

BOROUGH OF AVALON

ORDINANCE NO. 1262

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; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF RENTAL OPERATING LICENSES; SETTING FORTH AN APPLICATION PROCEDURE; REQUIRING INSPECTIONS OF RENTAL UNITS AND ESTABLISHING RENTAL INSPECTION FEES; 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All Ordinances or parts of Ordinances conflicting herewith are hereby repealed.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.

BOROUGH: The Borough of Avalon.

BOROUGH SECRETARY: The Secretary of the Borough of Avalon.

BUILDING INSPECTOR: The Building Inspector 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 persons 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.

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, and every person who owns, has, keeps or maintains a multi-family dwelling or rooming house,

including a boarding, lodging or tourist home.

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

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 family and providing, for compensation or other consideration, rooming units for the 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: RENTAL OPERATING LICENSE REQUIRED.

No person shall rent or lease a rental unit, a single-family dwelling, a multiple dwelling, an apartment building, a townhouse or a conversion unit in the Borough of Avalon to any tenant unless he holds a current, unrevoked rental operating license issued by the Building Inspector in his name, for the specified dwelling unit or rooming unit.

SECTION 9: APPLICATION FOR RENTAL OPERATING LICENSE AND AGREEMENT TO COMPLY.

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 apply for a rental operating license and shall agree to comply with all provisions of the BOCA National Building Code, Twelfth Edition, 1993, the BOCA National Fire Prevention Code, Ninth Edition, 1993 and the BOCA National Property Maintenance Code, Fourth Edition, 1993, or such other more recent BOCA National Codes duly adopted by the Borough of Avalon. The application form shall be accompanied by a check or money order payable to the Borough of Avalon in the amount of the rental operating license.

SECTION 10: REQUIREMENT OF INSPECTION AND COMPLIANCE WITH BOROUGH'S CODES PRIOR TO ISSUANCE OF RENTAL OPERATING LICENSE.

Upon application, all rental units shall be inspected by the Building Inspector for compliance with the provisions of the Borough's Building Code, Fire Prevention Code and Property Maintenance Code. The Building Inspector shall note all violations and shall leave with the owner, landlord, manager or agent for an owner, a copy of any notice of violation.

SECTION 11: ISSUANCE OF RENTAL OPERATING LICENSE.

Prior to the issuance of a rental operating license, all violations noted on a notice of violation shall be corrected, as

required. Every operating license shall be issued for a period of one (1) year, unless sooner revoked.

SECTION 12: ADOPTION OF REGULATIONS.

The following regulations are hereby adopted for the issuance of rental operating licenses.

A. Pennsylvania Statutes Govern. All matters regulated by the Pennsylvania Construction Code Act or by any other laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, as the case may be, shall control all inspections where the requirements thereof are the same as, or in excess of, the provisions of the Borough's Building Code, Fire Prevention Code and Property Maintenance Code, or such other more recent BOCA National Codes duly adopted by the Borough of Avalon.

B. Inspection Mandatory. An applicant, owner, landlord, manager or agent for an owner applying for a rental operating license in the Borough of Avalon shall permit the Building Inspector to inspect the dwelling unit or rooming unit for the purpose of insuring compliance with the law.

C. Refusal to Permit Lawful Inspection. An applicant, owner, landlord, manager or agent for an owner applying for a rental operating license in the Borough of Avalon violates this Ordinance if, after application, he refuses to permit such lawful inspection of the dwelling unit or rooming unit.

D. Expiration of Permits and Renewals. Each rental operating license shall expire one (1) year after the date of issuance. However, if upon inspection no violations are found, an operating licenses may be extended for an additional period of twelve (12) months. A license may be renewed only by making application as provided in Section 9 of this Ordinance. Applications for renewal should be made at least thirty (30) days prior to the expiration date and, when made fewer than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the license.

E. Correction of Violations Required Prior to Renewal of License. If the Building Inspector denies renewal of a license, the applicant, owner, landlord, manager or agent for an owner shall not be issued a license until all violations noted on the notice of violation are corrected, as required.

F. Non-resident Applicants. No rental operating license shall be issued or renewed for a non-resident applicant unless such applicant designates in writing to the Building Inspector, the name of his agent for receipt of service of any notice of violation and for service of process.

SECTION 13: COST OF RENTAL OPERATING LICENSES.

The cost of a rental operating license shall be as follows:

A. Single Family Dwellings, Apartments and Townhouses with 1-3 Units:

Annual Rental License Fee of \$35.00 per unit. Upon

inspection, if no violations are found, a license may be extended for an additional twelve (12) month period. Should violations be present that would endanger the safety and welfare of the inhabitants, the number of units inspected shall be increased by twenty-five (25%) percent increments. There shall be no re-inspection fee.

B. Single Family Dwellings, Apartments and Townhouses with four (4) or more Units:

Annual Rental License Fee of twenty-five (25%) percent of the total number of units at \$35.00 per unit and twenty-five (25%) percent of the total number of units shall be inspected annually. Should violations be present that would endanger the safety and welfare of the inhabitants, the number of units inspected shall be increased by twenty-five (25%) increments. There shall be no re-inspection fee.

C. Rooming/Boarding Houses:

Annual Rental License Fee of \$35.00 for every five (5) rooms. Annual inspection required of ten (10%) percent of the total rooms.

A re-inspection fee in the amount of \$35.00 shall be charged if all noted violations are not corrected and/or if the premises are not violation free and/or if the premises are not re-inspected within ten (10) business days of the initial inspection.

The above Schedule of Fees for Rental Inspection Licenses shall remain in full force and effect until modified from time to time by Resolution of Borough Council.

SECTION 14: 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 15. ADDITIONAL RELIEF; NUISANCES.

No provision of this Ordinance shall prevent the Borough from instituting proceedings and seeking relief in the courts of equity of the Commonwealth if the Borough shall deem such action necessary to abate any violation of this Ordinance which constitutes a public nuisance.

SECTION 16. 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 17: 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 18: EFFECTIVE DATE.

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

ORDAINED AND ENACTED into law this 15th day of February, 2000.

ATTEST:

Joan A. Welsh
Joan A. Welsh
Secretary

BOROUGH OF AVALON

Harry W. Dilmore
Harry W. Dilmore
President of Council

Examined and approved by me this 15th day of February, 2000.

Daniel K. Bricmont
Daniel K. Bricmont, Esq., Mayor