

ORDINANCE NO. 463

BOROUGH OF FOREST CITY

An Ordinance regarding the regulation of Residential Rental Units within the Borough of Forest City.

SECTION 1. PURPOSE:

It is the purpose of this Ordinance and the policy of the Council of the Borough of Forest City, in order to protect and promote the public health, safety and welfare of its citizens to establish rights and obligations of Owners and Tenants relating to residential rental units in the Borough of Forest City and to encourage Owners and Tenants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that Owners and Tenants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Ordinance provides for a system of residential rental registration and permits and sets penalties for violations. This Ordinance shall be liberally construed and applies to promote its purposes and policies.

In considering the adoption of this Chapter, the Borough Council of the Borough of Forest City makes the following findings:

- A. The Borough has experienced problems with the maintenance, safety and welfare of residential rental properties.
- B. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential rental properties than at Owner occupied residential properties.
- C. The health, safety and welfare of Tenants of rental units within the Borough would be enhanced by a system of residential rental unit licensing, insuring compliance of the Codes governing the maintenance of existing structures.

SECTION 2. APPOINTMENT AND DUTIES OF CODE ENFORCEMENT OFFICER:

The Borough Code Enforcement Officer or such other qualified individual or firm appointed by the Borough Council shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough.

SECTION 3. DEFINITIONS:

3.1 General: As used in this Section, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

Borough: The Borough of Forest City, Susquehanna County Pennsylvania and/or any duly authorized agent or representative of the Borough of Forest City.

Code: Any Code or Ordinance adopted or in effect in and for the Borough of Forest City, as amended from time to time.

Code Enforcement Officer: The officer, individual or firm appointed by the Borough of Forest City who is charged with administration of this Ordinance or any duly authorized representative of said officer individual or firm.

Disruptive Conduct: Any form or conduct action, incident or behavior perpetrated, caused or permitted by any Tenant(s) or visitor(s) of residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons or of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conducted as defined herein. The Tenant(s), Owner(s) and the responsible Agent(s) shall be notified of any such occurrences in writing.

Owner: The legal or beneficial holder of title to a residential unit.

Residential Rental Unit: Any residential unit occupied by a person other than the Owner.

Residential Unit: Any structurally enclosed area including or intending to include sleeping facilities.

Residential Rental Registration and Permit: A document issued for a fee by the Borough of Forest City to the Owner(s) of residential unit evidencing the existence of said residential rental unit upon application by Owner to the Borough of Forest City and the passing of the requisite inspections.

Tenants: Any person, corporation, partnership or other entity who rents, occupies or leases a residential rental unit they do not own for more than thirty (30) consecutive days.

SECTION 4. INITIAL REPORT:

Within thirty days (30) from the effective date of this Ordinance, each Owner of a residential rental unit shall submit to the Borough Secretary, a report form supplied by the Borough Secretary, which includes the following information:

1. A list of the Residential Rental Units owned by the Owner located within the Borough of Forest City limits, whether occupied or not occupied.
2. Address of each Residential Rental Unit.
3. Brief description of each Residential Rental Unit (i.e., number and types of rooms, number of floors, and number of entrances/exits).
4. Whether or not said Residential Rental Unit is inhabited or utilized by Tenants at the time of the report.
5. Names of the Tenant(s) utilizing the aforementioned Residential Rental Unit, if any.
6. Number of available on site parking spaces for each Residential Rental Unit.

SECTION 5. NEW OWNER'S INITIAL REPORT:

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 a building located in the Borough of Forest City by Agreement of Sale, Deed, or by any other mean, shall within thirty (30) days thereafter, report to the Borough Secretary the information and date as set forth in Section 4 above on forms to be provided by the Borough Secretary.

SECTION 6. REPORT OF CHANGE IN OCCUPANCY:

After the effective date of this Ordinance, each and every Owner of a Residential Rental Unit within the Borough of Forest City shall report to the Borough Secretary on a report form supplied by the Borough Secretary, any change in the use of occupancy of any Residential Rental Unit owned by such Owner, or change of occupancy of any Residential Rental Unit located on property owned by any Owner within the Borough of Forest City. The reported change shall include the name or names of new Tenants of such Residential Rental Unit, the date when the change was effected, and the forwarding address of the old Tenant or Tenants if known. Any Owner of a hotel, inn, bed and breakfast or boarding house shall not be required to report a person as a Tenants until that person has resided in such Owner's establishment for period exceeding thirty (30) days. In the event that a Residential Rental Unit was used or utilized by a Tenant(s) and then becomes vacant, this change shall also be reported to the Borough Secretary by certified mail. All reports in this section shall be made within ten (10) days after Owner has knowledge that such unit has had a change in occupancy or has become vacant.

SECTION 7. OWNER(S) DUTIES:

It shall be the duty of every Owner to keep and maintain all regulated rental units and premises in compliance with applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. Every Owner shall be responsible for regulation the proper and lawful use of said property.

Within thirty (30) days from the effective date of this Ordinance, each Owner of Residential Rental Property shall submit to the Borough Secretary, a fully executed Residential Rental Unit Registration and Permit for each Residential Rental Unit along with a registration fee of Thirty Five Dollars and No Cents (\$35) per unit. The Residential Rental Unit permit fee shall be paid for each Residential Rental Unit to the Borough Secretary in the form of a check made payable to the Borough of Forest City. Said fees and registration forms may be brought to the Borough Secretary at Borough of Forest City Office or mailed to P.O. Box 63, Forest City PA 18421.

SECTION 8. INSPECTION OF RESIDENTIAL RENTAL UNITS:

Upon the submission of a Residential Rental Registration application and fee, the Code Enforcement Officer for the Borough of Forest City along with the Forest City Fire Marshall, if necessary, shall perform an inspection of said Residential Rental Unit prior to an issuance of a permit by the Borough. A time and date for said inspection shall be established by the Code Enforcement Officer. The Owner or Tenant shall permit inspections of any premises by the Code Enforcement Officer or duly authorized agent at reasonable times upon reasonable notice. If any rental property requires more than one inspection because of the Owners failure to cure and code violations, the landlord shall pay an additional fee equal to the original fee as set forth in Section 9 below for the cost of each additional inspection. Upon passage of inspection; the Borough shall issue a Residential Rental Permit for the unit.

SECTION 9. FEE: Amended 4/3/2007 \$60.00

The fee for a Residential Rental Permit shall be set by the Borough Council at its discretion. Initially, the Forest City Borough Council sets the sum of Thirty Five Dollars and No Cents as the fee for each application for a permit. The Forest City Borough is empowered to change these fees by motion passed by a majority of members of the Forest City Borough Council.

SECTION 10. PERMIT REQUIRMENT:

It shall be unlawful for any person, firm or business entity to conduct or operate or cause to be rented either as Owner within the Borough any Residential Rental Unit without first having obtained a permit to do so as hereafter provided. All dwelling units for rent must meet the International Property Maintenance and Existing Building Code/2003 as amended. Any code violations shall be remedied within a

time period to be set by the Code Enforcement Officer. Should any code violation(s) be a threat to the health and or safety of the Tenant(s) within the Residential Rental Unit or should the structure and/or equipment be condemnable pursuant to International Property Maintenance and Existing Building Code; *Section 108.1 through 108.2* the unit shall be declared uninhabitable and the Tenant(s) shall have to evict from said premises until said code violation(s) are corrected and all repairs made. If any code violations not related to the health or safety are not remedied within the time limit given by the Code Enforcement Officer, the Code Enforcement Officer can declare the Residential Rental Unit uninhabitable until the code violations are cured and to remove the Tenant(s) from the Residential Dwelling Unit, however, if the un-remedied code violations were not within the control of the Owner, the Code Enforcement Officer may grant an extension to the Owner allowing him time to rectify violations.

SECTION: 11. COMPLIANCE

A. Once a residential rental unit has passed inspection and the owner has been granted a permit by the Borough of Forest City for that unit, no further inspections will be required of the residential rental unit until either:

1. A change in the ownership of the residential rental unit takes place; or
2. a change in the tenants of the residential rental unit; or
3. reported or observed code violations are reported to the Borough of Forest City regarding a residential rental unit.

B. Once a residential rental unit has passed inspection and the owner has been granted a permit by the Borough of Forest City for that unit, no further permit renewals will be required of the Owner of the residential rental unit until either:

1. A change in the ownership of the residential rental unit takes place; or
2. a change in the tenants of the residential rental unit; or
3. reported or observed code violations are reported to the Borough of Forest City regarding a residential rental unit.

Nothing in this section shall be interpreted to diminish or restrict any powers of the Borough of Forest City, through its Code Enforcement Officer or other duly appointed person or entity, from inspecting a residential rental unit pursuant to any other duly adopted ordinance.

SECTION 12. RECORDS:

The Code Enforcement Officer shall be required to keep a record of every application, inspection performed and permit issued in the Borough of Forest City. The Borough of Forest City shall be required to send renewal applications to Owners two (2) months prior to the renewal date.

SECTION 13. FAILURE TO COMPLY- RIGHT TO APPEAL:

If an Owner fails to remedy any code violations within the time allotted by the Code Enforcement Officer, a rental permit shall be denied to said Owner for that particular Residential Rental Unit. Any Owner who has been denied a permit may within twenty (20) days of said denial appeal the Code Enforcement Officer's decision to the Forest City Borough Code Enforcement Board. Should the Owner not agree with a decision issued by the Code Enforcement Appeals Board, the Owner can appeal said decision to the Susquehanna County Court of Common Pleas.

SECTION 14. TENANT'S DUTIES:

Tenants shall comply with all applicable codes and ordinances of the Borough of Forest City.

1. **Inspection of Premises.** The Tenants shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an Owner's approval at any reasonable time.
2. **Disruptive Conduct.** The Tenant(s) shall not engage in nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of this Ordinance.
3. **Police Report** When police investigate an alleged incident of disruptive conduct, the police report shall note a finding as to whether or not the reported incident did in his or her judgment constitute disruptive conducted as defined herein. The information filed on said report shall include, if possible, the identity or identities of the alleged perpetrator of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigations, said police officer shall then submit the completed police report containing, the disruptive conduct report to the Code Enforcement Officer. In all cases notice of the disruptive conduct shall be mailed to the Owner or his Agent as soon as reasonable after the occurrence of alleged disruptive conduct.
 - a. After three (3) disruptive conduct incidents in any twelve (12) month period by a Tenant or Tenants, the Owner shall immediately begin eviction proceedings against the Tenants. Failure to take such action will result in the immediate revocation of Residential Rental Permit. This paragraph is not intended to limit the Owner from initiating eviction actions prior to the third disruptive incident.

SECTION 15. VIOLATIONS AND PENALTIES

1. It shall be unlawful for any person as either Owner of a regulated rental unit for which a permit is required to operate without a valid current permit issued

by the Borough authorizing such operation. It shall be unlawful for any Owner or Tenant to violate this Ordinance.

2. Any Owner found to operating a residential rental unit without an effective rental permit shall be subject to a fine in the amount of one-hundred dollars and no cents (\$100.00) a day for every day the owner is found to be operating the residential rental unit without a permit issued by the Borough of Forest City.
3. Any person violating any of the other provisions of this ordinance shall be subject to a fine of fifty dollars and no cents (\$50.00) for a first offense, one hundred dollars and no cents (\$100.00) for second offense and one hundred fifty dollars and no cents (\$150.00) for each offense thereafter.
4. In addition to the above fines, any person who shall be found guilty of violating any of the provisions of this Ordinance, shall pay, in addition to any fees, costs or penalties ordered by the Court, to the Borough of Forest City any related costs incurred by the Borough, together with the costs of prosecution, including, but not limited to, attorney's fees, filing costs and cost of prosecution.

SECTION 16. Severability:

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains workable minus the invalid portion.

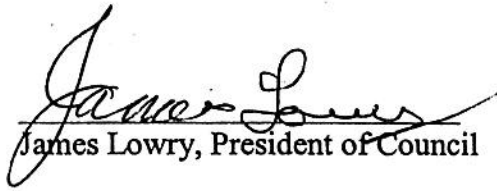
SECTION 17. Repeal of Conflicting Ordinances:

All existing Ordinances of the Borough of Forest City or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.


SECTION 18. Effective Date:

This Ordinance shall take effect immediately upon its enactment and as otherwise provided by law.


Ordained and Enacted this the 5th day of December, 2006 by the Borough of Forest City in regular meeting assembled.


James Lowry, President of Council

Attest:


Susan Coleman, Borough Secretary

Approved:


Nicholas Cost, Mayor

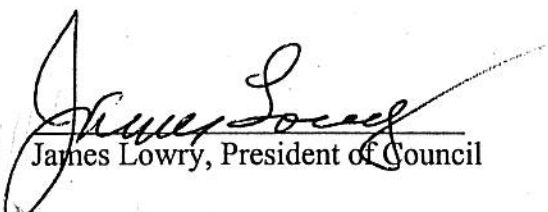
BOROUGH OF FOREST CITY

Be it enacted that the Forest City Borough Ordinance Number 463 regarding the regulation of Residential Rental Units within the Borough of Forest City is hereby amended as follows:

SECTION 9. FEE:

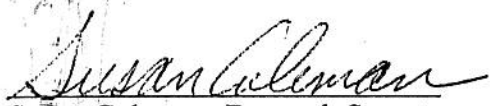
The fee for a Residential Rental Permit shall be set by the Borough Council at its discretion. The Forest City Borough Council sets the sum of Sixty Dollars and No Cents as the fee for each application for a permit. This fee will apply to all applications for permits received after the date of this amendment. The Forest City Borough is empowered to change these fees by motion passed by a majority of members of the Forest City Borough Council.

Ordained and Enacted this the 3rd day of April, 2007 by the Borough of Forest City in regular meeting assembled.




James Lowry, President of Council

Attest:



Susan Coleman, Borough Secretary

Approved:



Nicholas Cost, Mayor

LEGAL NOTICE

NOTICE is hereby given that the Forest City Borough Council will consider adopting an ordinance establishing a Landlord/Tenant Ordinance setting forth the duties of Landlords for reporting ownership and occupancy of, and undergoing inspections regarding, rental dwellings; and duties and responsibilities of Tenants regarding conduct while renting rental units; within the Borough of Forest City.

Said ordinance shall be considered at the Forest City Borough Meeting on December 5, 2006 at 7:00 PM in the Borough Building. A full copy of the proposed ordinance can be obtained by contacting the Forest City Borough Secretary or the Law Offices of Paul E. Smith.

Susan Coleman
Borough Secretary

Paul E. Smith, Esq.
Borough Solicitor