

ORDINANCE # _____

Hawley Borough
Wayne County Pennsylvania

An Ordinance of the Borough of Hawley, Wayne County, Pennsylvania regulating residential non-owner occupied units within the Borough by providing for an application and license and prescribing penalties for violation and repealing Ordinance 2-2018

WHEREFORE, the Borough of Hawley has previously enacted Ordinance No.2-2018;

WHEREFORE, the Borough of Hawley is desirous, based on certain findings, to repeal said Ordinance;

WHEREFORE, pursuant to the authority granted to the Borough by the Borough Code as amended, Borough Council hereby enacts the following Ordinance.

Section 1: Purposes. This Ordinance is enacted for purposes of protecting and promoting the health, safety and welfare of Borough residents establishing certain rights and obligations of owners and occupants relating to residential rental units in the Borough of Hawley and to provide for an application and license and prescribing penalties for violation. The Borough finds that there are greater incidents of violations at residential property where owners do not reside and greater instances of problems with maintenance and upkeep of the said unit and disturbances, all of which adversely affect the quality of life, and the peaceable and quiet enjoyment of Borough residents.

Section 2. Definitions and Interpretation. — As used in this Ordinance, the following terms shall have the meanings indicated, unless the different meaning clearly appears from the context:

1. DWELLING UNIT — A residence used for living and sleeping purposes arranged for occupancy by one family or by one or more persons, with a separate way of egress and/or ingress.
2. OWNER- any person, firm, corporation or other entity, or agent thereof, who is listed as the owner of the dwelling unit(s) on the Wayne County tax rolls.
3. TENANT— a person who has the use, either by himself or with others, of a dwelling unit owned by a person other than himself, for a period of exceeding thirty (30) days, whether or not, money has been exchanged. Persons within one (1) degree of consanguinity to the Owner shall not be considered tenants for the purposes of this Ordinance.

Section 3. Application by Landlords. Within six (6) months from the effective date of this Ordinance, each landlord shall pay a fee set by Borough Council, from year to year, and submit to the Borough Secretary an application supplied by the Borough and if compliant, issue a license and register the unit with the Borough on an annual basis. The application shall include, but not be limited to, the following information:

1. list of the dwelling units owned by the landlord, located within the

- Borough of Hawley limits, whether occupied or not occupied;
2. the number of EDU's paid and the account number of the sewer account;
 3. address of each dwelling unit;
 4. brief description of each dwelling unit;
 5. whether or not said dwelling unit is inhabited or utilized by tenants; 6. names of the tenant or tenants utilizing the aforementioned dwelling units if any; and
 7. name, address and telephone number of landlord's agent who lives in close proximity to but not more than TEN (10) miles from the borough and is accessible to the Borough Secretary and Rental Inspector in the event the landlord does not live locally.

Section 4. Reports by Persons upon Becoming Owners. After the effective date of this Ordinance, any person who becomes an Owner of any parcel of real estate or any improvement on real estate or building located in the Borough of Hawley by agreement of sale, by deed, or by any other means, shall, within thirty (30) days thereafter, report to the Borough Secretary the information and data set forth in Section 3, above, and on forms to be provided by the Borough Secretary.

1. Any owner not residing in Hawley Borough and not allowing a tenant in a dwelling unit; for example, an owner of a non-income generating second home, shall provide an affidavit, attesting to same in a form as provided by the Borough.

Section 5. Duties of Secretary. The Borough Secretary, or designee, under authority of this Ordinance, shall:

1. maintain on file at the Hawley Borough office the names of the landlords owning dwelling units in the Borough of Hawley, said list to include the names of the current tenants of said dwelling units;
2. maintain a supply of forms for owners to use in making reports to the Borough Secretary as required by sections 3, 4, and 5 of this Ordinance;
3. Issue licenses and recommend revocation of licenses, and maintain said licenses which shall be posted on the subject property; and
4. Contact the Borough Sewer Authority to verify the application.

Section 6. Inspections. In the event of a new tenancy, the owner shall report the same to the Borough and an inspection of the premises shall be required by the Borough Rental Inspector.

Section 7. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of six hundred (\$600.00) dollars and pay the Boroughs reasonable attorney's fees and cost incurred in pursuing said matter. Each additional day shall constitute a separate and distinct violation, and, upon default of payment, to imprisonment for a term of not less than thirty (30) days. It shall be unlawful for any Owner to conduct or operate or cause to be rented either as owner, agent or manager within the Borough of Hawley any dwelling unit, used by a tenant(s), without first obtaining a license to do so as provided for herein.

Section 8. Enforcement The Borough Rental Inspector, under the authority of this Ordinance, shall be responsible for enforcing the Ordinance including, but not limited to, issuing or revocation of a

license. The Rental Inspector shall determine violations requiring correction of said violations within 30 days, and said violations, following the issuance of a violation notice, to Borough Counsel and the Borough solicitor for the filing of a civil complaint. The rental Inspector shall ensure that the application incorporate an inspection check list which may be changed upon recommendation of the Rental Inspector by Borough Council and is incorporated herein, as amended, by reference.

Section 9. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 10. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Hawley Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date. Immediately

This Ordinance shall become effective immediately. Duly enacted and ordained this _____ day of _____, 2024 by the Hawley Borough Council of the Borough of Hawley, County of Wayne, and Commonwealth of Pennsylvania, in lawful session duly assembled.

HAWLEY BOROUGH

,PRESIDENT

Attest:

Secretary

