

ORDINANCE 2020-07

AN ORDINANCE OF THE NEWVILLE BOROUGH COUNCIL, CUMBERLAND COUNTY, PENNSYLVANIA, WHICH AMENDS THE LICENSING AND INSPECTION OF RENTAL UNITS LOCATED WITHIN THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY.

WHEREAS, the Newville Borough Council wishes to regulate rental properties throughout the borough by providing for the licensing of said properties together with their inspection on a regular and ongoing basis; and

WHEREAS, the Newville Borough Council wishes to provide for the registration of all tenants residing within the rental properties located in Newville Borough on an annual basis and as tenants move in to rental units throughout the year; and

WHEREAS, the Borough of Newville, pursuant to the Borough Code, Section 1202 (6) and (24), 53 P.S. 46202 (6) and (74), has the power to adopt such regulations as may be necessary for the health, safety, and welfare of the Borough;

WHEREAS, an Ordinance numbered 2006-01 was adopted by Newville Borough Council along with Ordinance 2011-15, which is now to be Amended;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Newville Borough Council as follows:

SECTION 1. PREAMBLE:

The preamble recited above is incorporated by reference herein.

SECTION 2. PURPOSE:

The purpose of the ordinance and the policy of the Borough of Newville shall be to protect and promote the health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to rental units in the Borough of Newville and to encourage the owners and occupants to maintain and improve the quality of rental housing within the community. As a means of these ends, this Ordinance provides for a systematic inspection program, registration and licensing of rental units and penalties.

In considering the adoption of this Ordinance the Borough of Newville made the following findings:

1. There is growing concern in the community with the general decline in the physical condition and cleanliness of rental units.
2. There is a concern for the safety and welfare of tenants residing within rental units.

SECTION 3. DEFINITIONS:

CODES – means any state or local code or ordinance or regulation adopted, enacted or in effect in and for the Borough of Newville, including, but not limited to the Rental Property Maintenance Code attached herewith, the Borough of Newville Zoning Ordinance and general nuisance ordinances of the Borough of Newville.

CODE ENFORCEMENT OFFICER – means the Code Enforcement Officer of the Borough of Newville or the Assistant Code Enforcement Officer, or a third party inspection agency appointed by the Borough of Newville, duly appointed by the Newville Borough Council.

HOTEL UNIT – means any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than thirty (30) days.

NUISANCE RENTAL PROPERTY – means any rental property in which there are three (3) or more Criminal complaints to or by the Borough of Newville Police Department involving occupants of the same rental unit or the invitees of any owner or tenant of the same rental unit.

PUBLIC OFFICER – means the Code Enforcement Officer, Assistant Code Enforcement Officer or other official or agency designated by the Newville Borough Council to inspect rental properties and issue a Rental License in accordance with the provisions of this article.

RENTAL LICENSE – means a document issued by the Borough of Newville to the owner, operator, responsible agent or manager of a rental unit upon correction of all applicable code violations granting permission to operate a rental unit in the Borough of Newville.

RENTAL REGISTRATION – means the form document issued annually for a fee by the Borough of Newville to the owner, operator, responsible agent or manager of the rental unit evidencing the existence of said rental unit. This registration shall be required until the Public Officer has inspected the rental unit and issues a Rental License.

RENTAL UNIT – means a rooming or a dwelling unit let for rent, or an other-than-owner-occupied unit. A rental unit shall not include a hotel unit. A rental unit includes dwelling until under lease purchase agreements, or long-term (greater than six (6) months) agreements of sale.

RENTAL LICENSE FEE SCHEDULE – means a fee schedule set forth by the appointed code official of the Borough of Newville and duly adopted by a Resolution of the Newville Borough Council.

SECTION 4. OWNER DUTIES

- A. It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all rental units in compliance with the International Property Maintenance Code as adopted by the Newville Borough Council attached hereto and incorporated by reference herein, all applicable code and provisions of all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

- B. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the Borough of Newville without having a Rental Registration or Rental License, as required by this Ordinance.
- C. It shall be the responsibility of every owner, operator, responsible agent or manager to provide a printed statement to every renter upon the rental or lease of a rental unit, which shall include the following information:
- (i) The name, mailing address and telephone number of the owner, responsible agent or manager;
 - (ii) The telephone number to call to register complaints regarding the physical condition of the rental unit; and
 - (iii) The telephone number for emergency police, fire and medical services.
- D. It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the rental units under his/her ownership or control in compliance with the provisions of this article.
- E. No Rental Registration or Rental License shall be issued to any rental unit owned or operated by a person residing outside the Borough of Newville **thirty-five (35) miles from the location of the Borough of Newville office at 4 West Street, Newville, PA 17241**, unless there is provided to the Newville Borough Office the name, mailing address and telephone number of a designated responsible agent authorized to accept service of process on behalf of the legal owner of said rental unit who shall reside within thirty-five (35) mile radius of the Borough of Newville. For the purpose of this section, a post office box is not acceptable for the responsible agent's address. The absentee owner/operator shall be required to notify the Borough Office of any changes in the responsible agent or other contact information. This Designation shall be invalid unless signed by the owner/operator and the responsible agent designated to act on behalf of the absentee owner/operator.
- F. All taxes, fines, fees including water and sewer bills must be paid by the owner by March 1st of the succeeding year in order to obtain a rental license.
- G. The rental units must pass inspection at their first re-inspection, both interior and exterior of the property must be in compliance with all codes. The initial inspection shall be provided at no cost to the owner. All subsequent re-inspection due to failure will be billed to the owner. The Code Enforcement Officer may make an allowance of time to exterior repairs given the time of year.
- H. Within thirty (30) days, the owner, operator or manager must correct any code violations cited between the regular three (3) full year inspections.

SECTION 5. RENTAL REGISTRATION:

- A. **REGISTRATION REQUIRED FOR RENTAL UNITS:** The owner, responsible agent or manager of each rental unit shall complete a form for Rental Registration as supplied by the Borough Office no later than 30th day of January of each calendar year thereafter.
- B. **ISSUANCE OF RENTAL REGISTRATION:** A Rental Registration shall be issued if the owner or operator of the rental unit provides the name of the responsible agent (if applicable), pays the registration fee, submits a complete and accurate occupant listing by rental unit and is current on taxes, fines, fees along with water and sewer for the rental unit. This registration does not warrant the proper zoning, habitability, safety or condition of the rental unit in any way.
- C. **REVOCAION OF RENTAL REGISTRATION:** A Rental Registration shall be revoked if the owner or operator of the rental unit does not provide the name of a responsible agent, is not current on taxes, water, sewer or other charges or does not submit a complete and accurate occupant listing by rental unit, or if the owner/operator does not correct a code violation found in response to a complaint within the time frame cited by the Code Enforcement Officer or Public Officer.
- D. **REINSTATEMENT OF RENTAL REGISTRATION:** A Rental Registration shall be reinstated if the owner or operator of the rental unit corrects the deficiency for which the Rental Registration was revoked and has paid the Rental Registration reinstatement fee.

SECTION 6. RENTAL LICENSE:

- A. **RENTAL LICENSE REQUIRED FOR RENTAL UNITS:** A Rental License shall be required for each rental unit unless the rental unit has not been inspected or has any outstanding violation of the applicable codes and operates under a Rental Registration.

For licensing purposes, the Code Enforcement Officer shall fully inspect each rental unit not more frequently than once within a three (3) year period unless a complaint of violation has occurred or unless a Public Officer has probable cause to believe that a violation is occurring.

Initial inspections will occur in accordance with a phased-in inspection to be prepared and made available by the Code Enforcement Officer. The Borough of Newville shall provide as minimum, a ten (10) day written notice of all inspections. This notice shall include a written checklist of all items to be inspected by the Code Enforcement Officer. The penalty for not allowing the inspection of a rental unit shall be the immediate revocation of the Rental Registration of Rental License for said premises.

- B. **Issuance of Rental License:** A Rental License shall be issued if the rental unit meets the following conditions:
 - a. The Code Enforcement Officer inspects the rental unit or dwelling finds that the rental unit is in compliance with this article and the

International Property Maintenance Code, as adopted by the Borough of Newville.

- b. The owner, operator or manager provides the name of a responsible agent;
- c. The owner, operator or responsible agent or manager is current on taxes, water and sewer and fines;
- d. The use of the property is in compliance with the Newville Borough Zoning Ordinance; and
- e. The owner, operator, responsible agent or manager has submitted a complete and accurate occupant listing for each rental unit.
- f. The tenants must utilize all off-street parking as provided by the landlord.

C. **COMPLIANCE:** If the Public Officer or Code Enforcement Officer, upon completion of the inspection finds a violation of any applicable code, a Notice of Violation shall be issued.

(1) **Thirty (30) Day Notice of Violation:** If the Public Officer or Code Enforcement Officer finds one (1) or more of the following violations of the Rental Property Maintenance Code, the owner shall be issued a notice of violation and shall be afforded thirty (30) days to correct the violation.

- 1. Fire Alarm Systems;
- 2. Heating;
- 3. Hot or Cold Water Supplies;
- 4. Water Closet and Basin;
- 5. Plumbing Connections;
- 6. Electrical Hazards;
- 7. Structural Hazards;
- 8. Overcrowding;
- 9. Serious Roof Leak; or
- 10. Accumulation of rubbish and debris;

A thirty (30) day notice of violation shall be issued and the rental unit shall be determined Unfit for Human Habitation and shall be ordered vacated as prescribed by law. If after thirty (30) days from the receipt of the thirty (30) day violation notice a re-inspection reveals the violations are not corrected and/or arrangements satisfactory to the Code Enforcement Officer have not been made, the Rental Registration and Rental License for the affected rental unit shall be revoked.

No fee will be charged for the initial inspection for the rental unit. The landlord shall be charged for the cost of all subsequent inspections. For each re-inspection thereafter, a fee to be established by Resolution of Borough Council shall be charged.

D. **NUISANCE RENTAL PROPERTY:** If any rental property in which there are three (3) or more criminal complaints or police incidents made to or made by the Borough of

Newville Police Department, involving occupants of the same rental unit or the invitees of any owner or tenant of the same rental unit, the rental license of the property upon recommendation of the Newville Police Department Chief of Police may be revoked and/or the tenants be evicted for creating public nuisance or disturbance, after due and proper notice is presented to the owner by the Newville Borough Code Enforcement Officer and the Borough Solicitor.

- E. **USE OF TENANT SCREENING:** All rental property owners are advised to contact the Chief of Police for assistance in screening of potential tenants. The services of the Chief of Police shall be provided at no cost to the property owner.

SECTION 7. SALE OF TRANSFER OF RENTAL UNITS:

A rental registration issued hereunder is not transferable to any person or entity who has acquired ownership of the rental unit. A Rental Registration shall be revoked upon failure of the new owner to apply for its transfer within thirty (30) days of the date of sale or transfer of ownership of the rental unit.

A Rental License shall not be transferable. In the case of licensed rental units that are sold or transferred, the new owner shall seek a Rental License for each rental unit and shall have each unit inspected. Failure to seek Rental License for each rental unit within sixty (60) days of the sale or transfer ownership shall result in the revocation of the Rental License.

SECTION 8. RENTAL PROPERTY MAINTENANCE CODE:

The Rental Property Maintenance Code applied for inspections will be the current International Property Maintenance Code as adopted by the Newville Borough.

SECTION 9. APPEALS OF REVOCATION OF RENTAL RESIGNATION OR RENTAL LICENSE:

The Newville Borough Council does hereby enact the creation of a Rental Property Maintenance Code Board of Appeals. The Board shall be comprised of the following members: the six (6) members of the Newville Borough Council, two appointed landlord's representatives: one shall represent the landlords residing within the Borough, the other shall represent landlords residing outside of the Borough. In the event of a tie vote, the Mayor shall be called upon to cast the deciding vote.

Meetings of the Rental Property Maintenance Code Board of Appeals shall be scheduled as required within twenty (20) days after an appeal is filed. Notices of all meetings, which shall be conducted in public session in accordance with the Sunshine Act, shall be published in a newspaper of general circulation not less than twenty-four (24) hours prior to the time and date of the public meeting.

Any person aggrieved by any decision of a Code Enforcement Officer or Public Officer may appeal to the Rental Property Maintenance Code Board of Appeals in accordance with the applicable procedures adopted by Borough Council.

Parties wishing to submit an appeal shall be required to pay a filing fee to be established by Resolution of Borough Council, which shall be used to defer legal advertising and other costs associated

with conduction of the public meeting. The aggrieved party shall also complete and submit seven (7) days prior to the meeting an application detailing the grievance. The fee for a rental inspection appeal shall be \$250.00.

Decisions of the Rental Property Maintenance Code Board of Appeals shall be in writing and shall be issued upon the completion of the hearing.

SECTION 10. FEES/PENALTIES:

- A. Rental Registration and License Fee: The fee for a Rental Registration shall be established by Resolution of Borough Council and shall be payable at the time that the owner applies for a Rental License each year. The Rental License fee shall be \$30.00 per year per rental unit.
- B. Re-inspections: The Fee for a second and re-inspection and all subsequent re-inspection per rental unit shall be established by Resolution of Borough Council, shall be \$35.00
- C. Reinstatement: The fee to reinstate a revoked Rental Registration or Rental License shall be established by Resolution of Borough Council. The fee to reinstate a rental license shall be \$50.00.
- D. Penalties:
 - (1.) **Revocation of Rental Registration of Rental License:** A fine of not less than three hundred dollars (\$300.00) per rental unit shall be imposed on the owner for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the rental unit is vacant and the owner, operator or responsible agent is taking appropriate action to correct the violations.
 - (2.) **Failure to register, or Failure to Seek a Rental License (for any transferred or purchase rental properties and for newly constructed, newly created or substantially rehabilitated rental units):** The owner, responsible agent or manager shall be sent a thirty (30) day notice of violation warning them of their failure to comply with the terms of this Article. If the owner does not comply at the end of the thirty (30) days, there shall be a fine of not less than three hundred (\$300.00) dollars per rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
 - (3.) An owner who violates any other Section of this Ordinance be subject to a fine or not more than three hundred (\$300.00) dollars.
 - (4.) If, after any conviction for violation of this Code or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecutions, conviction and punishment with the necessity of the Code Enforcement Officer to issue a new Notice of Violation or order an until such violation has been corrected.

- (5.) In addition to prosecution of person violating the Code, any duly authorized agent of the Borough of Newville may proceed with such civil or equitable remedies in any court of record in the Commonwealth of Pennsylvania, against and person or property, real or personal, to effect provisions of this Code.

SECTION 11. SEVERABILITY:

The provisions of the Ordinance are declared to be severable and if any sections, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the validity of any part.

SECTION 12. REPEALER:

All Ordinances or part of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.


DULY ENACTED AND ORDAINED this 25th day of August, 2020 by the Council of the Borough of Newville, Cumberland County, Pennsylvania, in lawful session, duly assembled.



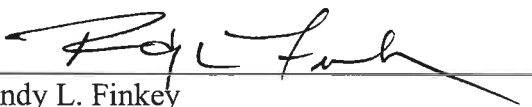
**BOROUGH OF NEWVILLE
CUMBERLAND COUNTY
PENNSYLVANIA**

By: 
Scott L. Penner
President of Council

Attest:


Lindsay A. Williamson
Borough Secretary

Examined and approved this 25th day of August, 2020


Randy L. Finkey
Mayor, Borough of Newville
Cumberland County, Pennsylvania

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance 2020-07 which was duly enacted by affirmative vote of a majority of the members of the Newville Borough Council at a public meeting held on this 25th day of August, 2020 at 7:00pm; at which meeting a quorum was present; the said Ordinance has been duly recorded in the Ordinance Book of the Newville Borough Council, that said Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the meeting at which the Newville Borough Council adopted said Ordinance was a public meeting, duly held after giving public notice of the date, time and place of such meeting by posting and publishing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986 and Act No. 15 of the General Assembly of the Commonwealth of Pennsylvania approved April 14, 2020.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 25th day of August, 2020.


Lindsay A. Williamson
Borough Secretary



(seal)