

(Related to Tenant Disorderly Practices)

Harrison Township Code of Ordinances

Part 2: LANDLORD LICENSING AND TENANT CONDUCT

§ 201 Legislative Findings.

[Ord. 1969, 6/23/2014]

The Board of Commissioners of Harrison Township finds the following facts, conditions and occurrences:

C. Complaints about tenant behavior are frequent, often requiring police response and undue consumption of Township resources.

D. The enjoyment and value of nearby nonrental properties is adversely affected by landlords who allow rental properties to deteriorate and fail to police tenant behavior, as well as by improper tenant behavior.

E. Licensing of landlords will allow the continued rental of residential units with appropriate incentives and accountability for landlords to maintain rental properties and control inappropriate or disorderly tenant practices.

F. Section 1502 IX of the First Class Township Code authorizes townships to define and prohibit disorderly practices.[1]

[1] Editor's Note: See 53 P.S. § 56509.

G. Section 1502 X of the First Class Township Code authorizes the Township to take all needful means to secure the safety of persons and property within the Township.[2]

[2] Editor's Note: See 53 P.S. § 56510.

H. Section 1502 XLIV of the First Class Township Code authorizes the Township to adopt regulations necessary for the health, safety, morals, general welfare, cleanliness, beauty, comfort and convenience of the Township and its inhabitants.[3]

[3] Editor's Note: See 53 P.S. § 56544.

§ 202 Purpose/Scope/Declaration of Policy and Findings.

[Ord. 1969, 6/23/2014]

It is the purpose of this Part 2 and the policy of the Harrison Township Board of Commissioners, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units in Harrison Township and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of Harrison Township that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Part 2 provides for a system of inspections; issuances and renewals of occupancy licenses; and sets penalties for violations. This Part 2 shall be liberally construed and applied to promote its purposes and policies.

§ 203 Definitions.

[Ord. 1969, 6/23/2014]

As used in this Part 2, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

COMMON AREA

In multiple-unit dwellings, space which is not part of a rental unit and which is shared with other occupants of the dwelling, whether they reside in rental dwelling units or not. Common areas shall be considered as part of the premises for purposes of this Part 2.

DISORDERLY PRACTICES

Any form of conduct, action, incident or behavior perpetrated, caused or permitted by an occupant or visitor of a rental dwelling unit that is so loud, untimely (as to the hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises. It is not necessary that such conduct, action, incident or behavior constitutes a criminal offense or that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disorderly practices, as defined herein; provided, however, that no disorderly practices shall be deemed to have occurred unless the Ordinance Enforcement Officer or police shall investigate and made a determination that such did occur and keep written records, including a disorderly practices report, of such occurrence.

DISORDERLY PRACTICES REPORT

A written report of disorderly practices, on a form to be prescribed therefor, to be completed by the Ordinance Enforcement Officer or police, as the cause may be, who actually investigates an alleged incident of disorderly practices conduct and which shall be maintained by the Ordinance Enforcement Officer.

DWELLING

A building having one or more rental dwelling units.

DWELLING UNIT

An apartment or other arrangement of one or more rooms used for living and sleeping purposes, arranged for occupancy by one family or by one or more persons and occupied by the family or person(s) for more than 30 days.

GUEST

A Person or persons on the premises with the consent of an occupant.

LANDLORD

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a rental unit. (Same as "owner.")

LICENSE

A municipal permit, in the form of a license, issued by the Township pursuant to this Part 2 authorizing rental of any rental dwelling unit.

MANAGER

An adult individual designated by the owner of a rental unit under § 204, Subsection 2. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this Part 2 and under rental agreements with occupants.

ORDINANCE ENFORCEMENT OFFICER

The duly appointed Ordinance Enforcement Officer(s) having charge of the Zoning and Ordinance Office of Harrison Township, and any assistants or deputies thereof.

OWNER

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a rental unit.

OWNER-OCCUPIED DWELLING UNIT

A dwelling unit in which the owner resides on a regular, permanent basis.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

POLICE

The Police Department of Harrison Township or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within Harrison Township.

PREMISES

Any parcel or real property in the Township, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more rental units are located.

RENTAL AGREEMENT

A written agreement between the owner/landlord and the occupant/tenant supplemented by the Township Addendum required under § 204, Subsection 6, of this Part 2, embodying the terms and conditions concerning the use and occupancy of a specified rental unit or premises.

RENTAL DWELLING UNIT

A dwelling unit rented to or available for rent by tenants or otherwise occupied by persons other than the owner or the owner's relatives, but not limited to, units in single-family houses, two-

family houses, multiple-family dwellings, multiple-family houses, apartment houses, row houses, townhouses, and other buildings of similar character, and also including group homes, community living arrangements, boardinghouses, domiciliary homes, long-term care facilities or personal care homes.

TENANT or OCCUPANT

A person who resides in a rental dwelling unit or who has the use, either by himself or with others, of a dwelling unit owned by a person other than himself, for a period exceeding 30 days.

TOWNSHIP

Harrison Township, Allegheny County, Pennsylvania.

§ 204 Owner's Duties.

[Ord. 1969, 6/23/2014]

1. General.

A. It shall be the duty of every owner to keep and maintain all rental dwelling units in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances, to keep such property in good and safe condition, and to maintain current payment of county, school district, and Township property taxes, and water, sewer, and refuse collection bills.

B. As provided for in this Part 2, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this Part 2, every owner shall also be responsible for regulating the conduct and activities of the occupants of every rental dwelling unit which he, she or it owns in the Township, which conduct or activity takes place at such rental dwelling unit or its premises.

C. In order to achieve those ends, every owner of a rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.

D. This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility of liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.

E. This Part 2 is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, occupant, or guest thereof.

2. Designation of Manager. Every rental dwelling unit shall have an identified responsible manager who will be readily accessible to perform the obligations of this Part 2 and the terms of the rental agreement. If the owner does not function as the manager, the owner must designate a responsible adult as manager to

act as the agent of the owner. The phone number and e-mail address (if available) must be provided for 24/7 availability.

3. Disclosure.

A. The owner or manager shall disclose to the occupant, in writing, on or before the commencement of the tenancy, the name, address and telephone number(s) of the manager of the premises.

B. The owner shall disclose to the Township, in writing, on or before the commencement of the tenancy, the name, address and telephone number(s) and e-mail address (if available) of the owner of the premises and the manager, if the manager is someone other than the owner.

4. Reports by Owners. Each owner shall submit to the Township Ordinance Enforcement Officer a completed and signed report form supplied by the Township Ordinance Enforcement Officer which includes at least the following information:

A. List of the dwelling units owned by the owner, located within the Township limits, whether occupied or not occupied.

B. Address of each dwelling unit.

C. Brief description of each dwelling unit.

D. Whether or not said dwelling unit is inhabited or utilized by tenants or occupants.

E. Names and ages of the tenants or occupants occupying the aforementioned dwelling unit.

F. Description of the number of operational smoke-detection devices in the dwelling and where they are located.

5. Maintenance of Premises.

A. The owner shall maintain the premises in compliance with the applicable ordinances of the Township and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.

B. The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:

(1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and

(2) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

C. In no case shall the existence of any agreement between owner and occupant relieve any owner of any responsibility under this Part 2 or other ordinances or codes for maintenance of the premises.

6. Written Rental Agreement.

A. All rental agreements for rental dwelling units shall be in writing and shall be supplemented with the addendum attached hereto as Appendix A.[1] No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to occupants by the owner shall be furnished before the signing of the rental agreement. The owner shall provide the occupant with copies of the rental agreement and addendum upon execution. The owner shall further secure a written acknowledgement from the occupants that they have received the disclosures and information required by this Part 2.

[1] Editor's Note: A copy of the addendum is on file in the Township offices.

B. Terms and Conditions. The owner and occupant may include in a rental agreement any terms and conditions not prohibited by this Part 2 or other applicable ordinances, regulations, and laws, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

C. Prohibited Provisions. Except as otherwise provided by this Part 2, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Part. A provision prohibited by this subsection included in a rental agreement shall be unenforceable.

D. Attachments of Ordinance to Rental Agreement. Following the effective date of this Part 2, a summary hereof in a form provided to the owner by the Township, at the time of licensing, shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to any occupant. If a summary has been provided when the rental agreement was first executed, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part 2, the owner shall provide the occupants with a copy of the summary within 60 days after enactment of this Part 2.

E. Upon oral or written request by the police or Ordinance Enforcement Officer, the owner shall, within 10 days of such request, furnish to the Township copies of an acknowledgement that the occupants have received the disclosures and information required to be given and acknowledged as required by this Part 2.

F. Upon oral or written request by the police or Ordinance Enforcement Officer, the owner shall, within 10 days of such request, furnish to the Township for inspection purposes copies of the leases the owner has entered into for rental units.

G. No rental agreement shall go into effect until a license has been issued for the premises.

7. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupants.

8. Landlord/Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act of the Commonwealth of Pennsylvania.[2]

[2] Editor's Note: See 68 P.S. § 250.101 et seq.

9. Enforcement.

A. Within 10 days after receipt of written notice from the Ordinance Enforcement Officer that an occupant of a rental dwelling unit has violated a provision of this Part 2, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

B. Within 20 days after receipt of a notice of violation, the owner shall file with the Ordinance Enforcement Officer a report, on a form provided by the Township, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation recurs.

C. The Ordinance Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address the future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan, and failure to do so shall be a violation of this Part 2.

D. In the event that a second violation occurs within a license year involving the same occupant or occupants, the Ordinance Enforcement Officer may direct the owner to evict the occupants who violated this Part 2 and to not permit the occupant to occupy the premises during the subsequent license year.

E. If an occupant has been evicted from a rental unit pursuant this Part 2, the owner shall notify the Township in writing when an occupant has been evicted pursuant to this Part.

10. Code and Ordinance Violation. Upon receiving notice of any code or ordinance violation from the Ordinance Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

11. Township Can Make Repairs. In case the owner of premises shall neglect, fail or refuse to comply with any notice from the Township or its Ordinance Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any ordinance within the period of time stated in such notice, the Township 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, for each time the Township shall cause a violation to be corrected; and the owner of the premises shall be billed after the same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to a judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive, and the Township and its Ordinance Enforcement Officer may invoke such other remedies available under this Part 2 or other applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of the premises as unfit for habitation; or suspension, revocation, or nonrenewal of the license issued hereunder.

12. Inspection. The owner shall permit inspections of any premises by the Ordinance Enforcement Officer at reasonable times upon reasonable notice for the purposes of enforcing this Part 2.

§ 205 Occupant Duties.

[Ord. 1969, 6/23/2014]

1. General. The tenant or occupant shall comply with all obligations imposed upon tenants and occupants by this Part 2, all applicable codes and ordinances of the Township and all applicable provisions of state law.

2. Health and Safety Regulations.

A. The maximum number of persons residing in any rental dwelling unit at any time (names and ages of occupants as listed on the Township's license/preoccupancy inspection) shall not exceed one person for

each 150 square feet of habitable floor space in said rental dwelling unit. The maximum number of persons permitted in the commons area of any multi-unit dwelling at any time shall not exceed one person for each 15 square feet of common area on the premises.

B. The tenant or occupant shall dispose from his or her rental dwelling unit all rubbish, garbage and other waste in a clean and safe manner in compliance with Harrison Township's and all other applicable ordinances, laws and regulations.

3. Peaceful Enjoyment. The tenant or occupant shall conduct himself or herself and require the other persons, including, but not limited to, guests on the premises and within his or her rental unit with his or her consent to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying the same.

4. Residential use. The tenant or occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence, except to the extent that the Township Zoning Ordinance permits single-family homes to operate internet or other home-based businesses, thus also permitted to persons who rent dwelling units instead of owning them.

5. Illegal Activities. The tenant or occupant shall not engage in, or tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § 1-101 et seq.), or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).

6. Disorderly Practices.

A. The tenant or occupant shall not engage in, nor tolerate nor permit others on the premises to engage in, disorderly practices, or other violations of this Part 2.

B. When police or the Ordinance Enforcement Officer investigates an alleged incident of disorderly practice, he or she shall complete a disorderly practices report upon a finding that the reported incident did, in his or her judgment, constitute "disorderly practice" as defined herein. The information filled on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disorderly practices and all other obtainable information, including the factual basis for the disorderly practice requested on the prescribed form. Where the police make such investigation, said police officer shall then submit a completed investigative report to the Ordinance Enforcement Officer within seven working days. In all cases, the Ordinance Enforcement Officer shall complete the final disorderly practices report and mail a copy to the owner or manager and the tenant or occupant within 10 working days of the occurrence of the alleged disorderly practice, whether the person making the investigation on behalf of the Township is the Ordinance Enforcement Officer or police.

C. Any person aggrieved by a finding of disorderly practices may appeal such finding by using the same appeal procedures set forth in § 207, Subsection 1F, of this Part, available for appeals concerning denial or issuance of a license.

7. Compliance with Rental Agreement. The tenant or occupant shall comply with all lawful provisions of the rental agreement. Failure to comply may result in the eviction of the occupant by the owner.

8. Inspection of Premises. The tenant or occupant shall permit inspections by the Ordinance Enforcement 2.

