

BOROUGH OF BEAVER
ORDINANCE NO. 835

AN ORDINANCE OF THE BOROUGH OF BEAVER, BEAVER COUNTY,
PENNSYLVANIA, ENACTING THE LICENSING AND INSPECTION OF ALL RENTAL
UNITS; ESTABLISHING A SCHEDULE FOR INSPECTIONS BY THE BOROUGH CODE
ENFORCEMENT OFFICER AND DESIGNEES; AND ESTABLISHING A FEE SCHEDULE
FOR REGISTERING AND INSPECTING; PRESCRIBING PENALTIES FOR THE
VIOLATIONS OF THIS ORDINANCE

I. PURPOSE: LICENSING RESIDENTIAL RENTAL UNITS.

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

II. DEFINITIONS.

For the purposes of this article, the following definitions shall apply:

(a) "Building or Code Official" means the official designated by the Borough to enforce building codes and/or similar laws and this article, or his duly authorized representative.

(b) "Codes" mean any state or local code or ordinance adopted, enacted or in effect in and for the Borough of Beaver relating to or concerning the fitness for habitation, construction, maintenance, operation, use or appearance of any premises or dwelling unit.

(c) "Conditional approval" means that a rental unit may be occupied on a conditional basis, provided that certain requirements established by the Code Official are addressed within a specified time frame.

(d) "Dwelling unit/residence" means any building or portion thereof, which is designed for or used for residential purposes. The word "dwelling" shall not include hotels, motels, owner occupied housing, rooming houses or other structures used for transient residence, but shall include dwelling units under a written or unwritten lease, agreement.

(e) "To let for occupancy or let" means to permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is a legal or equitable owner or not be the legal owner of record thereof, pursuant to a written or unwritten agreement.

(f) "Occupant" means an individual who resides in a dwelling unit/residence, with whom a legal relationship with the owner is established by a written lease or oral lease.

(g) "Operator" means any person who has charge, care or control of a structure or premises, which are let or offered for occupancy.

(h) "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

(i) "Person" means an individual, firm, corporation, association, partnership or public entity.

(j) "Public Officer" means the Inspector of the Office of Code Enforcement or his authorized representatives.

(k) "Residential Rental License" means a document issued by the Borough of Beaver Code Enforcement Office to the owner, operator, responsible agent or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the Borough of Beaver. Such license is required for lawful rental and occupancy of residential rental units under this article, unless a Public Officer has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a Residential Rental Registration, or the residential rental unit is exempt from the license provisions of this article.

(l) "Residential property" means a property used or intended to be used for residential purposes.

(m) "Residential rental registration" means the annual registration of all individual residential rental units within the Borough of Beaver, certified by a document issued to the applicant therefor.

(n) "Residential rental unit" means a rooming unit or a dwelling unit let for rent, or a residential unit occupied by persons other than the owner and his or her immediate family members, which includes the owner's parents, parents-in-law, or adult children. A residential rental unit shall not include a hotel unit.

(o) "Responsible agent" means a person authorized by the owner to act in his behalf. All responsible agents must reside in Beaver County, Pennsylvania.

(p) "Structure unfit for human occupancy" is whenever the Code Official applying the relevant code finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the relevant code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(q) "Transient" means any individual residing or stopping in the Borough of Beaver for less than thirty (30) days at any one time.

(r) "Unsafe structure" means one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

(s) "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

III. RESIDENTIAL RENTAL UNIT REGISTRATION AND LICENSING REQUIRED.

(a) It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy any residential rental unit in the Borough of Beaver, unless a Residential Rental Registration and Licensing has been issued by the Code Official.

(b) Registration Required for Rental Units.

(1) By February 15th in which a license is needed, every owner, operator, responsible agent or manager of each residential rental unit shall submit a request for a Residential Rental Registration.

(2) A Residential Rental Registration shall be issued if the owner or operator of the residential rental unit provides the name of a responsible agent (if applicable), pays the registration fee and pays all delinquent residential refuse fees associated with the rental units. No residential rental unit registration shall be issued until all delinquent residential refuse fees associated with each unit are paid and accounts kept up to date.

(3) This registration does not warrant the habitability, safety or condition of the residential rental unit in any way. In the case of registered residential rental units that are newly constructed the owner shall seek a Rental Registration for each residential rental prior to tenants moving in. In the case of owner transfers through a sale, the new owner who purchased or acquired the units, must update the contact information with the Borough. No new inspection will be required if the units currently have a license issued which is valid at the time of sale. Failure of the owner to seek a new Rental Registration or register their new contact information for each unit prior to tenants moving in or within sixty (60) days of the sale or transfer of ownership shall result in penalty proceedings.

(4) Flats and duplexes occupied by the owner shall not be subject to the registration fee and will not be inspected providing the owner signs a certification form provided by the Borough affirming that the other unit(s) is not occupied and will not be occupied. If at any time the owner chooses to allow occupancy of the other unit, all

provisions of this Ordinance shall apply, including payments of fees and inspection. The Borough reserves the right to verify the other unit is vacant.

(5) For buildings under construction or rehabilitation that have obtained a building permit to perform approved construction, the fee and inspection requirements will be suspended until the building permit is closed by the Code Official or the building permit expires. The units must be registered to meet this exemption.

(c) Licensing Required for Rental Units.

(1) The application for the License shall be in a form as shall be determined by the Code Official.

(2) Each license shall have a two (2) year term and each residential rental unit is required to have a minimum of one inspection every two years.

(3) After the initial inspection, if the rental premises complies with the relevant code provisions and the proper fee has been paid, the Code Official shall issue to the applicant a Residential Rental License.

(4) If the rental premise fails to comply with the provisions of any applicable code, the Code Official shall notify the applicant in writing of the deficiencies within ten (10) days of the inspection. The owner/operator shall be given thirty (30) days from the date of the notice to schedule a second inspection. If an inspection has not been held within the given time frame, the license shall not be issued.

(5) If a Code Official is required to make additional inspections beyond those in subsection (a)(4) hereof, then those inspections shall be performed for sixty-five dollars (\$65.00) per inspection.

(6) When a person obtains a license for a premises, which thereafter become noncompliant with the relevant codes, and fails to remedy the violation or violations within the time frames specified within the code or codes, then the license shall be revoked and occupancy in the unit shall not exceed thirty (30) days from the date of revocation.

(d) Signature to License.

(1) The Code Official or his designee shall affix his signature to every license.

IV. LAND INSTALLMENT AGREEMENT EXEMPTION

Each owner who allows a residence to be occupied by a tenant under a Land Installment Contract/Article of Agreement to purchase the property for ownership must provide written documentation, which must be signed by all parties. Any such agreement to purchase property submitted for purpose of exemption must be notarized as to all signatures and previously recorded in the Office of the Recorder of Deeds of Beaver County prior to submission for

consideration for exemption. The Building/Code Enforcement Officer or designated representative upon review of adequate written documentation will decide exemption.

V. OTHER EXEMPTIONS

The registration and licensing provisions of this article shall not apply to:

(a) All property owned by the Housing Authority of the County of Beaver which is inspected by a third party certified inspector in conformance with United States Department of Housing and Urban Development requirements shall be exempt. The Building Code Official shall be given a copy of the inspection results for each unit.

(b) Hospitals, nursing homes, group homes or other rental units used for habitation, where such facilities are subject to County, State, or Federal licensing and inspection. Inspections of these facilities must be at a level which meets or exceeds the code.

(c) Single family dwellings where a parent, parent-in-law or adult child of the owner remains in occupancy and no net income is earned by the owner.

VI. APPEALS

Any person aggrieved by any decision of a Building Code Official may submit an appeal to an appeals board consisting of three members appointed by Council within ten (10) days of the date of the decision. A hearing will be scheduled within twenty (20) days of the date of the appeal, at which time a hearing will be held and a decision rendered by the appeals board in writing setting forth specific facts and legal conclusions. The written decision will be given within ten (10) days after the hearing.

VII. RULES AND REGULATIONS

(a) The Office of Code Enforcement is authorized to promulgate rules and regulations for the enforcement and interpretation of this article.

(b) The rules and regulations shall be on file at the Department of Code Enforcement and at the Borough's Administrative office and shall be provided to each applicant for registration and license upon a request for an application.

VIII. SEVERABILITY

The provisions of this article are declared to be severable; and if any section, sentence, clause or phrase of this article 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 article but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

IX. FEES

Registration fees shall be set by Borough Council. Such fees can be amended from time to time by Resolution of Borough Council.

X. OWNER'S RIGHTS

The terms and provisions of this article are not intended to bar, preclude or affect the right of the owner to pursue judicial or extrajudicial relief against a tenant.

XI. PENALTY

Violation of this article is a summary offense, with particular penalties upon conviction as follows:

(a) Revocation of or Failure to Renew a Residential Rental License. The owner, responsible agent, or manager shall be sent a thirty (30) day notice of violation, warning of the failure to comply with the terms of this ordinance. A fine of not less than three hundred dollars (\$300.00) per residential rental unit 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 residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.

(b) Failure to Register or Failure to Seek a Residential Rental License (for Newly Constructed, Newly Created or Substantially Rehabilitated Residential Rental Units). The owner, responsible agent or manager shall be sent a thirty (30) day notice of violation, warning of the failure to comply with the terms of this ordinance. Failure to comply at the end of thirty (30) days will result in a fine of not less than three hundred dollars (\$300.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

(c) Whoever violates any other provision of this ordinance shall, upon a conviction, shall be fined not more than one thousand dollars (\$1,000) nor less than one hundred dollars (\$100.00).

(d) After conviction for violation of this article, if such person continues violating the same provision then such person shall be liable for further prosecution, conviction, and punishment without the issuance of a new notice of violation or order.

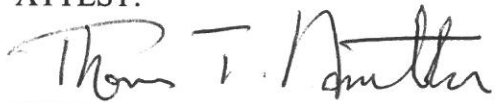
(e) In addition to prosecution of persons violating this Code, the Public Officer, or the Borough of Beaver Solicitor's Office or any duly authorized agent of the Borough may seek such

civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to affect the provisions of this article.

This Ordinance shall take effect immediately beginning January 1, 2019. Any ordinance, or parts of any ordinance inconsistent herewith are hereby repealed, including replacing Ordinance 583.

PASSED AND ADOPTED by the Council of the Borough of Beaver, this 10 day of July, 2018.

ATTEST:



Thomas T. Hamilton, Mayor

BOROUGH OF BEAVER:



Sean Snowden, Council President