

BOROUGH OF AVALON

ORDINANCE NO. 1273

AN ORDINANCE OF THE BOROUGH OF AVALON, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO BE KNOWN AS THE TENANT REGISTRATION ORDINANCE; REQUIRING OWNERS, LANDLORDS, MANAGERS AND AGENTS TO PROVIDE CERTAIN INFORMATION TO THE BOROUGH SECRETARY; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES.

SECTION 1: ENACTING CLAUSE.

Be it ordained and enacted by the Council of the Borough of Avalon and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Borough of Avalon.

SECTION 2: SHORT TITLE.

This Ordinance shall be known as the Borough of Avalon Tenant Registration Ordinance.

SECTION 3: CONFLICT WITH OTHER ORDINANCES OR REGULATIONS.

All Ordinances or parts of Ordinances conflicting herewith are hereby repealed.

SECTION 4: PURPOSE AND INTENTION OF ORDINANCE.

This Ordinance is adopted to protect the health, safety and welfare of the Borough's residents and to prevent the loss of life, limb and property from fire, explosions, noxious gases and other dangers.

SECTION 5: RULES OF CONSTRUCTION.

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word "person" includes corporations, associations and partnerships and other similar entities.
- E. The word "shall" is always mandatory and not discretionary.
- F. The word "may" is permissive.
- G. This Ordinance shall be liberally construed to accomplish its purpose to protect the public's health, safety and welfare.
- H. That the Borough intends to favor the public interest as against any private interest.

SECTION 6: DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

AGENT FOR AN OWNER: Any person who provides written proof that he is authorized to act on behalf of a property owner.

APARTMENT: A part of a house, apartment house or other dwelling occupied by a tenant, while the rest is occupied by another or others.

APARTMENT HOUSE: A building arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain mechanical conveniences such as heat, light, or elevator services in common to all tenants occupying the building.

BOROUGH: The Borough of Avalon.

BOROUGH SECRETARY: The Secretary of the Borough of Avalon.

DWELLING, MULTI-FAMILY, INCLUDING GARDEN

APARTMENTS: A building or portion thereof containing or designed to contain three (3) or more separate dwelling units with or without common access facilities.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more tenants including permanent provisions for living, sleeping, eating, cooking and sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

LANDLORD: A person who receives rent and leases a dwelling unit or a rooming unit in a boarding, lodging or tourist home to a tenant for a period of time.

LEASE: Any agreement which gives rise to the relationship of landlord and tenant.

MANAGER: A person who has charge of a dwelling unit or a rooming unit in a boarding, lodging or tourist home.

OWNER: Every person who has a property right in a multi-family dwelling, apartment house or rooming house and every person who owns, has, keeps, rents, leases or maintains a multi-family dwelling or rooming house, including a boarding, lodging or tourist home charging rent to tenants.

PERSON: Shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

RENT: Consideration paid for use or occupation of property. A stated return or payment for the temporary possession or use of an apartment or dwelling unit. To get temporary possession and use of an apartment or dwelling unit in return for a stated payment usually at fixed intervals.

ROOMING HOUSE, INCLUDING A BOARDING, LODGING OR

TOURIST HOME: A building other than a multi-family dwelling containing not more than one dwelling unit occupied by a tenant and providing, for compensation or other consideration, rooming units for lodging in addition to the owner.

ROOMING UNIT: A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit, or rooming unit in the same structure. The rooming unit shall contain

living and sleeping facilities, but not cooking or eating facilities, and shall be occupied by no more than one family.

TENANT: A person who pays rent and leases a dwelling unit or a rooming unit in a boarding, lodging or tourist home from a landlord for a period of time.

TOWNHOUSE or ROW HOUSE: Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

SECTION 7: INFORMATION REQUIRED TO BE PROVIDED.

Every owner, landlord, manager or agent for an owner who rents or leases any dwelling unit in any multi-family dwelling or any rooming unit in any rooming house, including a boarding, lodging or tourist home, in the Borough of Avalon to any tenant for a period of time in excess of thirty (30) days, shall supply the following information to the Borough Secretary:

- A. The dwelling unit or rooming unit number or street address; and
- B. The name or names of all tenants to occupy such dwelling unit or rooming unit; and
- C. The mailing address of the dwelling unit or rooming unit; and
- D. The period of time for which the rental is made.

The above information shall be provided to the Borough Secretary within ten (10) days of the renting, leasing or subleasing of any dwelling unit or rooming unit in the Borough of Avalon for a period of time in excess of thirty (30) days.

SECTION 8: PENALTY AND REMEDIES.

Any person, partnership or corporation who violates any of the provisions of this Ordinance shall upon conviction in a summary proceeding, be fined not less than Three Hundred (\$300.00) Dollars and in default of the payment of the fine and costs, shall be committed to the Allegheny County Jail for a period not to exceed thirty (30) days. Nothing contained herein shall be deemed to preclude the Borough to seek other relief or avail itself of any remedy that may be at law or in equity to prevent continuing violations of the terms of this Ordinance.

SECTION 9. DUTY TO FILE ORDINANCE WITH DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

The Borough Manager shall file an exact copy of this ordinance with the Department of Community and Economic Development together with the name, position and phone number of the Building Inspector responsible for compliance with this Ordinance.

SECTION 10: VALIDITY.

The provisions of this Ordinance are severable and if any of its provisions or any part of any provisions shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 11: EFFECTIVE DATE.

This Ordinance shall become effective when it is recorded in the Ordinance Book of the Borough.

ORDAINED AND ENACTED into law this 16th day of APRIL, 2002.

ATTEST:

BOROUGH OF AVALON



Harry W. Dilmore
Secretary



Edward Klicker
President of Council

Examined and approved by me this 22nd day of

May, 2002.



Daniel K. Bricmont, Esq., Mayor