

**ORDINANCE NO. 487**

**INTRODUCED – September 9, 2019**

**ADOPTED BY COUNCIL – October 14, 2019**  
**(AS AMENDED)**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF CURWENSVILLE , CLEARFIELD COUNTY, PENNSYLVANIA PROVIDING FOR THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES, THE LICENSING OF RENTAL UNITS; IMPOSING DUTIES UPON BOTH LANDLORDS AND TENANTS WITH RESPECT TO SUCH PROPERTIES; PROVIDING FOR INSPECTIONS OF SUCH PROPERTIES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

*See Also: Ordinance 472 Property Maintenance Board of Appeals  
Ordinance 483 ICC International Property Maintenance Code 2009*

WHEREAS, the Borough Council of the Borough of Curwensville finds that it is necessary to safeguard the safety, health, and welfare of the public by assuring that the Code Officials of the Borough of Curwensville are authorized to enter structures and premises within the Borough to perform inspections thereof and to perform their duties under the Laws of the Commonwealth of Pennsylvania and the Code of the Borough of Curwensville; and

WHEREAS, the Borough Council of the Borough of Curwensville finds that there is a growing concern within the Borough with the failure of some landowners to properly maintain residential rental properties; and

WHEREAS, the Borough Council of the Borough of Curwensville finds that to safeguard the safety, health, and welfare of its citizens, and to encourage owners, operators, and occupants of rental housing to improve and maintain the quality of such housing, it is necessary to establish a systematic interior inspection, registration, and licensing program for residential rental properties, their occupants, and their operators; and

WHEREAS, the Borough Council of the Borough of Curwensville finds that it is necessary to establish and maintain an inventory of residential rental units in the Borough of Curwensville, and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of Curwensville, Clearfield County, Pennsylvania, as follows:

SECTION 1  
DEFINITIONS:

Except where the context clearly indicates otherwise, the terms used herein shall have the meanings ascribed to them in the Borough's Property Maintenance Code adopted as *Ordinance 483 ICC International Property Maintenance Code 2009*. Additionally, the following words shall have the meaning ascribed to them in this section except where the context clearly indicates or requires a different meaning:

**Borough:** The Borough of Curwensville, Clearfield County, Pennsylvania.

**Code Enforcement Official/Code Official:** The code enforcement officers and officials of the Borough of Curwensville as defined in the Property Maintenance Code and other Ordinances of the Borough of Curwensville.

**Codes:** Any state or local code or ordinance adopted, enacted or in effect in and for the Borough of Curwensville, including, but not limited to, the Property Maintenance Code adopted as *Ordinance 483 ICC International Property Maintenance Code 2009*

**County:** The County of Clearfield, Pennsylvania.

**Hotel:** A commercial lodging establishment that offers units for sleeping purposes to transient guests and which provides 24 hour service for receiving and assisting guests.

**Occupant:** Any person over one year of age living and sleeping in a residential rental unit or having actual possession of such residential rental unit.

**Owner:** Any person, agent, operator, property management group, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term as applied to partnerships and associations, shall mean each general partner; as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof.

**Person:** Any natural person, partnership, association, limited liability company, corporation, firm or other similar entity.

**Residential Unit Registration Approval:** Issued annually by the Code Enforcement Official of the Borough of Curwensville to the owner, operator, responsible agent, or manager of a residential rental unit certifying the unit as suitable for being rented. Such approval is required for lawful rental and occupancy of residential rental units, unless a Code Enforcement Officer certifies that violations of the applicable codes are being corrected, or is a registered rental Unit awaiting inspection.

**Residential Rental Property:** Any parcel of real estate, including land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more Residential Rental Units. Whenever the word “Property” is used herein, it shall mean Residential Rental Property as defined by this paragraph.

**Residential Rental Registration:** A Residential Rental Registration shall be required for lawful rental and permitting of residential rental units contained in said property. Rental registration does not warrant the proper zoning, habitability, safety, or condition of the residential rental unit in any way. Whenever the word “Registration” is used herein, it shall mean “Residential Rental Registration” as defined by this paragraph.

**Residential Rental Unit:** A rooming unit; or a dwelling let for rent; or a residential unit occupied by any persons other than are occupied solely by the Owner and members of the Owner’s family. Each individual townhouse dwelling; each individual apartment unit, each individual unit in a multi-family building, each individual unit in a two-family dwelling, and each rooming unit shall be considered a separate residential rental unit. A residential rental unit shall not include a hospital room utilized for medical services. Whenever the word “Unit” is used herein, it shall mean “Residential Rental Unit” as defined by this paragraph.

**Responsible Agent or Manager:** Any person or entity who or which aids in the rental of residential Property or who takes responsibility for the care or supervision of the Property, including responsible agents as defined by the City’s Ordinances.

**Rooming/Boarding House (Dormitory):** A building arranged or occupied for lodging, with or without meals. For compensation and not occupied as a one or two-family dwelling.

**Rooming Unit:** A portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a Rooming Unit.

**Tenant:** An occupant of a Unit with whom a legal relationship with the owner is established by a lease or other enforceable agreement under the laws of the Commonwealth of Pennsylvania.

**Transient Dwelling:** A one-family, two-family, or multi-family dwelling which is not occupied exclusively by the owner thereof and each dwelling unit therein is not occupied pursuant to the terms of a written lease or is occupied pursuant to a written lease with a term of less than one month.

SECTION 2

## PROPERTY OWNER'S DUTIES:

It shall be the duty of every Owner or Responsible Agent of Residential Rental Property to:

### 1. General

- a. Keep and maintain all Units in compliance with all applicable codes, ordinances, and provisions of all applicable local and state laws and regulations, including but not limited to the Property Maintenance Codes of the Borough of Curwensville.
- b. Register each Property and each unit.

### 2. Designation of Responsible Agent

- a. If the owner of a Property is not a full-time resident of the County of Clearfield, then the owner shall designate a person to serve as the responsible agent who does reside within the County of Clearfield. If the owner is a corporation, a separate responsible agent shall be appointed unless an officer of the corporation is appointed as the responsible agent and such officer lives within the County of Clearfield. If the owner is a partnership or a limited liability company, a responsible agent shall be required if a partner or member does not reside within the County of Clearfield. Said partner or member shall perform the same function as a responsible agent.
- b. No registration shall be approved for any person for a Unit unless such owner or operator provides the Code Official with the name, address, and daytime telephone number of a designated responsible agent, who shall be an individual and who shall reside within the County of Clearfield, Pennsylvania. A post office box shall not be considered a valid address.
- c. A Responsible Agent must be authorized to receive notices and communications necessary or deemed to be appropriate under the terms of the Codes of the Borough of Curwensville and to accept service of process of initial and subsequent pleadings on behalf of the Owner or operator which may be necessary or deemed to be appropriate for the enforcement of the Codes of the Borough of Curwensville ; provided, however that nothing contained herein shall effect the right of the Borough of Curwensville to submit notices and communications directly to the Owner, rather than to the responsible agent, or to serve process and initial and subsequent pleadings in any other manner permitted by law.
- d. The designation of Responsible Agent shall not be valid unless signed by both the Owner and the Responsible Agent.
- e. Any Owner or Responsible Agent to whom a registration has been approved or any Owner of Property who subsequently changes her/his place of residence or who changes the designation of a Responsible Agent shall notify in writing the Borough

within 30 days after such change.

- f. No Owner, Manager, or Responsible Agent may offer for rent or assist in offering for rent, by advertising or otherwise, any Unit without first ascertaining that the Property is properly registered with the Borough of Curwensville.
3. JOINT RESPONSIBILITY: If the Owner has appointed an Agent, Manager or Responsible Agent, the Agent, Manager or Responsible Agent shall be jointly responsible to fulfill all of the obligations set forth in this Ordinance.

SECTION 6.  
REGISTRATION OF RENTAL PROPERTY:

- A. Every Owner or Responsible Agent of the Property shall register the Property with the Borough on a form provided by the Code Official.
- B. Failure to register will result in a \$300.00 per building fine.

SECTION 7  
RENTAL UNIT OCCUPANCY:

- A. No person shall permit a rooming house, dormitory, hotel, multi-family dwelling (a building containing three or more dwelling units which is not a transient dwelling), transient dwelling or other rental property to be occupied unless he has first registered the Property with the Code Official. It shall be the duty of the Owner or Responsible Agent to notify the Code Official whenever any Unit becomes occupied.
- B. Every Owner or Responsible Agent of a Unit shall pay an annual registration fee of \$25.00 per Unit.
- C. No Registration required hereunder shall be transferable unless the new operator shall give notice in writing to the Code Official within 10 days after the transfer, in any manner, of ownership or control of the interest in the Property. Such notice shall include the name and address of the person succeeding to the ownership or control. The fee for transferring a Registration shall be \$25 per Unit and shall be paid at the sale or transfer of title. An additional \$50 per Unit shall be due should the \$25 per Unit transfer fee not be paid upon sale or transfer of title.
- D. Whenever the Code Official determines that the Unit is in violation of the Borough's Property Maintenance Code:
  - a. Shall serve notice as provided in *Ordinance 483 ICC International Property Maintenance Code 2009* may notify the Owner or Responsible Agent in writing that unless the Notice of Violation is complied with, the Owner or Responsible Agent will be fined.

- b. After the expiration of the time for compliance as stated on the Notice of Violation, an inspection shall be made to determine compliance.
- c. If violations still exist, a re-inspection shall be made. A fee for such re-inspection shall be imposed in accordance with the provisions hereof.
- d. If the violation has not been corrected and no appeal is pending, the Code Official may fine the owner or responsible agent and, in such event, shall serve written notice upon the Owner or operator or Responsible Agent of such action.
- e. Penalties may also be issued for:
  - i. Failure to properly designate a responsible agent,
  - ii. Failure to pay the annual fee,
  - iii. Failure to provide access to proper water, sewer, or solid waste services, or pay Borough taxes with respect to the Unit,
  - iv. Failure to comply with any other provision of this Ordinance.
- f. If violations exist and the Unit is vacant, it shall remain vacant until such time as the violations are corrected. Reinspection shall be made by the Code Enforcement Official within a reasonable time after the owner or Responsible Agent notifies the Borough that the violations have been cured. A unit shall be reapproved for occupancy if the reason for its revocation is cured and a reinstatement fee of \$200 is paid.

- E. Any person whose Unit has been found in violation may appeal to the Board of Appeals in accordance with Ordinance 472 Property Maintenance Code Board of Appeals.
- F. Upon registering a unit, the person filing such application shall schedule an inspection with the Code enforcement Officer.
- G. All Property which is inspected annually by any agency to assess compliance with federal standards established by the U.S. Department of Housing and Urban Development or State standards established by the Pennsylvania Housing Finance Agency, are required to be registered with the borough. Inspection provisions of this Ordinance remain applicable.

**SECTION 8.**  
**INSPECTIONS:**

- A. It shall be the duty of all Owners, Agents, Managers and Occupants to provide access to the Borough officials to all Units subject to inspections hereunder and failure to permit such access shall be deemed a violation of the Ordinance.
- B. For purposes of enforcing this Ordinance, the Code Enforcement Official or his designee may seek to obtain an administrative warrant issued by a competent authority for the purpose of compelling an inspection of a Unit.
- C. If requested, the Code Enforcement Official or his authorized representative shall disclose proper credentials of their respective offices for the purpose of inspecting any and all structures and Property in the performance of their duties under this Ordinance.

- D. In addition to the inspections referenced above, the Code Enforcement Official may also inspect Units upon any of the following occurrences:
- a. Prior to the initial occupancy of newly constructed Units, newly erected Units, or substantially rehabilitated Units; and
  - b. Prior to the sale of any Unit or the structure in which it is located.
- E. The Code Enforcement Official may also inspect Units upon any of the following occurrences:
- a. Upon a change in ownership of the Unit;
  - b. Upon receipt of complaints;
  - c. For any other reasonable cause.
- F. Application, Inspection, Issuance and Reinspection.
- a. **APPLICATION:** The Code Official may, upon receipt of an application for registration, inspect the Unit. In the event such dwelling is in compliance with this Code, the Registration applied for shall be issued upon
    - i. Payment of the registration fee,
    - ii. Confirmation that a proper responsible agent has been designated, if required.
    - iii. There are no outstanding water, sewer, solid waste or recycling fees, or municipal taxes owed to the Borough related to such Property or Unit.
  - b. **INSPECTION:** The Code Official may request periodic inspections. These periodic inspections may occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling.
  - c. **NON-COMPLIANCE:** In the event that the Unit is not in compliance with the Codes of the Borough of Curwensville, the Code Official shall notify the applicant in writing and shall specify the non-compliance with the Code. Upon abatement of the violations, the Code Official shall inspect the Property and/or Unit upon the Unit passing the inspection approve occupancy of that building/ unit. If any violation still exists, re-inspections shall be scheduled. For any re-inspections the fee shall be \$75 per Unit.
  - d. If the Code Enforcement Official, upon completion of the inspection, finds that the applicable codes have not been met, the Code Enforcement Official shall issue notices and, if appropriate, may commence enforcement actions under the procedures set forth in the code which has been violated or under any other applicable Ordinance of the Borough. Notice provided to an Agent shall be deemed notice provided to the Owner. The following notices shall be issued to the Owner of the Property and the Responsible Agent:
    - i. If the Code Enforcement Official finds violations of the Unit under the Property Maintenance Code, in addition to the remedies under the Property Maintenance Code, the Code Enforcement Official shall:

1. Issue a notice of violation that establishes a timeline for abatement; and
2. If, after the abatable period expires, an inspection reveals that the violations are not corrected and arrangements satisfactory to the Code Enforcement Official have not been made the further action will be taken in accordance with the Codes of the Borough. If the Unit is vacant, it shall remain vacant.

**SECTION 9.**  
**VIOLATIONS AND PENALTIES:**

- A. Violations. It shall be a violation of this Ordinance to commit or to permit any other person to commit any of the following acts:
- a. To lease, let, or allow the occupancy of a Unit without registering the unit where required by this Ordinance.
  - b. To fail to register a Property as required by this ordinance.
  - c. To refuse to permit inspections required under this Ordinance for a Unit.
  - d. To fail to perform the duties established by this Ordinance if such person is an Owner or a Manager of a Unit.
  - e. To place false information on to or omit relevant information from an application for a Registration.
  - f. To fail to comply with any other provision of this Ordinance.
- B. Penalties and Remedies.
- a. Allowing occupancy of a Unit found to be in Unfit/Unsafe: a fine of not less than \$100.00 per Unit for each month the violation exists. Each month the violation exists constitutes a separate violation. Notwithstanding the foregoing, no fines shall be imposed for any period during which the Unit is vacant and the Owner, Operator, and/or Manager is taking affirmative action to correct the violations.
  - b. Failure to Register a Unit: The Owner or Manager shall be sent a 30- Day Notice of Violation, warning them of their failure to comply with the terms of this Ordinance. If they do not comply at the end of thirty (30) days, a fine of not less than \$100.00 per Unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
  - c. Whoever violates any other provisions of this Ordinance shall be subject to a fine of not more than \$1,000.00. Each month that a violation exists constitutes a separate violation.
  - d. In addition to prosecution of persons in violation of this Ordinance, the Code

Enforcement Official or any duly authorized agent of the Borough may seek such civil or equitable remedies, including injunctive relief and other measures to enforce this Ordinance in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this Ordinance.

- e. The provisions of this Section and the provisions of this Ordinance governing revocation, suspension or non-renewal of Unit Registration approval shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate.
- f. No person whose Unit Registration has been revoked by the Borough may, pursuant to the Act of July 7, 1947 (P.L. 1368, No. 542) (the "Act") as amended, purchase property in Clearfield County at any tax sale governed by the Act. The Borough shall furnish, to the Clearfield County Tax Claim Bureau at least 48 hours in advance of the sales, documentation regarding code violations.

#### **SECTION 10.**

##### **MISCELLANEOUS:**

- A. Appeals. Except as otherwise set forth herein, all appeals shall be heard by the Board of Appeals .
- B. Codes Violations. Nothing in this Ordinance shall preclude or prohibit the Code Enforcement Officer or his designee from identifying any violations of the Codes and taking lawful action in connection therewith.
- C. Unit Registration Approval is not a representation by the Borough that the Unit and/or the building in which it is located is in compliance with the Codes. Unit Registration Approval indicates that the Unit did not have any patently dangerous conditions as of the date of inspection. However, neither the enactment of this Ordinance nor the Unit Registration Approval shall impose any liability upon the Borough for any errors or omissions which resulted in the issuance of such approval, nor shall the Borough bear any liability not otherwise imposed by law.
- D. It is the right of every tenant and resident to report any alleged violation of Borough Codes to the appropriate Borough official. A landlord shall not evict a tenant in retaliation for the reporting of alleged Code violations. This defense to eviction shall not be available to tenants or occupants being evicted pursuant to Section 7.D of this Ordinance.

**SECTION 11.**

REPEALER: All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

**SECTION 12.**

INVALIDITY: In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Curwensville that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 13.**

EFFECTIVE DATE: This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Council of the Borough of Curwensville, Clearfield County, Commonwealth of Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF CURWENSVILLE:

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Mayor

(Seal of the Borough of Curwensville)