and/or pay all fees as required for a Rental License or Rental License renewal.

3. Upon notification of overdue or delinquent real estate taxes, refuse, sewage, or other outstanding fees that are owed to the Borough of Mt. Oliver, the Owner fails to pay in full said fees, or fails to enter into an authorized payment plan and meet the conditions set forth in said payment plan.

B. If the Residential Rental Unit is occupied at the time that the Rental License is revoked, it shall be vacated within 30 days, and it shall remain vacant until the Rental License is reinstated. If the Residential Rental Unit is vacant at the time that the Rental License is revoked, it shall remain vacant until the Rental License is reinstated.

C. If a Rental License is revoked, the Building Inspector or Code Enforcement Officer shall notify the Owner and any Tenant or Occupant, if the Rental Unit is occupied, in writing of such revocation, and the reason for the revocation shall be stated in such notice.

Section 183-6. General Duties.

A. The Owner shall keep and maintain the Premises and all Residential Rental Units in compliance with all applicable codes of the Borough, including routine maintenance such as lawn mowing and snow and ice removal. In no case shall the existence of any agreement between the Owner and Tenant or Occupant relieve the Owner of any responsibility under this chapter or other ordinances or codes for maintenance of the Premises and Residential Rental Units.

B. The Owner shall be responsible for regulating the proper and lawful use of every Residential Rental Unit and shall also be responsible for regulating the conduct and activities of the Tenants or Occupants of every Residential Rental Unit to the extent that Chapter 87, Article VII (Disruptive Properties) of the Mt. Oliver Borough Code applies.

C. The Owner shall provide each Tenant or Occupant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24-hour basis and who has the authority to make repairs to the Premises and/or Residential Rental Unit as needed.

D. The Owner shall provide each Tenant or Occupant with an updated Borough Reference Guide when provided to the Owner by the Borough from time-to-time.

Section 183-7. Appeals.

A. Any person aggrieved by the denial, issuance or revocation of a Rental License, including a Tenant or Occupant, may appeal by submitting a request for a Local Agency Law hearing to the Borough Secretary within twenty (20) days from the date of mailing of the denial letter, grant of a Rental License or Rental License revocation notice, and accompanied by a nonrefundable appeal fee of fifty (\$50.00), the amount of such fee to be subject to adjustment by resolution of the Borough Council.

B. Such written request for an appeal hearing shall state the grounds upon which it is made. The appellant shall be responsible for the cost of the stenographic appearance fee and any cost of advertising the hearing. The Borough Council may act as the Local Agency Law appeal hearing body or may appoint a tribunal or hearing officer to hear the appeal and either to decide the appeal or make a recommending ruling to the Borough Council.

Section 183-8. Violations and Penalties.

Any person who violates any of the provisions of this article shall, upon conviction be fined not less than \$500 and not more than \$1,000, plus court costs. Each day the violation exists shall constitute a separate and distinct offense.

II. If any provision of this Ordinance is for any reason held to be legally invalid, such decision shall not affect remaining portions of this Ordinance and they shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared severable.

III. In the event of any inconsistency between the provisions of this Ordinance and any prior Ordinance, the provisions hereof shall be determined to govern.

IV. This Ordinance shall take effect immediately upon its enactment.

This Ordinance ORDAINED AND ENACTED INTO LAW by the Borough Council of the Borough of Mount Oliver at a duly assembled public meeting this 18th day of February, 2019.

ATTEST:

BOROUGH OF MOUNT OLIVER



Manager

By:



President, Borough Council