

**CATAWISSA BOROUGH
COLUMBIA COUNTY, PENNSYLVANIA**

ORDINANCE 03-2020

**AN ORDINANCE OF THE BOROUGH OF CATAWISSA ESTABLISHING A RESIDENTIAL
RENTAL PROPERTY REGISTRATION, LICENSING, AND OCCUPANCY SYSTEM,
SETTING FORTH REQUIREMENTS AND OBLIGATIONS ON THE PART OF LANDLORDS
AND TENANTS, ESTABLISHING A MANNER OF ENFORCEMENT AND PROVIDING
PENALTIES FOR THE VIOLATION OF REQUIREMENTS.**

WHEREAS, Catawissa Borough has received numerous complaints from residents asserting that the physical conditions of, and activities upon, various tenant-occupied properties detract from and pose threats to the health, safety and welfare of residents of the Borough; and,

WHEREAS, Catawissa Borough is empowered by the laws of the United States and the Commonwealth of Pennsylvania to enact ordinances and regulations designed to secure and promote the health, safety and welfare of residents and to prohibit certain conditions, actions or activities that adversely affect the same; and,

WHEREAS, Catawissa Borough Council deems it to be in the best interests of the health, safety and welfare of the residents of Catawissa Borough, and all other persons who shall find themselves within the limits of the Borough, to enact an ordinance mandating a residential rental property registration, licensing and occupancy system in the Borough of Catawissa; and therefore,

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Catawissa, and it is hereby Ordained and Enacted by the authority of the same.

GENERAL REFERENCES

Brush, Grass & Weeds — See Ch. 129.

Buildings, Unsafe — See Ch. 141.

Uniform Construction Codes — See Ch. 153.

Property Maintenance — See Ch. 240.

Storage of Vehicles — See Ch. 326.

Zoning — See Ch. 345.

Definitions.

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 Catawissa, Columbia County, Pennsylvania.

CODE ENFORCEMENT OFFICIAL/CODE OFFICIAL

The Code Enforcement Officer and officials of the Borough of Catawissa as defined in the Borough Code, Chapters 57 and 153, and other ordinances of the Borough of Catawissa.

CODES

Any state or local code or ordinance adopted, enacted or in effect in and for the Borough of Catawissa, including, but not limited to, Chapters 129, 141, 153, 240, 326 & 345 of the Code of the Borough of Catawissa.

COUNTY

The County of Columbia, Pennsylvania.

DISRUPTIVE CONDUCT

A. Any act by an occupant of a residential rental unit or by a person present at a residential rental unit that:

- (1) Is so loud, untimely as to the time of day, offensive and/or nuisance-causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
- (2) Involves music or noise that is disruptive to persons occupying a different dwelling unit;
- (3) Involves music that is audible from a street, sidewalk or dwelling from a minimum distance of 50 feet away from where the sound is originating;
- (4) Is the subject of a criminal citation for disorderly conduct under the Pennsylvania Crimes Code (see 18 Pa. C.S.A. § 101 et seq.);
- (5) Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code (see 47 P.S. § 1-101 et seq.);
- (6) Involves the illegal possession of a controlled substance or drug paraphernalia as defined by the Crimes Code or the Controlled Substance, Drug Device and Cosmetic Act. (see 35 P.S. § 780 et seq.);

B. 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 conduct, as defined herein; provided, however, that no disruptive conduct will be deemed to have occurred unless a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner or, if applicable, the responsible agent shall be notified of any such occurrences, in writing.

C. A domestic violence victim with a protection from abuse order shall not be subject to a disruptive conduct report if the police officer determines, after investigation, that the behavior complained of is the result of domestic violence.

DISRUPTIVE CONDUCT LETTER

A letter from the Borough advising that a disruptive conduct report has been filed and containing information including the following:

- A. The date and time of the occurrence;
- B. A description of the conduct; and
- C. Information regarding rights to appeal a finding of disruptive conduct.

DISRUPTIVE CONDUCT REPORT

A written report of disruptive conduct to be completed by a police officer, which shall be maintained by the Catawissa Borough Police Department.

HOTEL

A commercial lodging establishment that offers units for sleeping purposes to transient guests and which provides twenty-four-hour service for receiving and assisting guests.

IMMEDIATE FAMILY

A parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.

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, 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 article 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.

PROPERTY MANAGEMENT COMPANY

A business certified or licensed by the Commonwealth of Pennsylvania to manage residential rental property, who takes responsibility for the care, maintenance, tenant management and supervision of the residential rental property under contract with the owner of said property, including receiving notices, citations or other mail from the Borough on behalf of the owner.

PROPERTY MANAGER

An individual certified or licensed by the Commonwealth of Pennsylvania to manage residential rental property, or who takes responsibility for the care, maintenance, tenant management and supervision of the

residential rental property under contract with the owner, including receiving notices, citations or other mail from the Borough on behalf of the owner.

RELATED PARTY

Any spouse or child of an owner, or any corporation, limited liability company, partnership or other entity in which the owner, the owner's spouse or an owner's child has an ownership interest, whether equitable or legal.

RESIDENTIAL RENTAL OCCUPANCY LICENSE

A document issued by Catawissa Borough to the owner, responsible agent, property manager or property management company of a residential rental unit certifying the unit as licensed for being rented. Such license is required for lawful rental and occupancy of residential rental units, unless a Code Enforcement Official certifies that violations of the applicable codes are being corrected or that it is a Registered Rental Unit awaiting inspection. Whenever the word "license" is used herein, it shall mean "residential rental occupancy license" as defined by this definition.

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 definition.

RESIDENTIAL RENTAL REGISTRATION

The document issued by the Borough of Catawissa to the owner, responsible agent, property manager or property management company of a residential rental property evidencing the existence of said residential rental property. A residential rental registration shall be required for lawful rental and licensing 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 definition.

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 multifamily 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 definition.

RESPONSIBLE AGENT

Any person or entity that serves as the principal contact for an owner that does not reside within the Borough of Catawissa, Pennsylvania.

ROOMING HOUSE/BOARDINGHOUSE (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 multifamily 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 1. Duties of Owners, Property Managers and Property Management Companies.

It shall be the duty of every owner, property manager or property management company of residential rental property to:

A. General.

- (1) 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 Code of the Borough of Catawissa.
- (2) Keep and maintain all property in good and safe condition.
- (3) Be aware of, and to act to eliminate, disruptive conduct in all units.
- (4) Employ policies to manage the units under his/her control in compliance with the provisions of this article and applicable state laws.
- (5) Pay or ensure payment of all real estate taxes, sewer rates, water rates, and electric fees to ensure that such vital utilities are provided.
- (6) Obtain a registration for each property.
- (7) Obtain and maintain a license for each unit. All such licenses shall be prominently displayed at the unit for which they are issued.
- (8) Ensure trash collection and disposal services and instruct tenants of the method of trash collection (e.g., curbside or dumpster).
- (9) Provide each tenant with a disclosure statement containing the requirements of this article, including the provisions relating to disruptive conduct. Providing of a copy of this ordinance to each tenant will satisfy this requirement.
- (10) Take all actions necessary to ensure that each unit is occupied in accordance with the Catawissa Borough Zoning Ordinance Chapter 345.

(11) Provide, upon request of the Borough or Code Enforcement Officer, a written rental agreement for each unit which shall include the names of all permitted occupants and their relationship to each other.

B. Designation of property manager or property management company.

(1) If the owner has contracted with a property manager or property management company to manage units under their ownership, the owner shall provide the Borough with the name and address of the property manager or property management company, daytime telephone number and e-mail contact information, a copy of the contract authorizing the property manager or property management company to manage the units and a copy of the certification or license issued by the Commonwealth of Pennsylvania authorizing them to serve as a property manager.

(2) A property manager or property management company must be authorized to receive notices and communications necessary or deemed to be appropriate under the terms of the codes of the Borough of Catawissa on behalf of the owner, including notices of violations and citations; provided, however, that nothing contained herein shall effect the right of the Borough of Catawissa to submit notices and communications directly to the owner, rather than to the responsible agent.

C. Designation of responsible agent.

(1) If the owner of a property is not a full-time resident of the Borough of Catawissa, or reside within a 10-mile radius of the Borough of Catawissa, then the owner shall designate a person to serve as the responsible agent who does reside within Catawissa Borough or within a 10-mile radius of the Borough of Catawissa. 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 above stated residency requirements. 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 Borough of Catawissa or a 10-mile radius of the Borough. Said partner or member shall perform the same function as a responsible agent.

(2) No license shall be issued to any owner, property manager, or property management company for a unit unless such owner, property manager, or property management company provides the Code Official with the name, address, daytime telephone number and email address of a designated responsible agent, who shall be an individual and who shall reside within the Borough of Catawissa or within a 10-mile radius of Catawissa Borough. A post office box shall not be considered a valid address.

(3) 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 Catawissa on behalf of the owner; provided, however, that nothing contained herein shall affect the right of the Borough of Catawissa to submit notices and communications directly to the owner, rather than to the responsible agent.

(4) The owner, with the approval of the responsible agent, may choose to designate the responsible agent to also receive service of original process regarding notices of violation and citations.

(5) The designation of responsible agent shall not be valid unless signed by both the owner and the responsible agent.

(6) Any owner to whom a license has been issued 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 of Catawissa within 10 days after such change.

D. The designation of a property manager, property management company or a responsible agent does not vacate the requirement for owners to provide contact information to Catawissa Borough. All owners must provide their address, daytime phone number and email address to Catawissa Borough.

E. No owner, property manager or property management company 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 Catawissa. No unit may be occupied prior to the unit being properly licensed.

SECTION 2. Joint Responsibility.

If the owner has contracted with a property manager or property management company, the property manager or property management company shall be jointly responsible to fulfill all of the obligations set forth in this article.

SECTION 3. Display of License.

A. Each owner, property manager or property management company shall display the license in the unit for which it was issued. The license shall include:

- (1) The name, mailing address, e-mail address and telephone number of the owner, property manager or property management company, and/or the responsible agent.
- (2) The date and expiration of the license.
- (3) The license number.

B. In addition to the information on the license, the following information must also be posted in each unit:

- (1) The telephone number to call to register complaints with the Borough regarding the physical condition of the unit.
- (2) The Borough telephone numbers for emergency, police, fire and medical services.
- (3) A summary of the owner's, property manager's or property management company's duties as set forth in herein.

SECTION 4. Duties of Occupant.

- A. This article shall not be construed as diminishing or relieving the responsibility of occupants or their guests for their conduct or activity.
- B. The occupant(s) shall not engage in disruptive conduct, nor tolerate, nor permit others on the property to cause damage to the unit or engage in disruptive conduct. It shall be the duty of each occupant of a unit to:
- (1) Comply with all obligations of this article and all applicable codes and Borough ordinances, as well as all state laws and regulations.
 - (2) Conduct himself/herself and require other persons, including, but not limited to, guests on the property and within his/her unit with his/her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
 - (3) Not engage in, nor tolerate, nor permit others on the property to cause damage to the unit or engage in disruptive conduct, or other violations of this article, Borough ordinances, or applicable state laws.
 - (4) Use the unit for no purpose other than as a residence or as permitted by the Borough Zoning Ordinance (Chapter 345).
 - (6) Maintain the unit in a manner meeting all requirements for occupants of structures set forth in the codes.
 - (7) Allow the Code Enforcement Official to inspect the unit in accordance with this article at reasonable times.
 - (8) Not allow persons other than those identified on the lease to reside in the unit.
 - (9) Not allow the unit to be occupied in a way that conflicts with Borough Zoning Ordinance.
 - (10) Not permit the possession of, serving to or consumption of alcoholic beverages by underage persons.

SECTION 5. Disruptive Conduct.

- A. Police officers may investigate alleged incidents of disruptive conduct. A police officer shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in the disruptive conduct report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and the factual basis for the disruptive conduct described in the disruptive conduct report.
- B. A disruptive conduct letter shall be given or mailed to the occupant and mailed to the owner or, if applicable, the responsible agent, within 30 working days of the occurrence of the alleged disruptive conduct.
- C. The occupant or the owner or, if applicable, the responsible agent shall have 10 working days from the date of mailing of a disruptive conduct letter to appeal the disruptive conduct report. The

appeal shall be made in writing and submitted to the Borough Manager. A Special Meeting of the Borough Council with a majority of Council members and the Mayor will act as an appeal board to hear the appeal and the occupant will be able to present any defense they may have.

D. After three disruptive conduct incidents documented by disruptive conduct reports in any twelve-month period involving an occupant or person present at the unit, the owner or, if applicable, the responsible agent shall have 10 working days from the date of the mailing of the third disruptive conduct letter to begin eviction proceedings against the occupants. The owner/agent must submit a copy of the document indicating the eviction process has begun to the Borough of Catawissa. Failure to take such action will result in the immediate revocation of the license. The unit involved shall not have its license reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Magisterial District Judge has ruled in the occupants' favor, the Magisterial District Judge has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court or declared bankruptcy, thereby preventing their eviction. The disruptive occupants, upon eviction, shall not reoccupy any unit on the same property involved for a period of at least one year from the date of eviction. This subsection is not intended to limit or inhibit the owner's and, if applicable, the responsible agent's right to initiate eviction actions prior to the issuance of the third disruptive conduct letter in a twelve-month period.

E. The disruptive conduct report shall count against all occupants of the unit. More than one disruptive conduct report filed against the occupants of a unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose hereof. The Borough of Catawissa shall maintain a list of the names of all occupants evicted as a result hereof. The names shall remain on the list for a period of five years.

SECTION 6. Registration of Property.

A. Every owner, property manager or property management company of property shall register the property with the Borough on a form provided by the Code Official. With each registration, the applicant shall pay a registration fee according to the fee structure established by resolution of Borough Council.

B. All owners of residential rental properties must register their property with the Borough of Catawissa by April 1st of each year.

C. Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental property with the Borough upon the earliest occurrence of the following events:

- (1) Within 30 days of the completion of the conversion;
- (2) Within 30 days of the time when any rent, including the exchange of other services, for the unit or units is obtained;
- (3) Within 30 days of the date in which a tenant or tenants occupies the unit or units.

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D. The owner, property manager or property management company of a residential rental property must update the registration information on record with the Borough within 10 days of any changes of the information set forth therein, including, but not limited, new tenants occupying, renting or residing in the owner's residential unit.

F. All owners, property managers or property management companies of residential rental properties must register their properties within one year after this ordinance becomes effective.

SECTION 7. Rental Unit Occupancy License.

A. No person shall permit a rooming house, dormitory, hotel, multifamily dwelling (a building containing three or more dwelling units which is not a transient dwelling), transient dwelling or other residential rental property to be occupied unless they have first registered the residential rental property with the Borough and obtained a license. It shall be the duty of the owner, property manager or property management company to notify Catawissa Borough whenever any unit becomes occupied.

B. Every owner of a unit shall pay a license fee according to the fee structure established by resolution of Borough Council as required by this ordinance. Should an owner not obtain a license with the Borough by the required date, additional fees will be required for licensing as established by Borough Council.

C. A license shall be required for all residential rental units, whether occupied or not occupied.

D. Licenses shall not be required for residential rental units occupied by immediate family members of the owner's family, provided that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling at any given time.

E. Each license shall remain in force for three years from the date of issuance unless sooner revoked in accordance with this ordinance of the Borough of Catawissa.

F. No registration or license required hereunder shall be transferable unless the new owner 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, address, daytime telephone and email address of the person succeeding to the ownership or control. The fee for transferring a registration and/or license shall be set by resolution of Borough Council.

G. Whenever the Code Official determines that the unit is in violation of the Borough's Code as provided in Chapters 129, 141, 153, 240, 326 or 345, it shall serve notice and may notify the owner, property manager, or property management company in writing that unless the notice of violation is complied with, the license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, an inspection shall be made to determine compliance. If violations still exist, a reinspection shall be made. A fee for such reinspection shall be imposed in accordance with the provisions hereof. If the violation has not been corrected and no appeal is pending, the Code Official may revoke the license and, in such event, shall serve written notice upon the owner, property manager or property management company of such action. The license may also be revoked for failure to inform the Borough of the designation of a property manager or property

management company or to properly designate a responsible agent, for failure to pay the annual fee, for failure to pay electric, sewer or water fees or Borough taxes with respect to the unit and/or for failure to comply with any other provision of this article. If a license is revoked and the unit is vacant, it shall remain vacant until such time as the license is reinstated. Reinspections shall be made by the Code Enforcement Official within a reasonable time after the owner, property manager, or property management company notifies the Borough that the violation causing the revocation of the license has been cured. A license shall be reinstated if the reason for its revocation is cured and a reinstatement fee is paid. The fee for reinstating a license shall be set by resolution of Borough Council.

H. Any person whose license has been revoked or whose application for a license for a unit has been denied may submit an appeal in writing to the Borough Manager. A Special Meeting of the Borough Council with a majority of Council members and the Mayor will act as an appeal board to hear the appeal.

I. Upon the filing of an application for a license, the Borough shall select a time period during which the unit is to be inspected prior to issuing the license.

J. Senior Affordable Housing Apartment Complexes (Riverview Point) and Section 8 Project-Based Apartment Complexes contracted with HUD (Hillside Village) are exempt from the licensing and inspection provisions of this ordinance. However, all other provisions of this ordinance remain in effect for these properties, including, but not limited to, sections concerning registration and disruptive conduct.

SECTION 8. Inspections.

A. It shall be the duty of all owners, property managers, property management companies and occupants to provide access to Borough Officials to all units subject to inspections hereunder, and failure to permit such access shall be deemed a violation of this article.

B. For purposes of enforcing this article, 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 article.

D. In addition to the inspections referenced above, the Code Enforcement Official may also inspect units upon any of the following occurrences:

- (1) Prior to the initial occupancy of newly constructed units, newly erected units, or substantially rehabilitated units;
- (2) Prior to the sale of any unit or the structure in which it is located;
- (3) Upon a change in occupancy of the unit;

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- (4) Upon receipt of complaints regarding any residential rental property subject to this article owned in whole or in part by the owner or any related party of the owner;
 - (5) Upon the occurrence of disruptive conduct at such unit;
 - (6) Should the unit, or any combination of this unit and other units of the owner or any related party of the owner receive three notices of violation within any twelve-month period; or
 - (7) For any other reasonable cause.

E. Application, inspection, issuance and reinspection. The Code Official shall inspect each such unit within one year of the ratification of this ordinance and at a minimum every three years after the initial inspection. The Code Official shall, upon receipt of an application for a license, inspect the unit. In the event such dwelling is in compliance with this article, the license applied for shall be issued upon 1) payment of the license fee; 2) confirmation that a proper responsible agent has been designated, if required; and 3) there are no outstanding electric, water, or sewer fees or municipal taxes owed to the Borough related to such property or unit. These inspections shall occur notwithstanding more frequent inspections which may be required in the investigation of complaints regarding the dwelling. Additional more frequent periodic inspections may occur as deemed necessary by Code Official or Borough Council, for reasons such as reasonable threats to the safety of occupants of the unit, reasonable threat to the safety of users of rights-of-way and adjoining properties and reasonable concern that the unit is the subject of additional code violations. The licensee shall maintain and make copies of all written leases under which each unit is occupied and available for inspection upon request of the Code Official. Such written leases shall indicate the name of the occupants of each unit and the term of the lease. In the event the unit is not in compliance with the codes of the Borough of Catawissa, the Code Official shall notify the applicant in writing and shall specify the noncompliance with the Code. Upon abatement of the violations, the Code Official shall inspect the property and/or unit and, upon the unit passing the inspection, issue the license applied for. If any violation still exists, reinspections shall be scheduled. For any reinspections, the fee for each reinspection shall be established by resolution of Borough Council.

F. 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 a property manager or property management company shall be deemed notice provided to the owner. The following notices shall be issued to the owner of the property, the property manager or the property management company:

- (1) If the Code Enforcement Official finds violations of the unit under Chapters 129, 141, 153, 240, 326 & 345 of the Borough Code, in addition to the remedies under the applicable chapter, the Code Enforcement Official shall:
 - (a) Issue a notice of violation that establishes a timeline for abatement.
 - (b) 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 license or the unit may be revoked. If the unit is vacant, it shall remain vacant.

SECTION 9. Authority and Responsibility of Catawissa Borough; Borough Can Make Repairs

In case the owner of unit shall neglect, fail of refuse to comply with any notice from the Borough or Code Official to correct a violation relating to maintenance and repair of the unit under any code in effect in the Borough of Catawissa within the period of time stated in such notice, the Borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs each time the Borough shall cause a violation to be corrected and the owner of the unit shall be billed after the same has been completed. Any such bill remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this section are not exclusive and the Borough and its Code Official may invoke other remedies available under this Ordinance or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder.

SECTION 10. Violations and penalties.

A. Violations. It shall be a violation of this article to commit or to permit any other person to commit any of the following acts:

- (1) To lease, let, or allow the occupancy of a unit without obtaining a license where required by this article.
- (2) To fail to register a residential rental property as required by this article.
- (3) To refuse to permit inspections required under this article for a unit.
- (4) To fail to perform the duties established by this article if such person is an owner, property manager or property management company.
- (5) To fail to perform the duties established by this article if such person is an occupant of a unit.
- (6) To place false information onto, or omit relevant information to register a unit from, an application for a license.
- (7) To fail to comply with any other provision of this article.

B. Penalties and remedies.

- (1) Allowing occupancy of a unit after the license has been revoked: a fine of not less than \$500 per unit for each month the violation exists or a term of imprisonment not exceeding 90 days, or both. 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, property manager, and/or property management company is taking affirmative action to correct the violations.
- (2) Failure to seek a license: The owner, property manager or property management company shall be sent a thirty-day notice of violation, warning him/her of his/her failure to comply with the

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terms of this article. If he/she does not comply at the end of 30 days, there shall be a fine of not less than \$500 per unit for each month the violation exists or a term of imprisonment not exceeding 90 days, or both. Each month the violation exists constitutes a separate violation.

(3) Failure to pay annual license fee. If the owner, property manager or property management company fails to pay the annual license fee, and therefore the Borough holds the release of the license, but the owner, property manager or property management company continues to rent the unit, there shall be a fine of not less than \$500 per unit for each month the license fee goes unpaid, or a term of imprisonment not exceeding 90 days, or both.

(4) Whoever violates any other provisions of this article shall be subject to a fine of not more than \$1,000 or a term of imprisonment not exceeding 90 days, or both. Each month that a violation exists constitutes a separate violation.

(5) In addition to prosecution of persons in violation of this article, 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 article in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this article.

(6) The provisions of this section and the provisions of this article governing revocation, suspension or nonrenewal of licenses shall be independent, nonmutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate.

(7) No person whose license has been revoked by the Borough may, pursuant to the Act of July 7, 1947 (72 P.S. § 5860.101 et seq) as amended, purchase property in Columbia County at any tax sale governed by the Act. The Borough shall furnish, to Columbia County Tax Claim Bureau at least 48 hours in advance of the sales, documentation regarding license revocations.

(8) If a Magisterial District Judge determines that an owner, property manager or property management company has evicted the tenant in retaliation for notifying the Borough of code violations as defined in the Borough Code, the Borough may rescind the license for the unit previously occupied by the tenant and not allow a new license to be issued for a period of up to one year.

SECTION 11. Appeals; Identification of Violations; Liability of Borough; Promulgation of Rules and Policies; Tenant Right to Report Violations.

A. Appeals. Except as otherwise set forth herein, all appeals shall be heard by a Special Meeting of the Borough Council with a majority of Council members and the Mayor.

B. Codes violations. Nothing in this article 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. The issuance of a license 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. The issuance of a license indicates that the unit did not have any patently dangerous conditions as of the date of inspection. However, neither

the enactment of this article nor the issuance of a license shall impose any liability upon the Borough for any errors or omissions which resulted in the issuance of such license, nor shall the Borough bear any liability not otherwise imposed by law.

D. The Borough is authorized to promulgate rules, regulations, policies and procedures for the implementation and enforcement of the provisions of this article, which rules, regulations, policies and procedures shall be effective 20 days after they are approved at a regularly scheduled Borough Council Meeting.

E. It is the right of every tenant and resident to report any alleged violation of Borough codes to the appropriate Borough Official. An owner, property manager or property management company shall not evict a tenant in retaliation for the reporting of alleged code violations as defined in Chapters 129, 141, 153, 240, 326 or 345 of the Borough Code. This defense to eviction shall not be available to tenants or occupants being evicted pursuant to Section 6. D. of this Ordinance.

Section 12. Miscellaneous Provisions.

A. Nonexclusive remedies. The penalties and remedies in Section 10. B. and all other penalties and remedies 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 violations hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in case of violation of any other code or ordinance of the Borough, whether or not such 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.

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

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

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I HEREBY CERTIFY that, this Ordinance was adopted by the Council of Catawissa Borough at the regular scheduled meeting on July 6th, 2020.

ATTEST:

CATAWISSA BOROUGH

Connie W. Cole
Secretary

Dawn K...
Council President

Approved this 6th day of July, 2020.

Donald A. Burr
Mayor of Catawissa