

Ordinance # 323B RENTAL HOUSING REGISTRATION

Ordinance No. 383B

RENTAL HOUSING REGISTRATION AND INSPECTION ORDINANCE

**AN ORDINANCE REGULATING RESIDENTIAL RENTAL UNIT
OCCUPANCY AND PROVIDING FOR INSPECTIONS AND PENALTIES
FOR NONCOMPLIANCE.**

WHEREAS, the Borough of Meyersdale enacted a Real Estate Registry Ordinance, Ordinance No. 383 because the predecessor ordinance did not adequately deal with many problems which the Borough was experiencing with residential units; and,

WHEREAS, the Council of the Borough of Meyersdale desires to modify Ordinance No. 383A; and,

WHEREAS, the Council of the Borough of Meyersdale has resolved to repeal the prior ordinance and replace it with the Ordinance set forth below; and,

141.1 Title.

This ordinance shall be known as the Borough of Meyersdale "Rental Housing Registration and Inspection Ordinance."

141.2 General.

The purpose of this Ordinance is to:

- : protect and promote the public health, safety and welfare of its citizens,
- : establish rights and obligations of owners and tenants relating to the rental of residential rental units in Meyersdale Borough,
- : encourage owners and tenants to maintain and improve the quality of rental housing within the Borough.

The policy of the Borough is that owners, managers and tenants share responsibilities to obey various codes adopted to protect and promote public health, safety and welfare. This Ordinance provides for a system of inspection, occupancy licenses and establishes penalties for violations. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

141.3 Definitions.

Alternate Contact – an adult individual designated by the owner of a residential rental unit who resides within the fifteen (15) road mile limit.

Borough of Meyersdale - the Borough of Meyersdale, Somerset County, Pennsylvania

Code - any code or ordinance adopted, enacted and/or in effect in and for the Borough of Meyersdale concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by, this definition are the following : The Uniform Construction Code (hereinafter "UCC"), the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, Flood Plain Management Ordinance, the International Building Code 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 having charge of the Code Enforcement within the Borough of Meyersdale and any assistants, agents and co-employees. The Bureau of Veritas is the current Code Enforcement Officer.

Common Area - any open area within a structure shared by tenants or that the tenants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements, social rooms used for parties or congregation of a group of people, excepting bedrooms.

Disruptive Conduct - any conduct, action, incident or behavior perpetrated, caused or permitted by tenant or guest of a residential rental unit that is loud, untimely (as to hour of the day), offensive, riotous or otherwise disturbing to other persons in their peaceful enjoyment of their premises. The Police may be called to investigate the behavior/incident, make a determination of the facts and complete a Police Report. A copy of the Police Report will be given to the Code Enforcement Officer and the Meyersdale Borough Secretary.

Guest – a person on the premises with actual or implied consent of the tenant.

Landlord – a real estate owner who rents or leases residential rental units, a building or land to another person known as the tenant.

Landlord-Tenant Act – the Landlord and Tenant Act of 1951, 68 P.S. §§ 250.101, et seq.

Occupancy License – a license issued to the owner of residential rental units under this Ordinance which is required for the lawful rental and occupancy of residential rental units. A license is issued for each residential rental unit.

Owner – an individual or entity in possession of title for residential rental unit, a building or land

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

Police – the Police Department of the Borough of Meyersdale or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Meyersdale.

Premises – a parcel of real property in the Borough, including the land, all buildings, structures and elements, on which one or more rental units are located.

Rental Agreement – a written agreement between owner/landlord and tenant/occupant which embodies the terms and conditions concerning the use and occupancy of the specified residential rental unit.

Residential Rental Unit – any structure within the Borough of Meyersdale which is rented/leased to a tenant by a landlord. Each apartment within a building is a separate structure requiring an occupancy license.

Structure – any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land regardless of the number of residential rental units.

Tenant – an individual who resides in a rental unit, whether or not he/she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania; same as “occupant”.

141.4. Owner’s Duties.

1. General.

Each owner is responsible to:

- : keep and maintain all rental units in compliance with applicable State laws and regulations and local ordinances.
- : keep each property in good and safe condition.
- : complete regular maintenance, including lawn mowing and ice/snow removal, and make repairs as needed in and around the premises.
- : regulate the conduct and activity of the tenants and guests both contractually and through enforcement. This does not relieve or diminish the responsibility of tenants and guests for their conduct or activity nor does it transfer onto the owner any responsibility or liability from the tenants.

Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law. This Ordinance is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough of Meyersdale against an owner, tenant or guest thereof.

2. Designation of an Alternate Contact.

An owner who is not a full-time resident of the Borough of Meyersdale and/or does not live within fifteen (15) road miles of the boundaries of the Borough of Meyersdale, shall designate an alternate contact who resides in an area that is within fifteen (15) road miles from the Borough of Meyersdale. If the owner is a corporation, an alternate contact is required if an officer does not live within fifteen (15) miles. If an officer of the corporation lives within fifteen (15) miles, the officer can perform the duties of an alternate contact. If the owner is a partnership, an alternate contact is required if a partner does not reside within the fifteen (15) miles. The alternate contact is the agent of the owner for service of process and receiving notices and demands, as well as for performing the duties of the owner under this Ordinance. The name, address and telephone number(s) of the alternate contact are provided to the Borough Secretary and maintained in the Borough Office. This information shall be kept current.

3. Disclosure.

A. The owner/alternate contact shall give to the tenant/occupant in writing on or before the beginning of the tenancy:

The name, address and telephone number of the alternate contact

The name, address and telephone number of the owner of the property

B. Before a tenant/occupant enters into or renews a rental agreement for a rental unit the owner/alternate contact will furnish the tenant with a copy of the most current occupancy license.

4. Maintenance of Premises.

A. The owner will maintain the premises in compliance with the applicable codes of the Borough of Meyersdale and will regularly complete routine maintenance, including lawn mowing and ice/snow removal and will promptly make any and all repairs necessary to fulfill this obligation.

B. The owner and tenant may agree that the tenant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, this agreement between the owner and tenant must be in writing. The agreement may be entered into between the owner and tenant only if:

1. Both parties entered into the agreement in good faith and not for the purpose of evading obligations of the owner or tenant.

2. The agreement does not diminish or affect the obligation of the owner to other tenants in the premises.

C. In no case will the existence of an agreement between owner and tenant relieve an owner of any responsibility under this Ordinance, other Ordinances or codes for maintenance of premises.

5. Rental Unit Registration.

A. All owners of residential units must register the units with the Borough Office within thirty (30) days after the effective date of this Ordinance.

B. Any person, entity or firm which converts any structure to a residential rental unit or units must register the residential rental unit (s) with the Borough Office within thirty (30) days of the completion of the conversion, when rent or services for rent are obtained or when a tenant occupies the unit, whichever time period is sooner.

C. The grantee, grantee's agent in the purchase of property with residential rental units or the Title Company is responsible to notify the Borough Office within seventy-two (72) hours of purchase or transfer of a residential rental unit.

D. The owner of a residential rental unit must update the registration information on record with the Borough Office within ten (10) days of any changes of the information set forth.

E. Owners who live outside of the fifteen (15) road mile limit set forth in Section 141.4.2 must have a local alternate contact who resides within the fifteen (15) mile road miles of the Borough of Meyersdale and is available as an emergency contact person.

F. Registration information must be provided by all owners and shall include the following:

1. Owner name, address, telephone number
2. Alternate contact person name, address, telephone number
3. Property address and number of units
4. Maximum occupancy per unit
5. Emergency telephone number
6. Actual number of occupants
7. Names and addresses of current tenants

G. The owner of a residential rental unit shall notify the Borough Office within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit.

H. Notwithstanding any other provisions of this chapter, the name and address of a tenant shall not be disclosed by any Borough personnel in the event the tenant is the subject of a court order requiring the information be kept confidential.

6. Landlord-Tenant Act.

The owner shall comply with all provisions of the Landlord-Tenant Act.

7. Complaints.

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

8. Enforcement of Tenant Ordinance Violations.

A. Tenants are responsible to comply with all aspects of this Ordinance. When a violation of said Ordinance occurs, the following process will be followed:

1. Within ten (10) days after receipt of written notice from Code Enforcement Officer/Police that a tenant has violated a provision of this Ordinance, the owner is responsible to take action to correct the violation and to insure there is not a reoccurrence of the violation.
2. Within twenty (20) days after receipt of the written notice of violation, the owner shall file a report with the Borough Office documenting the action to correct the violation and to prevent future reoccurrences.
3. The Code Enforcement Officer and Borough Council shall review the report and approve the plan if indicated. If additional information is needed, the report will be returned to the owner to complete. If plan is adequate, it shall be approved and returned to the owner for implementation.
4. For repeated violations within the same license year, the Borough Council may revoke the specific residential rental unit license. If this occurs, the owner will be notified in writing of license being revoked.

9. Code Violations.

Upon receipt of Notice of Code Violations, the owner shall promptly take action to correct and eliminate the violation.

10. Failure to make Repairs.

In the event the owner neglects, fails or refuses to comply with correcting violations relating to maintenance or repair of the premises, the Borough Council may revoke the specific residential rental unit license and prohibit the owner from legally renting the unit.

141.5 Tenant Duties.

1. General.

The tenant shall comply with all obligations imposed upon tenants by this Ordinance, all applicable codes and ordinances of the Borough of Meyersdale and all applicable provisions of State Law.

2. Health and Safety Regulations.

A. The maximum number of persons permitted to live in any rental unit at any time shall not exceed one person for each 70 square feet of habitable floor space in said rental unit.

B. Tenant shall deposit all rubbish, garbage and other waste from the leased premises into containers in a clean and safe manner in compliance with Meyersdale's Ordinance and all other applicable ordinances, laws and regulations.

3. Peaceful Enjoyment.

The tenant shall conduct himself/herself and require other persons/guests within the rental unit 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 the same.

4. Residential Use.

The tenant shall occupy or use the rental unit for no other purpose than as a residence.

5. Illegal Activities.

The tenant shall not engage in, nor tolerate, nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18Pa.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.).

A. Eviction may occur immediately for any illegal activity.

6. Disruptive Conduct.

A. The tenant shall not engage in, nor tolerate, nor permit others in the rental unit to engage in disruptive conduct or other violations of this Ordinance.

B. When an alleged incident of disruptive conduct is reported, the police will investigate the incident. A disruptive conduct report will be completed regardless of the outcome. The report will include the alleged perpetrator(s) of the disruptive conduct, the facts surrounding the incident (who, what, when, where, how and why), the conclusion and recommendations based on the facts of investigation. Police will issue citations if indicated.

C. The Borough Council will review the disruptive conduct report and actions.

7. Compliance with Rental Agreement.

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

8. Damage to Premises.

The tenant shall not intentionally cause, permit or tolerate others to cause damage to the premises. Conduct which results in damages in excess of Five Hundred (\$500.00) Dollars shall be considered a violation of this Ordinance.

9. Inspection of Premises.

The tenant shall permit inspections of the premises by owner or Code Enforcement Officer at reasonable times with reasonable notice. Failure to comply may result in eviction of the tenant by the owner.

10. Removal or Defacement of Notice.

The removal or defacement of any notice or document required to be posted within a rental unit shall be a violation of this Ordinance. Notices and documents must be posted prior to a person occupying a rental unit.

11. Landlord-Tenant Act.

The tenant shall comply with all provisions of the Landlord-Tenant Act.

141.6 Licenses, Complaints and Inspection.

1. Occupancy License Requirement.

- A. A license is required for each residential rental unit.
- B. The owner/landlord of a premise/structure shall apply for and obtain a license for each residential rental unit prior to entering into a rental agreement or permitting a rental unit to be occupied (except as provided in C.1 below).
- C. An owner-occupied rental unit shall not require a license provided a member of the owner's immediate family resides in the unit and not more than two (2) unrelated persons.
- D. The Borough determines the license application form. See attachment A.
- E. The owner shall provide a current and accurate list of the occupants in each rental unit which shall include their name and current telephone number. The owner shall notify the Borough Office of changes in the occupancy or contact information within ten (10) days of the change. This includes notification to remove names of person no longer residing in the rental unit and to add names of persons who now reside in the rental unit.
- F. The owner shall furnish as part of the license application, the total square feet of living area for each residential rental unit contained within a structure.
- G. If a license is denied by the Borough Office, the owner shall have the right to appeal to the Meyersdale Borough Council within thirty (30) days of receipt of the license denial. The hearing before the Borough Council shall be governed by the Local Agency Law.

2. Annual License Term, Fee and Occupancy Limit.

- A. Each occupancy license shall be valid for one calendar year.
- B. The license application fee is TWENTY FIVE (25.00) DOLLARS per residential rental unit. The application fee amount is established by Borough Council and may be changed by resolution of Meyersdale Borough Council.
- C. New construction, defined as any building constructed on or after January 1, 2007, shall be required to obtain a license for each residential rental unit at the time each unit is rented.
- D. The license shall indicate the maximum number of occupants in each rental unit.
- E. No license shall be issued if the owner has not paid fines and costs arising from enforcement of this Ordinance.
- F. Failure to obtain/maintain a current occupancy license shall be a violation of this Ordinance.
- G. The owner shall maintain the current occupancy license and provide it upon demand to the tenant or the Code Enforcement Officer.

3. Property Maintenance Complaint Process.

- A. The Bureau of Veritas, Code Enforcement Officer, has an established property maintenance complaint process which shall be utilized for any complaints regarding a residential rental unit.
- B. Any person may file a complaint utilizing the Property Maintenance Complaint Form. See attached B. The form is completed and submitted to the Borough Office for review and forwarding to the Bureau of Veritas for action.
- C. Once a complaint is submitted, an inspector is assigned to visit the property and conduct a complete inspection of the residential rental unit. If there is a pending complaint in process, this complaint will be added to the pending actions. During the inspection, the inspector may inspect the residential rental unit (s) for violations of any UCC building codes, property codes or Borough ordinances.
- D. Once the inspector has inspected the property, one of two actions will occur:
 - 1. The inspector may issue a notice to correct the noted violations. The notice in accordance with law shall be mailed to the property owner. If a structural violation is noted, the notice shall be sent by certified mail. Contained in the notice are a prescribed number of days in which the owner must correct the violations. Should the owner fail to correct the violations in the prescribed time, a non-traffic citation is issued.
 - 2. The inspector may issue an immediate citation. This may occur if the owner previously was issued a notice of violation and failed to comply or if the violation is related to high grass and weeds or sanitation and the violation is of an extreme nature.
- E. When a citation is issued, it is sent to the District Justice for processing. The District Justice then notifies the owner by certified mail with a prescribed fine. The defendant may pay the fine or request a hearing. If the defendant pays the fine but does not correct the violation, the Code Enforcement Officer

and Borough may issue additional citations. If the defendant fails to pay or request a hearing, a warrant will be issued for his/her arrest. This process may take days, weeks or longer to achieve resolution and compliance.

F. The person filing the complaint has the right to appear before the District Justice for any hearing to support actions taken pursuant to his/her complaint. The disposition of the citation may be tracked by contacting the District Justice's office.

G. A tenant filing a complaint is protected under this ordinance from retaliation by the owner/landlord. If the tenant believes retaliation is occurring, the Bureau of Veritas is to be notified immediately.

4. Inspection Process.

A. Meyersdale Borough Council has designated Bureau of Veritas as the Code Enforcement Officer for Meyersdale Borough. The responsibility for residential rental unit inspections is delegated to Bureau of Veritas who shall utilize their inspection process and forms.

B. When a written complaint is received, Bureau of Veritas has thirty (30) days to conduct the inspection and submit in writing a full report to the Borough Office. This report shall include copies of all inspection documents, notes, violations.

1. If there are violations of any Meyersdale Borough Codes or Building Maintenance Codes, a Notice of Violation shall be issued by the Bureau of Veritas. This notice shall include the street address of property, date of inspection, name of inspector and list of violations.

2. Within ten (10) days after receipt of written Notice of Violation, the owner shall take immediate steps to correct the violation (s) and take steps to insure there will not be a reoccurrence of the violation.

3. Within twenty (20) days after receipt of written Notice of Violation, the owner shall file a written report to the Bureau of Veritas listing the actions taken to correct the violations and the plan of action to prevent future reoccurrences of the violation.

4. The Bureau of Veritas shall review the owner's written report and if acceptable shall approve the corrective actions and plan of action. The owner shall be responsible to enforce the plan of action. Failure to do so shall be a violation of this Ordinance.

5. The Bureau of Veritas may re-inspect any property subject to a notice of violation upon expiration of the time to complete repairs or upon notice by the owner that the violations have been corrected.

C. The Owner/landlord shall permit the inspection of any premises by the Code Enforcement Officer at a reasonable time upon reasonable notice. The Owner/landlord shall be notified of the nature of the written complaint.

D. The Bureau of Veritas may seek to obtain a search warrant issued by a competent authority for the purpose of enforcing this ordinance and compelling an inspection of a premise.

E. The inspection report shall be signed and dated by the owner/landlord/alternate contact of the residential rental unit and a copy provided if requested.

F. The Borough Council shall review the inspection report within 30 days of receipt. Action shall be taken based on the recommendations and violations noted.

G. If the complaint is substantiated, the owner/landlord shall be responsible to pay the Seventy Five (\$75.00) Dollar inspection fee. If the complaint is not substantiated, the tenant/occupant shall be responsible to pay the Seventy Five (\$75.00) Dollar inspection fee.

141.7 Grounds for Non-renewal, Suspension or Revocation of License.

1. General.

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 Ordinance that imposes a duty upon the owner for failing to regulate the breach by occupants as provided for herein.

A. Definition of disciplinary action

1. Formal Warning – This is written notification of a least one (1) violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any violations imposed by the Code Enforcement Officer, the formal warning shall be removed when the owner applies for license renewal to the Meyersdale Borough.
2. Non-renewal of license – This is 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 compliance with this Ordinance and any violations imposed by the Code Enforcement Officer.
3. Suspension of license – This is the immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or Meyersdale Borough. The owner, after the suspension period expires, may apply for license renewal without the need to justify why the owner's privilege should be reinstated. Upon suspension, the owner shall take immediate action to evict the occupants.
4. Revocation of license – This is the immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or Meyersdale Borough and the loss of the privilege to apply for renewal of the license when the suspension period expires. Upon loss of the privilege to rent, the owner shall take immediate action to evict the occupants.

2. Criteria for Imposing Discipline.

The Code Enforcement Officer, when recommending discipline, and Borough Council when imposing disciplining, shall consider the following:

- A. The effect of the violation on the health, safety and welfare of the occupants of the residential rental unit and other residents of the premises.
- B. The effect of the violation on the neighborhood.

- C. Any prior violations of this Ordinance, other Borough ordinances or receiving notices of violations as provided for in this Ordinance by the owner.
- D. Any prior disciplinary proceedings under this Ordinance to the owner.
- E. The effect of disciplinary action on the occupants.
- F. Corrective action taken by the owner to remedy the violation and to prevent future violations.
- G. The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this Ordinance.
- H. 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 conditions related to fulfilling the purposes of this Ordinance.

3. Grounds for Imposing Discipline.

Any of the following may subject an owner to discipline as provided for in this Ordinance:

- A. Failure to abate a violation of 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 this Ordinance.
- C. Failure to take steps to remedy and prevent violations of this Ordinance by occupants of residential rental units as required by this Ordinance.
- D. Failure to file and implement an approved plan to remedy and prevent violations of this Ordinance by occupants of the rental unit as required by this Ordinance.
- E. Failure to evict occupants after having been directed to do so by the Code Enforcement Officer or the Borough as provided for in this Ordinance.
- F. Three (3) violations of this Ordinance or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Ordinance, there need be no criminal 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 of this violation with thirty (30) days after the Code enforcement Officer received notice of the violation.

4. Procedure for Non-renewal, Suspension or Revocation of License.

A. 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:

1. The address of the premises in question and identification of the particular residential rental unit(s) affected.
2. A description of the violation which has been found to exist.

3. A statement that the license for said residential rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning January of that year, or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of said suspension.
4. A statement that, due to the non-renewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the dwelling unit(s) from and during the period said action is in effect.
5. A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to Borough Council, by submitting in writing to the Borough Secretary/Manager, within thirty (30) days from the date printed on the notice, a 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 relief requested by the appellant.
6. Upon receipt of a letter of appeal, 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 ten days from the date on which the appeal is filed.
7. The appellant, the Code Enforcement Officer and the owners of the properties within a radius of three (300) feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
8. 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. 751, et seq. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant, the Code Enforcement Officer, the police, other public officials involved and factual presentation of other parties, the Borough Council shall make a decision affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within thirty (30) days. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, within forty-five (45) days after the hearing. If the Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (30) days from the initial hearing and in, such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

B. Delivery of Notification.

1. All notices shall be sent to the owner/manager by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
2. If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner/manager at the addresses 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 five (5) days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth (5th) day following its deposit in the U.S. Mail, and all time periods set forth above shall thereupon be calculated from said fifth (5th) day.

5. Nonexclusive Remedies.

The penalty provisions of this Section and the license non-renewal, suspension and revocation procedures provided in this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance 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 of the Borough, whether or not such other code or ordinance is referenced in this Ordinance and whether or not an on-going violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

141.8 Miscellaneous Provisions.

1. Notices.

A. For purposes of this Ordinance, any notice given to an alternate contact shall be deemed as notice given to the owner.

2. Changes in Ownership Occupancy.

The owner is responsible to notify the Borough Office of any change in ownership of the premises, of the number of residential rental units on the premises, of any increase in the number of occupants in any rental unit or of the change of a rental unit from owner occupied to tenant occupied.

3. Owners Severally Responsible.

If any 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 Ordinance and shall be severally subject to prosecution for the violation of this Ordinance.

4. Confidentiality.

All registration and contact information shall be maintained in a confidential manner by the Borough Secretary and the Code Enforcement Officers and shall be utilized only for the purpose of enforcement of this Ordinance.

141.9 Enforcement: Violations and Penalties.

1. Enforcement.

This Ordinance shall be enforced by the Code Enforcement Officer of the Borough of Meyersdale.

2. Violations.

*See
Amendment
Ord #388C
9/10/2019*

A. It shall be unlawful for any owner of a residential rental unit for which a license is required to operate without a valid, current license issued by the Borough of Meyersdale authorizing such operation.

B. It shall also be unlawful for any owner to allow the number of occupants of a residential rental unit to exceed the maximum limit as set forth on the license or to violate any other provision of this section.

C. It shall be unlawful for any tenant to violate this section.

3. Penalties.

A. Any owner of a residential unit which violates any of the provisions of 141.4, 141.6.1 and 141.6.2 with all the subsections thereunder shall upon conviction thereof be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Five Hundred (\$500.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

B. Any owner of a residential unit which violates any of the provisions of 141.6.3 and 141.6.4 shall incur the following penalties.

1. For the first offense. Any owner violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars and not to exceed One Hundred (\$100.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

2. For the second offense. Any owner violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not to exceed Three Hundred (\$300.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

3. For the third offense. Any owner violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Five Hundred (\$500.00) Dollars for each and every offense or shall be imprisoned for a period not to exceed ninety (90) days or both. Each day of the said violation shall be a separate offense.

4. Fines as imposed through this Ordinance shall be collected as allowable by law.

C. Any tenant/occupant of a residential rental unit who violates any of the provisions of 141.5 shall incur the following penalties:

1. For the first offense, tenant/occupant shall pay the sum of not less than Twenty-five (\$25.00) Dollars and not to exceed One Hundred (\$100.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

2. For the second offense, tenant/occupant shall pay the sum of not less than One Hundred (\$100.00) Dollars and not to exceed Three Hundred (\$300.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

3. For the third offense, tenant/occupant shall pay the sum of not less than Three Hundred (\$300.00) Dollars and not to exceed Five Hundred (\$500.00) Dollars for each and every offense. Each day of said violation shall be a separate offense.

4. Fines as imposed through this Ordinance shall be collected as allowable by law.

D. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Meyersdale or its agents or representatives to such equitable or other remedies as ma otherwise be available with or without process of law.

E. In addition to the fines set forth herein, the Borough of Meyersdale shall be entitled to reimbursement of reasonable attorney's fees incurred in enforcing this Ordinance. The said fees shall be in addition to and added to any penalties set forth above.

F. The owner of residential rental units in the Borough of Meyersdale shall have the responsibility of ensuring that tenants/occupants within their rental units comply with and abide by this ordinance of the Borough of Meyersdale.

G. If any section or provision of this Ordinance is adjudged by a court of a competent jurisdiction to be unlawful, void, or unenforceable, all the remaining sections and provision of this Ordinance shall remain in full force and effect.

Effective Date: This Ordinance shall take effect immediately upon passage.

ENACTED AND ORDAINED into law by the Borough of Meyersdale, Somerset County, Pennsylvania, this 14th day of October, 2014.

ATTEST:

BOROUGH OF MEYERSDALE



Secretary

BY: 

President

(SEAL)

EXAMINED AND APPROVED by me this 14th day of October, 2014.




Mayor

I hereby certify that the foregoing Ordinance was advertised in the Daily American, September 27, 2014, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held October 14, 2014.


Patricia C. Ackerman
Borough Secretary

I hereby certify this to be a true and correct copy of Ordinance #383B.


Patricia C. Ackerman
Borough Secretary

BOROUGH OF MEYERSDALE

ORDINANCE NO. 383C

Somerset County, Pennsylvania

AMENDED RENTAL HOUSING REGISTRATION AND
INSPECTION ORDINANCE

WHEREAS, the BOROUGH OF MEYERSDALE enacted the Real Estate Registry Ordinance, Ordinance No. 383 to address issues within the Borough with residential housing rental units; and,

WHEREAS, the BOROUGH OF MEYERSDALE enacted Ordinance No. 383A to modify Ordinance No. 383 to address ongoing issues within the Borough with residential housing rental units; and,

WHEREAS, the BOROUGH OF MEYERSDALE repealed the prior Ordinance and enacted Ordinance No. 383B to address ongoing issues within the Borough with residential housing rental units; and,

WHEREAS, the BOROUGH OF MEYERSDALE now desires to Amend Ordinance No. 383B Section 141.9 Enforcement: Violations and Penalties, by enacting Ordinance No. 383C to replace said section, all other sections of Ordinance No. 383B remaining in full force and effect, to address ongoing issues within the Borough with residential housing rental units.

WHEREAS, the BOROUGH OF MEYERSDALE has resolved to enact Ordinance No. 383C to Amend Ordinance No. 383B as set forth below;

141.9 Enforcement: Violations and Penalties

1. Enforcement

This Ordinance shall be enforced by the Code Enforcement Officer of the Borough of Meyersdale.

2. Violations.

- A. It shall be unlawful for any owner of a residential rental unit for which a license is required to operate without a valid, current license issued by the Borough of Meyersdale authorizing such operation.
- B. Each day in which a residential rental unit is operated without a license from the Borough of Meyersdale is a separate, distinct and ongoing offense and violation.
- C. It shall be unlawful for any owner to allow the number of occupants of a residential rental unit to exceed the maximum limit as set forth on the license or to violate any other provision of this section.
- D. It shall be unlawful for any tenant to violate this section.
- E. It shall be unlawful for an owner to violate any provision of this Ordinance, Ordinance No. 383B or associated unrepealed Ordinance.

3. Penalties.

- A. Any owner of a residential unit which violates any of the provisions of 141.4, 141.6.1 and 141.6.2 with all the thereunder requirements, shall upon conviction thereof be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars and no to exceed Five Hundred Dollars for each offense. Each day of the said violation shall be separate offense.
- B. Any owner of a residential unit which violates any of the provisions of 141.6.3 and 141.6.4 shall incur the following penalties.
 - 1. First Offense: Any owner of a residential unit which violates the above listed sections shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not to exceed two Hundred (\$200.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.
 - 2. Second Offense: Any owner of a residential unit which violates the above listed sections shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than three Hundred (\$300.00) Dollars and not to exceed four Hundred (\$400.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.

3. Third Offense: Any owner of a residential unit which violates the above listed sections, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than five Hundred (\$500.00) Dollars and not to exceed six Hundred (\$600.00) Dollars for each and every offense or shall be imprisoned for a period not to exceed ninety (90) days or both. Each day of the said violation shall be separate offense.
- C. Any tenant/ occupant of a residential rental unit who violates any provision(s) of 141.5 shall incur the following penalties.
1. First Offense: Any tenant/occupant of a residential rental unit which violates the above listed section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars and not to exceed One Hundred (\$100.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.
 2. Second Offense: Any tenant/occupant of a residential rental unit which violates the above listed section shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not to exceed Three Hundred (\$300.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.
 3. Third Offense: Any tenant/occupant of a residential rental unit which violates the above listed section shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than Three Hundred (\$100.00) Dollars and not to exceed Five Hundred (\$500.00) Dollars for each and every offense. Each day of the said violation shall be a separate offense.
 4. Fines as imposed through this Ordinance shall be collected as allowable by law.
- D. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Meyersdale or its agents or representatives to such, equitable and or other remedies as may otherwise be available with or without process of law.
- E. In addition to the fines set forth herein, the Borough of Meyersdale shall be entitled to reimbursement of reasonable attorney's fees incurred in enforcing this Ordinance. The said fees shall be in addition to added any penalties set forth above.

- F. The owner of residential units in the Borough of Meyersdale shall have the responsibility of ensuring that tenants/occupants within their rental units comply by this Ordinance of the Borough of Meyersdale.
- G. If any section or provision of this Ordinance is adjudged by a Court or a Competent Jurisdiction to be unlawful, void or unenforceable, all the remaining sections and provisions of the Ordinance shall remain in full force and effect.

This Amendment is effective upon enactment.

ENACTED AND ORDAINED into an Ordinance this 10TH day of SEPTEMBER, 2019

ATTEST:

Patricia C. Ackerman
Borough Secretary

Jeff Sparr DDS
President of Council

APPROVED, this 10TH day of SEPTEMBER, 2019.

Michael Beart, Mayor

I hereby certify that the foregoing Ordinance was advertised in the Daily American, August 22, 2019, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held September 10, 2019.

Patricia C. Ackerman
Patricia C. Ackerman
Borough Secretary

I hereby certify this to be a true and correct copy of Ordinance # 383C.

Patricia C. Ackerman
Patricia C. Ackerman
Borough Secretary

RENTAL HOUSING REGISTRATION AND INSPECTION APPLICATION

REQUEST FOR: LICENSE
 INSPECTION

OWNER INFORMATION

Name _____
 Address _____

 Phone No. _____
 Emergency Phone No. _____

ALTERNATE CONTACT INFORMATION

Name _____
 Address _____

 Phone No. _____
 (If owner does not reside within 15 miles of the boundaries of Meyersdale Borough, an alternate contact must be appointed who does reside within 15 miles of the boundaries of Meyersdale Borough)

RENTAL PROPERTY INFORMATION

Property Address _____
 Unit/Apt. No. _____
 Actual No. of Occupants _____

Occupancy Capacity

length x width ÷ 70 = Capacity

CURRENT TENANTS IN THIS UNIT/APT. (List adult occupants only)

Name _____
 Phone No. _____
 Name _____
 Name _____
 Name _____

Name _____
 Name _____
 Name _____
 Name _____

F E E S

License Fee \$25.00 per unit
 Inspection Fee \$75.00 per unit
 (Only after a complaint has been validated per Ordinance #383B, Sect. 141.6, Sub Sect. 3. A-G and 4. A-G)

| Units | Amount |
|-------|--------|
| | |
| | |

Meyersdale Borough
 PO Box 60
 Meyersdale, PA 15552

TOTAL DUE

Date Paid _____
 Check No. _____ Cash _____
 389-000 S/C Gen. Gov.
 Rental registration & inspection (save excel)